

Title: title-53

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-10a. - Persons sentenced to life imprisonment prior to October 1, 1963.

Any person imprisoned in any correctional institution who, prior to October 1, 1963, was sentenced under the provisions of section 53-10 of the general statutes to imprisonment in the State Prison for life without benefit of release as provided in sections 18-7, 54-125 and 54-130a shall be eligible for the same release benefits provided under said sections as any person sentenced to imprisonment for life after October 1, 1963. (February, 1965, P.A. 258, S. 1; P.A. 76-336, S. 25.) History: P.A. 76-336 replaced references to "State Prison" with general reference to "any correctional institution".

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-11 to 53-19. - Homicide or injuries to person punishable by imprisonment for life. Assault with intent to murder. Manslaughter. Maiming with intent to disfigure; robbery with violence; armed robbery. Assault with acid or other burning substance. Aggravated assault. Assault of Correction Department or Parole Board employee. Misconduct of railroad or railway servants or motor vehicle operators. Throwing or shooting at trains, engines, motor units, railroad cars; injury or destruction. Binding, or administering drugs with intent to commit crime.

Sections 53-11 to 53-19, inclusive, are repealed. (1949 Rev., S. 8352-8358, 8360, 8520; 1961, P.A. 210; 1969, P.A. 144, S. 1; 327; 828, S. 214; 1971, P.A. 871, S. 129.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-20. - Cruelty to persons.

(a)(1) Any person who intentionally tortures, torments or cruelly or unlawfully punishes another person or intentionally deprives another person of necessary food, clothing, shelter or proper physical care shall be guilty of a class D felony. (2) Any person who, with criminal negligence, deprives another person of necessary food, clothing, shelter or proper physical care shall be fined not more than five hundred dollars or imprisoned not more than one year, or both. (b) (1) Any person who, having the control and custody of any child under the age of nineteen years, in any capacity whatsoever, intentionally maltreats, tortures, overworks or cruelly or unlawfully punishes such child or intentionally deprives such child of necessary food, clothing or shelter shall be guilty of a class D felony. (2) Any person who, having the control and custody of any child under the age of nineteen years, in any capacity whatsoever, with criminal negligence, deprives such child of necessary food, clothing or shelter shall be fined not more than five hundred dollars or imprisoned not more than one year, or both. (1949 Rev., S. 8368; P.A. 05-72, S. 1; P.A. 13-258, S. 111.) History: P.A. 05-72 designated existing provisions re cruelty to any person as Subsec. (a)(1) and amended said Subsec. to add "intentionally" as the mens rea for the offense of torturing, tormenting or cruelly or unlawfully punishing another person, replace "wilfully" with "intentionally" as the mens rea for the offense of depriving another person of necessary food, clothing, shelter or proper physical care, and increase the penalty for such intentional acts to a fine of not more than \$5,000 or imprisonment of not more than 5 years or both, reenacted existing provisions re negligently depriving another person of necessary food, clothing, shelter or proper physical care and the penalty therefor as Subsec. (a)(2) and amended those provisions by replacing "negligently" with "with criminal negligence" as the mens rea for such offense, designated existing provisions re cruelty to a child as Subsec. (b)(1) and amended said Subsec. to make provisions applicable to a child under 19 years of age rather than under 16 years of age, add "intentionally" as the mens rea for the offense of maltreating, torturing, overworking or cruelly or unlawfully punishing a child, replace "wilfully" with "intentionally" as the mens rea for the offense of depriving a child of necessary food, clothing or shelter and increase the penalty for such intentional acts to a fine of not more than \$5,000 or imprisonment of not more than 5 years or both, reenacted existing provisions re negligently depriving a child of necessary food, clothing or shelter and the penalty therefor as Subsec. (b)(2) and amended those provisions by making them applicable to a child under 19 years of age rather than under 16 years of age and replacing "negligently" with "with criminal negligence" as the mens rea for such offense; P.A. 13-258 changed penalty from fine of not more than five thousand dollars or imprisonment of not more than 5 years to a class D felony in Subsecs. (a)(1) and (b)(1), and made technical changes. Formerly, trial justice could take final jurisdiction of offense against section. 115 C. 600. The word "unlawfully" does not connote "inhuman or barbarous treatment", but should be construed within the rule of statutory construction that a general word, following a particular enumeration, is intended to apply only to matters of the same general character. 165 C. 288. Defendant possessed the mental state required for conviction because she intended to do the proscribed act; conviction requires proof of general intent. 131 CA 65; judgment affirmed, see 308 C. 835. Cited. 26 CS 316; 37 CS 664. Cited. 4 Conn. Cir. Ct. 571. Evidence that defendant, mother of premature twin babies, failed to obtain medical aid or other care for them was sufficient to support jury's verdict holding her guilty of crime of cruelty to persons upon death of one and severe illness of other child. 5 Conn. Cir. Ct. 698.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-21. - Injury or risk of injury to, or impairing morals of, children. Sale of children.

(a) Any person who (1) wilfully or unlawfully causes or permits any child under the age of sixteen years to be placed in such a situation that the life or limb of such child is endangered, the health of such child is likely to be injured or the morals of such child are likely to be impaired, or does any act likely to impair the health or morals of any such child, or (2) has contact with the intimate

parts, as defined in section 53a-65, of a child under the age of sixteen years or subjects a child under sixteen years of age to contact with the intimate parts of such person, in a sexual and indecent manner likely to impair the health or morals of such child, or (3) permanently transfers the legal or physical custody of a child under the age of sixteen years to another person for money or other valuable consideration or acquires or receives the legal or physical custody of a child under the age of sixteen years from another person upon payment of money or other valuable consideration to such other person or a third person, except in connection with an adoption proceeding that complies with the provisions of chapter 803, shall be guilty of (A) a class C felony for a violation of subdivision (1) or (3) of this subsection, and (B) a class B felony for a violation of subdivision (2) of this subsection, except that, if the violation is of subdivision (2) of this subsection and the victim of the offense is under thirteen years of age, such person shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court. (b) The act of a parent or agent leaving an infant thirty days or younger with a designated employee pursuant to section 17a-58 shall not constitute a violation of this section. (1949 Rev., S. 8369; P.A. 95-142, S. 1; P.A. 97-147, S. 1; P.A. 00-207, S. 6; P.A. 02-138, S. 4; P.A. 07-143, S. 4; P.A. 13-297, S. 1; P.A. 15-205, S. 11.) History: P.A. 95-142 designated existing provisions as Subdiv. (1) and amended said Subdiv. to make technical changes, added Subdiv. (2) re contact with the intimate parts of a child or subjecting a child to contact with the intimate parts of the actor, in a sexual and indecent manner likely to impair the health or morals of the child, and specified that a person who commits the proscribed acts "shall be guilty of a class C felony" rather than "shall be fined not more than five hundred dollars or imprisoned not more than ten years or both"; P.A. 97-147 added Subdiv. (3) re permanently transferring, or acquiring or receiving, the legal or physical custody of a child for money or other valuable consideration; P.A. 00-207 designated existing provisions as Subsec. (a) and added new Subsec. (b) re exemption for parent or agent leaving an infant with a designated employee pursuant to Sec. 17a-58; P.A. 02-138 amended Subsec. (a) to change the classification of a violation of Subdiv. (2) from a class C to a class B felony; P.A. 07-143 amended Subsec. (a) to add exception that if violation is of Subdiv. (2) and victim is under 13 years of age, person guilty of violation shall be sentenced to a term of imprisonment of which 5 years of the sentence imposed may not be suspended or reduced by the court, effective July 1, 2007; P.A. 13-297 amended Subsec. (a) to add Subdiv. (4) re intentional or unreasonable interference with the making of a report of suspected child abuse or neglect, add Subpara. (A) re violation of Subdiv. (4) as a class D felony and add Subpara. (B) and (C) designators re violations of Subdivs. (1) to (3); P.A. 15-205 amended Subsec. (a) to delete former Subdiv. (4) re intentional and unreasonable interference with making of a report of suspected child abuse or neglect, delete former Subpara. (A) re class D felony for violation of said Subdiv., and redesignate existing Subparas. (B) and (C) as Subparas. (A) and (B). See chapter 968a re address confidentiality program. See Sec. 17a-101a re intentional or unreasonable interference with the making of a report of suspected child abuse or neglect. Cited. 143 C. 604. Evidence of conversations between defendant and school authorities where child was enrolled admissible to show defendant had assumed custody of child; permissible to question child concerning his observation of activities in defendant's house as having bearing on question whether defendant had placed child in situation where morals were likely to be impaired. 149 C. 491. Legislative history discussed; voluntary intoxication is a defense in a criminal action only where specific intent is an element of crime; the second part of section does not require specific intent as an element of the crime charged; therefore intoxication is no defense. 150 C. 245. Cited. 152 C. 197. Defendant may put his character in issue but only as to specific traits of sexual morality and decency, and character witness' testimony must be as to these traits. 157 C. 99. Cited. 160 C. 366; 162 C. 123. Separability of conduct in statutory construction, discussed. 164 C. 69. Section does not require a showing that the health of the child was impaired, but only that the conduct or the acts of defendant were such that the health of the child was likely to be impaired. 165 C. 288. Cited. 172 C. 140; 176 C. 138. In light of prior opinions of court, there is sufficient warning that acts charged are proscribed by statute. 180 C. 54. Cited. 181 C. 406; Id., 426. Section is not constitutionally infirm since it clearly lays down a legislative policy on the subject legislated upon; section does not violate the ex post facto clause of the federal constitution; section does not contravene the doctrine of separation of powers because it does not represent any delegation of legislative powers. 183 C. 17. Cited. Id., 586; 185 C. 199; 186 C. 45; 187 C. 73; 188 C. 565; 189 C. 1; 190 C. 84; 191 C. 453. An act injurious to the physical well-being of a child is prohibited; statute is not unconstitutionally vague. 192 C. 37. Statute unconstitutional when applied to instances of willing and voluntary participation by a person between 15 and 16 years of age. 192 C. 154. Cited. 197 C. 666; 199 C. 47; 200 C. 734; 201 C. 211; 203 C. 506; 204 C. 187; Id., 523; Id., 683; 205 C. 27; Id., 515; Id., 528; 207 C. 233. Statute unconstitutionally vague in the circumstances of this case. Id., 456. Cited. 210 C. 51; Id., 244; Id., 359; Id., 396; Id., 582; 211 C. 185; Id., 555; 214 C. 378; Id., 717; 215 C. 653; 216 C. 699; 219 C. 283; 222 C. 331; Id., 556; 224 C. 1; Id., 656; 227 C. 207; Id., 829; 228 C. 393; Id., 552; Id., 610; Id., 795; 229 C. 580; Id., 839; 230 C. 43; 233 C. 502; Id., 813; 235 C. 659; Id., 746; 236 C. 189; Id., 342; 237 C. 321; 240 C. 766; 241 C. 823; 242 C. 211; Id., 296. Statute not unconstitutionally vague as applied to the facts of the case. 248 C. 543. Medical treatment exception to the hearsay rule applies to a child sexual assault victim's statements made to a social worker acting in the chain of medical care if statements were made to obtain medical treatment and were pertinent to the treatment sought. 260 C. 1. State not required to prove specific intent under section and evidence re victim's injuries was sufficient to support conviction under section; this section and Sec. 53a-59(a)(3) do not stand in relationship to each other as greater and lesser included offenses and are not the same offense for double jeopardy purposes. Id., 93. Prescribes a general liability crime and defendant cannot prevail on claim that attempt charge under section is invalid based on strict liability of crime; defendant's claim that criminalizing an attempt to commit risk of injury is like criminalizing an attempted attempt is without merit; section not unconstitutionally vague based on facts of case. 277 C. 155. State was not required to prove that child's health was actually impaired by defendant's act of taking child to another country, away from child's mother, during defendant's and mother's divorce proceedings. 280 C. 660. Cited. 2 CA 333; 3 CA 459; Id., 607; 6 CA 150; 7 CA 46; Id., 131; Id., 653. Held to be in error for a trial court to deny request for a jury instruction on issue of consent in risk

of injury case involving a 15-year-old girl. 8 CA 216. Cited. Id., 216; Id., 313; Id., 469; Id., 528. Not constitutionally infirm as being void for vagueness. 9 CA 74. Cited. 10 CA 591; 11 CA 80; Id., 236; 12 CA 288; Id., 320; Id., 403; 13 CA 368; Id., 378; Id., 667; 14 CA 244; Id., 333; 15 CA 222; Id., 251; 17 CA 174; Id., 186; Id., 447; Id., 525; 18 CA 273; Id., 297; Id., 459; Id., 477; 19 CA 44; Id., 646; 20 CA 40; Id., 75; Id., 115; Id., 193; Id., 263; Id., 288; Id., 530; Id., 572; Id., 630; Id., 694; Id., 737; 21 CA 449; 23 CA 1; Id., 241; Id., 712; 24 CA 57; Id., 146. Not unconstitutionally vague or overbroad as applied to defendant. Id., 300. Cited. Id., 330; 25 CA 235; Id., 243; Id., 334; 26 CA 81; Id., 625; judgment reversed, see 224 C. 656 and 31 CA 452; Id., 674; Id., 758; 28 CA 91; Id., 388; Id., 581; judgment reversed, see 226 C. 601; 29 CA 591; Id., 683; Id., 689; Id., 724; 30 CA 527; Id., 654; 31 CA 120; Id., 497; 32 CA 84; Id., 217; judgment reversed, see 229 C. 580; Id., 773; 33 CA 133; Id., 162; Id., 205; Id., 743; judgment reversed, see 233 C. 502; 34 CA 46; Id., 428; Id., 473; Id., 807; 35 CA 520; Id., 728; Id., 754; 36 CA 383; Id., 448; judgment reversed, see 236 C. 342; Id., 525; 37 CA 21; Id., 180; Id., 388; Id., 534; 38 CA 56; Id., 125; 39 CA 267; Id., 657; Id., 702; Id., 742; 40 CA 1; Id., 132; Id., 233; Id., 395; Id., 805; 41 CA 204; Id., 287; Id., 333; Id., 701; 42 CA 147; Id., 186; judgment reversed, see 241 C. 823; Id., 371; Id., 382; 43 CA 142; Id., 458; Id., 578; Id., 619; Id., 667; Id., 715; Id., 785; 44 CA 457; 45 CA 66; Id., 116; Id., 261; Id., 512; Id., 613; Id., 756; 46 CA 24; Id., 691. Although victim must be less than 16, there is no age requirement for the actor; thus, violation can result in adjudication that defendant is a youthful offender; not unconstitutionally vague where defendant charged with consensual statutory rape had fair notice from the terms of statute and from judicial opinions. 47 CA 68. Evidence presented at trial concerning death of healthy 1-year-old left in defendant's care was sufficient to support conviction. Id., 188. This offense and offense of sexual assault in the fourth degree under Sec. 53a-73a(a)(1)(A) are not the same offense for double jeopardy purposes. 49 CA 409. Sentencing under both risk of injury and promoting prostitution statutes not a double jeopardy violation. 53 CA 627. Statute found not to be unconstitutionally vague on its face as applied to facts of case; defendant had sufficient notice that leaving three young children unattended created a situation that endangered their physical well-being. 56 CA 395. Evidence was sufficient for jury to find defendant guilty beyond a reasonable doubt. 57 CA 736. Not unconstitutionally vague and overbroad with respect to the display of pornographic material to minors; not unconstitutionally vague with respect to Sec. 30-86 where defendant was merely a care provider and Department of Children and Families retained guardianship over minor in question; does not unconstitutionally interfere with rights of parents to raise children and is not unconstitutionally vague and overbroad in violation of right to freedom of speech where defendant was not parent of teenaged girls and prior case law gave fair warning that conduct of showing pornographic movies to children could result in arrest; defendant's conduct was at issue, not content of pornographic movies. 69 CA 400. Evidence was sufficient to establish guilt beyond a reasonable doubt. 75 CA 201. Under section, relevant inquiry is whether defendant committed any act that was likely to endanger the life or limb, or impair the health, of the children, whether or not the children actually were injured; it is not necessary, to support conviction under section, that defendant be aware that his conduct is likely to impact a child younger than 16; specific intent is not a necessary requirement of section; rather, the intent to do some act coupled with reckless disregard of its consequences is sufficient to find a violation. Id., 432. Evidence was sufficient for jury to determine that defendant created a situation likely to impair victims' morals and actual injury was not required. 83 CA 452. Proof of wilful behavior that recklessly exposes a minor to injury may be sufficient to convict defendant of risk of injury even if defendant did not have specific intent to expose the child to risk of injury. 84 CA 464. Defendant who intentionally gave LSD to minor had requisite general intent to sustain conviction under section. 85 CA 575. Where there is armed robbery and unknown to defendant a child is present, statute applies even if no intent to harm child since conduct demonstrates reckless disregard of consequences of action. Id., 802. Convictions for risk of injury to a child in violation of this section, revised to 1997, and assault in the first degree in violation of Sec. 53a-59 are separate and distinct offenses for purposes of double jeopardy. 145 CA 374. As charged, defendant's rights to be free from double jeopardy violated as the offenses of manslaughter in the first degree under Sec. 53a-55(a)(1) and risk of injury to a child under section arose from the same actions and constituted the same offense, and the offense of risk of injury to a child is a lesser included offense of manslaughter in the first degree. 197 CA 302; judgment reversed, see 340 C. 425. Evidence of conviction under section held not sufficient evidence to warrant a decree of divorce for the commission of an infamous crime involving a violation of conjugal duty. 21 CS 198. Defendant arrested and charged under section after hearing was properly bound over to Superior Court where he was charged with aggravated assault. 27 CS 429. Cited. 29 CS 187. Presentment for this crime barred by prohibition against double jeopardy where defendant had been convicted in circuit court for lesser offense for the same actions. 31 CS 28. Cited. 41 CS 229. Cited. 6 Conn. Cir. Ct. 548. Subsec. (a): Cited. 240 C. 743. Statute does not contain an element of physical violence; nor does it require actual impairment of the health or moral values of child. 260 C. 486. "Likely", as used in Subsec., cannot be understood fairly to encompass a meaning of either "possible" or "in all possibility" and, therefore, trial court's instructions to the contrary were improper. 269 C. 481. Subdiv. (1): In cases concerning alleged sexual misconduct, an act likely to impair a child's morals must involve physical touching of victim's person in a sexual and indecent way; such touching, however, need not involve private parts of either victim or defendant; in such cases, an act likely to impair a child's health, when committed in a sexual context, includes only those acts that involve direct touching of victim's person and are, or are likely to be, injurious to victim's physical health. 273 C. 56. First part of Subdiv. (1) prohibits creation of situations detrimental to a child's welfare, while second part proscribes injurious acts directly perpetrated on the child. Id., 138. Subdiv. (1) intended to apply to any conduct, whether or not legal, that could reasonably result in injury to a child, but where apartment was cluttered and had unpleasant odor but did not violate any statutory or regulatory standards, there was insufficient notice to defendant that conditions posed risk of injury to child's mental health. 279 C. 678. Delay in seeking medical attention, placing child in dangerous situation, can be shown by circumstantial evidence where expert witness testified that victim would have screamed for at least 15 minutes after alleged injury and mother, who arrived at home after the time of such injury, did not hear victim scream. 288 C. 290. Under 2005 revision, section

and Sec. 53a-73a(a)(1)(A) are not the same offenses for double jeopardy purposes. 291 C. 1. Offense of risk of injury to a child under Subdiv. (1) is not logically inconsistent with defense of parental justification under Sec. 53a-18(1). 294 C. 243. Subdiv. (1): Evidence of defendant's wilful failure to supervise his child inside the home does not, on its own, establish defendant's commission of the crime of risk of injury to a child; totality of the circumstances surrounding defendant's actions must color the character of defendant's conduct; in determining whether parent has committed crime of risk of injury to a child by failing to adequately supervise that child in the home, factors to be considered include the gravity and character of the possible risks of harm, the degree of the accessibility of the parent, the length of time of abandonment, the age and maturity of the child, the protective measures, if any, taken by the parent, and any other circumstance that would inform the fact finder on the question whether the parent's conduct was reckless. 303 C. 18. Subdiv. (2): Defendant's right against double jeopardy not violated when convicted of sexual assault in the first and fourth degrees and risk of injury to a child because the offenses of sexual assault in the first and fourth degrees contain distinct elements from that of risk of injury to a child, rendering them not greater and lesser included offenses. 342 C. 489. Subdiv. (2): In enacting subsection, legislature intended to continue to criminalize both a single instance of contact as well as an ongoing course of conduct. 345 C. 421. Subdiv. (2): Statutory language in subdivision creates alternative means, not separate elements. 345 C. 516. Subdiv. (2): Jury's finding of contact between penis and anus or buttocks area suffices as the requisite contact. 53 CA 720. Statute not unconstitutionally vague as applied to defendant whose birthday is within 2 years of the victim's birthday. 61 CA 738. Conviction for risk of injury to a child based on charge that health of child was likely to be impaired reversed where evidence at trial established only that child was in the presence of unsmoked marijuana; there is no case law authority to support the proposition that being in the presence of unsmoked marijuana is inherently injurious to the health of a child. 73 CA 386. Subdiv. (1): To convict defendant of the crime of risk of injury to a child, competent evidence must be presented as to whether a situation was likely to cause harm to a child. Id., 809. Subdiv. (1): State not required to prove that defendant's general intent was to impair the health of his child; all that is necessary is the general intent to perform the act that resulted in the injury. 74 CA 736. Subdiv. (1): State did not have to prove that defendant knew of the presence of the child but simply that the child was present at the time the victim was shot. 78 CA 535. Pursuant to Subdiv. (2), risk of injury to or impairing the morals of a child involves sexual contact with a child younger than 16 "in a sexual and indecent manner likely to impair the health or morals of such child"; Sec. 53a-71, sexual assault in the second degree, contains no such similar provision; risk of injury to a child, therefore, contains elements lacking in sexual assault in the second degree; legislative history supports conclusion that a conviction under both risk of injury to or impairing the morals of children and sexual assault in the second degree do not constitute multiple punishments for the same offense because the legislature intended to create a new crime. 79 CA 591. To be found guilty under the "any act" provision of section, all that is necessary is general intent to perform the act that resulted in the injury; it is unnecessary for court to instruct jury that there must be evidence that defendant intended to harm victim or knew that victim was in the area and would likely be harmed. 84 CA 263. Court's instruction that "likely" had same meaning as "possible", while improper, did not constitute reversible error or deprive defendant of due process since court also gave proper interpretation of "probable" or "in all probability" and evidence supported the verdict. 85 CA 575. Subdiv. (1): Evidence that defendant forcibly took victim's arm and attempted to pull her toward him was insufficient to prove that defendant committed an act likely to be injurious to victim's physical health. 95 CA 332. Subdiv. (2): Although trial court erred when it defined "likely" as "possibly" in the phrase "likely to impair the health or morals of a minor child", it was not reasonably possible that jury was misled and therefore defendant was not clearly deprived of a fair trial. 99 CA 251. Subdiv. (1): Examining plain language of risk of injury statute and statute providing for the justification defense of reasonable parental discipline, Sec. 53a-18(1), there is no apparent reason to bar application of Sec. 53a-18(1) to a charge under Subdiv. Id., 713. Subdiv. (1): Mere fact that defendant does not physically touch a child while pursuing that child does not relieve defendant of criminal liability under section. 100 CA 619. Subdiv. (2): Jury's acquittal of charge under Sec. 53a-70(a)(2) did not invalidate jury's conviction under this section based on same facts. 108 CA 264. Subdiv. (1): The jury could have reasonably concluded that defendant violated the "situation" prong when he engaged the victim in flirtatious conversation, grabbed her wrist and neck and attempted to pull her forcibly through his vehicle's open window, endangering her mental health or physical well-being, or engaging in the impairment of her morals. 111 CA 259. Subdiv. (1): Not void for vagueness as applied because language is sufficient to put reasonable person on notice that opening bathroom door to look at 6-year-old for voyeuristic purposes or sexual gratification is unlawful conduct. 115 CA 467. Subdiv. (1): Failure to protect a child from harm creates a situation that is violative of Subdiv., and this duty to protect logically includes a duty to supervise one's child, especially where there are known dangers that pose a risk of injury to that child; Subdiv. not void for vagueness as applied to defendant's conduct because reasonable person would recognize that allowing 2-year-old child to play unsupervised in home with unlocked door near busy street presents a foreseeable risk of injury to that child. 116 CA 1; judgment reversed, see 303 C. 18. Subdiv. (1): Defendant's actions in enticing the victim into a situation for the purpose of engaging in a sexual act were not merely incidental and necessary to his performing the sexual act, instead the actions were sufficient for independent prosecution under Subdiv. 118 CA 1. Subdiv. (2): This offense and offense of sexual assault in the first degree, Sec. 53a-70(a)(2), are not the same offense for double jeopardy purposes. Id., 180. Subsec. (a)(2) and Sec. 53a-73a(a)(1)(A), 2003 revision, are not the same offenses for double jeopardy purposes. Id., 589. Jury reasonably could have inferred that the act of an adult man placing his tongue into the mouth of an 8-year-old girl was likely to have impaired her morals. 121 CA 75. Acquittal of risk of injury to a child under Subdiv. (1) is not inconsistent with conviction on charge of reckless driving under Sec. 14-222(a) because each offense contains different elements and an acquittal on one is not inconsistent with a conviction on the other. 122 CA 631. Subdiv. (1): Subdiv. is not unconstitutionally vague as applied to defendant because, in addition to significant precedential authority, it provided defendant with sufficient notice that exposing himself to a 14 year old girl via his web cam and masturbating

in her view was prohibited; Subdiv. requires only that defendant willfully causes or permits a child to be placed in a situation likely to impair his or her morals; Subdiv. does not require an element of coercion and does not provide that victim be an unwilling one. 127 CA 464. Subdiv. (1): Sexual speech and threatening conduct toward a minor is within situation prong of risk of injury statute. 128 CA 355. Despite defendant's claim of diminished mental capacity, she possessed the mental state required for a conviction under Subdiv. (1) because she understood the causal relationship between her acts and the risk of harm to the victim; evidence presented at trial was insufficient to support conclusion that defendant's act in giving a few drops of hot sauce to the young victim would likely endanger the life or impair the health of the victim. 131 CA 65; judgment affirmed, see 308 C. 835. Subdiv. (2) not unconstitutionally vague as applied to defendant who made deliberate contact with victim's intimate parts. 137 CA 152. Subdiv. (1) does not require proof of actual injury to the health or morals of a child, but prohibits conduct which is likely to do so. 139 CA 553. Subdiv. (1): Fact finder could reasonably have concluded that defendant's act of providing alcohol to a minor as a prelude to sexually assaulting her was an act to impair her health or morals despite child's not actually being impaired by the alcohol; Subdiv. not unconstitutionally vague as applied to defendant, and defendant's act of providing alcohol to minor prior to sexually assaulting her rendered Sec. 30-86 inoperable under circumstances. 148 CA 378. To obtain conviction under situation prong of Subdiv. (1), the state was not required to prove that sexual conduct transpired or that the child in question sustained an injury. 162 CA 569. Subdiv. (2): Conviction under this Subdiv. and Sec. 53a-71(a)(1) does not violate defendant's constitutional right against double jeopardy because each crime requires proof of a fact that the other does not. 174 CA 172. Convictions under Subdivs. (1) and (2) based on incident with minor child were based on distinct acts and therefore do not constitute double jeopardy. 187 CA 537. Subdiv. (2): The limited exception under Sec. 54-193a for a prosecution of sexual assault in the second degree under Sec. 53a-71(a)(1) cannot be expanded and applied to a risk of injury charge under this Subdiv. 213 CA 757. Subdiv. (2): Lack of actual injury to morals of the victim is not relevant, as actual injury to morals is not an element of risk of injury offense. 48 CS 610.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-21a. - Leaving child unsupervised in place of public accommodation or motor vehicle. Failure to report disappearance of a child.

(a)(1) Any parent, guardian or person having custody or control, or providing supervision, of any child under the age of twelve years who knowingly leaves such child unsupervised in a place of public accommodation or a motor vehicle for a period of time that presents a substantial risk to the child's health or safety, shall be guilty of a class A misdemeanor. (2) In determining whether an action constitutes a violation of this subsection, (A) consideration shall be given to whether or not the parent, guardian or person having custody or control, or providing supervision, of a child under the age of twelve years exercised judgment that a reasonable person would use in determining whether the child was of sufficient age, maturity, physical ability and mental ability to be unsupervised under the circumstances, and (B) no finding of substantial risk may be based solely on a parent, guardian or person having custody or control, or providing supervision, of such child allowing such child's participation in independent activities, including, but not limited to, traveling to and from school, traveling to and from commercial or recreational facilities located near such child's home and unsupervised outdoor play, provided such child is of sufficient age, maturity, physical ability and mental ability to engage in such activities and the child's participation would not lead a reasonable person to believe that such participation creates an obvious danger to the child's safety. (P.A. 97-298; P.A. 12-112, S. 1; P.A. 23-176, S. 1.) History: P.A. 12-112 added Subsec. (d) re failure to report disappearance of a child; P.A. 23-176 amended Subsec. (a) by redesignating existing Subsec. (a) as Subsec. (a)(1) and adding Subdiv. (2) re determination of whether an action violates subsection.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-22. - Psychiatric examinations.

The court may order any person convicted under section 53-20 or 53-21 to be examined by one or more competent psychiatrists. (1949 Rev., S. 8370.) See Sec. 17a-566 re examination of certain convicted persons.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-23. - Abandonment of child under the age of six years.

(a) Any person having the charge of any child under the age of six years who exposes such child in any place, with intent wholly to abandon such child, shall be guilty of a class D felony. (b) The act of a parent or agent leaving an infant thirty days or younger with a designated employee pursuant to section 17a-58 shall not constitute a violation of this section. (1949 Rev., S. 8366; P.A. 00-207, S. 7; P.A. 13-258, S. 112.) History: P.A. 00-207 designated existing provisions as Subsec. (a), making technical changes therein, and added new Subsec. (b) re exemption for parent or agent leaving an infant with a designated employee pursuant to Sec. 17a-58; P.A. 13-258 amended Subsec. (a) to change penalty from fine of not more than \$500 and imprisonment of not more than 5 years to a class D felony. See Secs. 53-304 to 53-308, inclusive, re nonsupport cases.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-23a. - Hazing.

(a) For purposes of this section: (1) "Hazing" means any action which recklessly or intentionally endangers the health or safety of a person for the purpose of initiation, admission into or affiliation with, or as a condition for continued membership in a student organization. The term shall include, but not be limited to: (A) Requiring indecent exposure of the body; (B) Requiring any activity that would subject the person to extreme mental stress, such as sleep deprivation or extended isolation from social contact; (C)

Confinement of the person to unreasonably small, unventilated, unsanitary or unlighted areas; (D) Any assault upon the person; or (E) Requiring the ingestion of any substance or any other physical activity which could adversely affect the health or safety of the individual. The term shall not include an action sponsored by an institution of higher education which requires any athletic practice, conditioning, or competition or curricular activity. (2) "Student organization" means a fraternity, sorority or any other organization organized or operating at an institution of higher education. (b) No student organization or member of a student organization shall engage in hazing any member or person pledged to be a member of the organization. The implied or express consent of the victim shall not be a defense in any action brought under this section. (c) A student organization which violates subsection (b) of this section (1) shall be subject to a fine of not more than one thousand five hundred dollars and (2) shall forfeit for a period of not less than one year all of the rights and privileges of being an organization organized or operating at an institution of higher education. (d) A member of a student organization who violates subsection (b) of this section shall be subject to a fine of not more than one thousand dollars. (e) This section shall not in any manner limit or exclude prosecution or punishment for any crime or any civil remedy. (P.A. 88-328, S. 1-5.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-24 to 53-33. - Taking or enticing away a child. Unlawful exhibition or employment of child. Abduction of child by either parent. Kidnapping. Assault with intent to rob. Attempt to procure miscarriage or abortion. Abortion or miscarriage: Fine. Encouraging the commission of abortion. Abortion or miscarriage inducement: Class D felony. Severability. Use of drugs or instruments to prevent conception. Penalty for unlawful operation.

Sections 53-24 to 53-33, inclusive, are repealed. (1949 Rev., S. 4183, 8361, 8363-8365, 8367, 8371-8373, 8568; 1969, P.A. 828, S. 214; May, 1972, P.A. 1, S. 1, 2; P.A. 77-614, S. 323, 610; P.A. 80-135; P.A. 90-113, S. 4.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-34a. - Deprivation of rights of physically disabled and blind; class C misdemeanor.

Section 53-34a is repealed. (P.A. 73-279, S. 2; P.A. 77-278, S. 2.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-34b. - Deprivation of the right to breast-feed one's child.

No person may restrict or limit the right of a mother to breast-feed her child. (P.A. 97-210, S. 2.) See Sec. 54-195 re general penalty provision.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-35b and 53-36. - Posting of notices. Complaint to Commission on Human Rights and Opportunities; commission may issue complaint; damages.

Sections 53-35b and 53-36 are repealed. (1949, 1955, S. 3268d; 1959, P.A. 111; February, 1965, P.A. 433, S. 2; 1967, P.A. 210, S. 2; 715, S. 5; 756, S. 1; P.A. 74-43, S. 1, 2; P.A. 75-462; P.A. 80-422, S. 50.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-36c. - Counsel for commission.

Section 53-36c is repealed. (February, 1965, P.A. 543, S. 4; 1967, P.A. 715, S. 6; P.A. 80-422, S. 50.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-37. - Ridicule on account of creed, religion, color, denomination, nationality or race.

Any person who, by his advertisement, ridicules or holds up to contempt any person or class of persons, on account of the creed, religion, color, denomination, nationality or race of such person or class of persons, shall be guilty of a class D misdemeanor. (1949 Rev., S. 8376; P.A. 12-80, S. 100.) History: P.A. 12-80 replaced penalty of a fine of not more than \$50 or imprisonment of not more than 30 days or both with a class D misdemeanor. Legislature intended to limit scope of section to commercial speech, as evidenced by its use of "advertisement", which involves the marketing or sale of products, goods or services and section does not apply to personal, noncommercial speech. 346 C. 422.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-37a. - Deprivation of a person's civil rights by person wearing mask or hood: Class D felony.

Any person who, with the intent to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges or immunities, secured or protected by the Constitution or laws of this state or of the United States, on account of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness or physical disability, violates the provisions of section 46a-58 while wearing a mask, hood or other device designed to conceal the identity of such person shall be guilty of a class D felony. (P.A. 82-14, S. 1, 2; P.A. 07-62, S. 2; P.A. 11-55, S. 36.) History: P.A. 07-62 included within offense the deprivation of rights on account of sexual orientation; P.A. 11-55 included within offense the deprivation of rights on account of gender identity or expression.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-37b. - Deprivation of a person's equal rights and privileges by force or threat.

Any person who, acting alone or in conspiracy with another, for the purpose of depriving any person or class of persons of the equal protection of the laws of this state or the United States, or of equal privileges and immunities under the laws of this state or the United States, engages in the use of force or threat, as provided in section 53a-62, shall be guilty of a class A misdemeanor, except that if bodily injury results such person shall be guilty of a class C felony or if death results such person shall be guilty of a class B felony. (P.A. 93-412, S. 1.) See Sec. 52-571a re action for damages and other relief for violation of this section.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-38. - Fictitious notice of birth, marriage or death.

Section 53-38 is repealed. (1949 Rev., S. 8377; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-39. - Malicious prosecution.

Any person who falsely prosecutes another for any criminal charge, without probable cause and with malicious intent unjustly to vex and trouble him, shall be fined not more than one hundred dollars or imprisoned not more than one year. (1949 Rev., S. 8378.) A conviction in a lower court, although reversed on appeal, is conclusive evidence of probable cause unless plaintiff can establish that his conviction was obtained by fraud, perjury or other corrupt means. 147 C. 704. Cited. 224 C. 29.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-39a. - Indemnification of law enforcement unit members, certain special police and inspectors in the Division of Criminal Justice.

Whenever, in any prosecution of any member of a law enforcement unit, as defined in section 7-294a, any person appointed under section 29-18 as a special policeman for the State Capitol building and grounds, the Legislative Office Building and parking garage and related structures and facilities, and other areas under the supervision and control of the Joint Committee on Legislative Management, or any inspector in the Division of Criminal Justice for a crime allegedly committed by such member, person or inspector in the course of duty, the charge is dismissed or the member, person or inspector found not guilty, such member, person or inspector shall be indemnified by such member's, person's or inspector's employing governmental unit for economic loss sustained by such member, person or inspector as a result of such prosecution, including the payment of attorney's fees and costs incurred during the prosecution and the enforcement of this section. Such member, person or inspector may bring an action in the Superior Court against such employing governmental unit to enforce the provisions of this section. (P.A. 73-627; P.A. 77-614, S. 486, 610; P.A. 80-33, S. 2, 3; P.A. 84-48, S. 16, 17; P.A. 89-82, S. 10, 11; P.A. 96-219, S. 9; P.A. 03-97, S. 2; P.A. 10-68, S. 1; P.A. 11-51, S. 134; P.A. 17-87, S. 3.) History: P.A. 77-614 made state police department a division within the department of public safety, effective January 1, 1979; P.A. 80-33 applied provisions to members of the office of capitol security and persons appointed as special policemen for state capitol building and grounds; P.A. 84-48 included reference to special policemen for other areas under the supervision and control of the joint committee on legislative management; P.A. 89-82 expanded reference to state capitol building and grounds to include legislative office building and parking garage and related structures and facilities; P.A. 96-219 changed the name of the "Office of State Capitol Security" to the "Office of State Capitol Police"; P.A. 03-97 added provision re action in Superior Court against employing governmental unit to enforce provisions of section, effective June 3, 2003; P.A. 10-68 replaced provision re legal fees necessarily incurred with provision re attorney's fees and costs incurred during prosecution and enforcement of section; pursuant to P.A. 11-51, "Department of Public Safety" was changed editorially by the Revisors to "Department of Emergency Services and Public Protection", effective July 1, 2011; P.A. 17-87 added references to inspector in the Division of Criminal Justice and made technical changes. Indemnification for attorney's fees sustained "as a result of such prosecution" does not authorize recovery of such fees sustained as a result of separate action to enforce right to indemnification under section. 186 C. 623. Court will not interpret section "to encompass indemnity for any and all criminal prosecutions of police officers for sexual assault". 206 C. 100. Cited. 229 C. 479; 234 C. 539. Court concluded that entry of a nolle plus the passage of 13 months, which results in automatic erasure of relevant records under Sec. 54-142a, constitutes a dismissal for purposes of this section. 240 C. 590. Section waives state's sovereign immunity from suit. 258 C. 680. Although section waives immunity from liability, it does not waive immunity from suit. 263 C. 74. Police officer was entitled to recover losses from the date of the incident that led to the police investigation; employer's prearrest liability attaches only when there is a clear nexus between the economic losses and the prosecution, and section only provides for indemnification for such prearrest economic losses that are incurred by a police officer as a result of, or in anticipation of, an unwarranted police investigation or criminal prosecution that actually occurs, or that are precipitated by employer's adverse action against the officer that was taken in response to that employer's discovery of a police investigation or criminal prosecution; "economic loss" includes lost leave time attributable to a criminal prosecution. 300 C. 708. Plaintiff not required to exhaust administrative remedies under collective bargaining agreement prior to seeking indemnification; plaintiff entitled to recover for lost wages and lost employment benefits that have clear nexus to criminal prosecution; plaintiff entitled to recover economic loss during suspension resulting from defendant's administrative proceedings since suspension was because of defendant's arrest. 303 C. 1. Legislature has acquiesced in the courts' use of workers' compensation principles for interpreting the meaning of the phrase "in the course of his duty" in section. 326 C. 708. Legislature did not intend to

include members of a university's special police force within the definition of "local police department". 336 C. 420. Cited. 25 CA 599; 40 CA 705; judgment reversed, see 240 C. 590. In applying 3-part test set forth in 25 CA 599 to determine whether conduct will be found to have occurred "in the course of his duty", court found that since the charged crimes filed by the state against plaintiff police officer alleged that he was an active participant in an illegal drug trafficking enterprise, such illegal activities cannot be said to be fulfilling duties of a police officer or something incidental to it and are incompatible with duties of a police officer; plaintiff failed to satisfy burden of proving that he was entitled to economic indemnification under statute and court properly rendered judgment in favor of the city. 94 CA 445. Review of text of section and its relationship to other statutes does not provide a reasonable basis to conclude that a claim of indemnification by a member of a university's special police force falls within the statutory waiver of sovereign immunity provided under section. 189 CA 540; judgment affirmed, see 336 C. 420.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-40. - Blackmail.

Section 53-40 is repealed. (1949 Rev., S. 8379; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-41. - Tattooing of persons restricted.

Section 53-41 is repealed, effective May 23, 1994. (1953, S. 3269d; 1963, P.A. 27; P.A. 94-105, S. 3, 4.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-41a. - Surveillance devices in dressing rooms prohibited.

No department or clothing store shall install or in any manner use a closed-circuit television system, a two-way mirror, a peephole or any other surveillance device, including any mechanical device in any dressing room available to the public. Any person convicted of a violation of this section shall be fined not more than five hundred dollars or imprisoned not more than three months or both. (February, 1965, P.A. 214; P.A. 85-287.) History: P.A. 85-287 prohibited department or clothing stores from using or installing a two-way mirror, peephole or other surveillance device including any mechanical device, in any dressing room available to the public and provided for a fine or prison term for persons convicted of a violation of this section.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-41b. - Ear piercing.

Section 53-41b is repealed, effective May 23, 1994. (1969, P.A. 360; 1971, P.A. 20, S. 1; P.A. 78-99, S. 2, 3; P.A. 94-105, S. 3, 4.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 939 - Offenses Against the Person Section 53-9 and 53-10. - Degrees of murder; trial. First degree murder, other homicides; death penalty or life imprisonment.

Sections 53-9 and 53-10 are repealed. (1949 Rev., S. 8350, 8351; 1951, S. 3266d; 1957, P.A. 461, S. 3; 1963, P.A. 322; 573; February, 1965, P.A. 500; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 941 - Offenses Against Private Property Section 53-129a. - Defrauding secured party.

(a) As used in this section: (1) "Collateral" has the same meaning as specified in subdivision (12) of subsection (a) of section 42a-9-102; (2) "Debtor" has the same meaning as specified in subdivision (28) of subsection (a) of section 42a-9-102; (3) "Proceeds" has the same meaning as specified in subdivision (64) of subsection (a) of section 42a-9-102; (4) "Security agreement" has the same meaning as specified in subdivision (74) of subsection (a) of section 42a-9-102; (5) "Security interest" has the same meaning as specified in subdivision (35) of subsection (b) of section 42a-1-201; and (6) "Secured party" has the same meaning as specified in subdivision (73) of subsection (a) of section 42a-9-102. (b) No person, with knowledge that a debtor has a duty to account to a secured party for proceeds of collateral, shall, with intent to defraud the secured party, take or secrete any of such proceeds or in any way appropriate the same to his own use or to the use of others. (c) No person shall, with intent to defraud a secured party, remove or conceal or aid or abet the removal or concealment of any collateral which is subject to a security interest under a security agreement. (d) No person, with knowledge that a sale, exchange or other disposition of collateral is prohibited under the provisions of a security agreement, shall sell, exchange or otherwise dispose of, or aid or abet the sale, exchange or other disposition of, such collateral without informing the person receiving such collateral that such collateral is subject to a security interest, and without informing the secured party of the sale, exchange or other disposition. (e) Any person who violates any provision of this section shall be fined not more than five hundred dollars or imprisoned not more than three months or both. (1967, P.A. 372, S. 1; P.A. 77-604, S. 54, 84; P.A. 01-132, S. 177; P.A. 05-109, S. 55; P.A. 11-108, S. 30.) History: P.A. 77-604 updated references to subsections of Sec. 42a-9-105 in Subsec. (a); P.A. 01-132 amended Subsec. (a) to rephrase, reorganize and alphabetize definitions, insert Subdiv. designators and replace Sec. 42a-9-105(1)(c) with Sec. 42a-9-102(a)(12) as the statutory reference for the definition of "collateral", replace Sec. 42a-9-105(1)(d) with Sec. 42a-9-102(a)(28) as the statutory reference for the definition of "debtor", replace Sec. 42a-9-306(1) with Sec. 42a-9-102(a)(64) as the statutory reference for the definition of "proceeds", replace Sec. 42a-9-105(1)(l) with Sec. 42a-9-102(a)(73) as the statutory reference for the definition of "security agreement" and replace Sec. 42a-9-105(1)(m) with Sec. 42a-9-102(a)(72) as the statutory reference for the definition of "secured party"; P.A. 05-109 amended Subsec. (a)(5) by replacing reference to Sec. 42a-1-201(37) with reference to Sec. 42a-1-201(b)(35); P.A. 11-108 amended Subsec.

(a) to replace Sec. 42a-9-102(a)(73) with Sec. 42a-9-102(a)(74) as the statutory reference for the definition of “security agreement” and replace Sec. 42a-9-102(a)(72) with Sec. 42a-9-102(a)(73) as the statutory reference for the definition of “secured party”, effective July 1, 2013.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 941 - Offenses Against Private Property Section 53-129b. - Concealment or conveyance of leased property.

Section 53-129b is repealed. (1967, P.A. 817; P.A. 85-339, S. 2.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 941 - Offenses Against Private Property Section 53-130. - Concealing or destroying attached property.

Any person who, with intent to place personal property, attached according to the provisions of section 52-283, beyond the control of the attaching officer or attaching creditor, destroys, consumes or causes to be consumed, removes or conceals, or aids or abets the destruction, consumption, removal or concealment of, any such property, and any defendant in any suit in which his property is attached as aforesaid, who assents to such removal or concealment, shall be fined not more than five hundred dollars or imprisoned not more than six months. (1949 Rev., S. 8466.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 941 - Offenses Against Private Property Section 53-131. - Removal of identifying marks on electrical devices.

Any person who, with intent to defraud another, wilfully removes, defaces, conceals, alters or destroys the manufacturer's serial number or other distinguishing number, name or identification mark on any motor, apparatus, appliance, device or mechanism operated by or designed principally for the use of electricity or on any part, container, cabinet, receptacle or equipment thereof, or who aids or abets such removal, defacement, concealment, alteration or destruction, shall be fined not more than five hundred dollars or imprisoned not more than six months or both. (1949 Rev., S. 8468.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 941 - Offenses Against Private Property Section 53-132. - Sale of equipment with defective identification marks.

Any person who, with intent to defraud, knowingly, for himself or for others, buys, sells, receives, disposes of, conceals, uses or attempts to sell or dispose of, or has in his possession for any of said purposes, any electrical motor, apparatus, appliance, device, mechanism, container, cabinet, receptacle, equipment or part on which the manufacturer's serial number or other distinguishing number, name or identification mark has been removed, defaced, concealed, altered or destroyed, shall be guilty of a class C misdemeanor. (1949 Rev., S. 8469; P.A. 12-80, S. 101.) History: P.A. 12-80 replaced penalty of a fine of not more than \$100 or imprisonment of not more than 3 months or both with a class C misdemeanor. Cited. 212 C. 223.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 941 - Offenses Against Private Property Section 53-132a. - Altering manufacturer's serial number.

(a) For the purposes of this section, a manufacturer's serial number means that number or other mark which identifies any product, other than a motor vehicle, and distinguishes it from other products of like model and kind produced by the same manufacturer and may be punched, impressed or affixed by plate. No person shall remove, deface, alter or obliterate any manufacturer's serial number on any manufactured product with intent to prevent the tracing or identification of such product or shall knowingly sell, offer for sale, or purchase any such product whose manufacturer's serial number has been removed, defaced, altered or obliterated with intent to prevent the tracing or identification of such product. (b) Any person who violates any provision of this section shall be guilty of a class C misdemeanor. (P.A. 74-42, S. 1, 2.) See Sec. 29-36 re alteration of identifying mark, number or name of firearm.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 941 - Offenses Against Private Property Section 53-133. - Unlawful alteration or disposal of rental electric storage batteries.

Any person other than the owner who removes, defaces, alters or destroys, or causes to be removed, defaced, altered or destroyed, the word “rental” or any other word or identifying mark printed, painted, stamped upon or attached to any electric storage battery or sells or gives or attempts to sell or give to any person any electric storage battery so marked or, without the written consent of the owner, retains in his possession any electric storage battery so marked, with intent to keep or dispose of the same by sale or gift, or any person who buys from any person other than the owner any electric storage battery so marked, shall be fined not more than one hundred dollars. (1949 Rev., S. 8470.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 941 - Offenses Against Private Property Section 53-134. - Possession of outboard motor having defaced factory or engine number.

(a) No person shall have in his possession any outboard motor bearing an engine or factory number which shows evidence of having been altered or defaced except as hereinafter provided. Any officer, upon discovery of any outboard motor, the engine number or factory number of which has been altered or defaced, shall immediately take such motor into his custody and shall produce the same before a proper court and may take into custody the person having such motor in his possession and present him before such court.

Such person may be admitted to bail pending proceedings on such matter. (b) Any person who knowingly has in his possession any outboard motor of which the engine number, factory number, serial number or other identification number has been altered or defaced shall forthwith file with the Commissioner of Emergency Services and Public Protection a sworn statement describing such motor and showing the source of his title and, if known, the reason for such alteration or defacement. If satisfied as to the facts, the commissioner may grant permission to cut, impress or emboss permanently into the motor a special identification number or mark. No person shall wilfully alter or deface or cause to be altered or defaced any engine number, factory number, serial number or other identification number or mark on or from any outboard motor. (c) Any person who violates any provision of this section shall be fined not more than two hundred dollars or imprisoned not more than six months or both. (1949 Rev., S. 8471; 1961, P.A. 517, S. 111; P.A. 77-614, S. 486, 610; P.A. 11-51, S. 134.) History: 1961 act deleted references to jurisdiction of trial justices, who were abolished; P.A. 77-614 replaced commissioner of state police with commissioner of public safety, effective January 1, 1979; pursuant to P.A. 11-51, "Commissioner of Public Safety" was changed editorially by the Revisors to "Commissioner of Emergency Services and Public Protection" in Subsec. (b), effective July 1, 2011. Cited. 19 CA 571.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 941 - Offenses Against Private Property Section 53-135 to 53-142. - Unlawful appropriation of electric current. Fraudulent diversion or use of water. Defrauding gas companies or public hospitals. Unauthorized performance of certain compositions. Tapping telegraph or telephone wires. Unlawful sale of railroad tickets. Unlawful gait of animals on bridges.

Sections 53-135 to 53-142, inclusive, are repealed. (1949 Rev., S. 8472–8475, 8477–8480; 1959, P.A. 28, S. 134; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 941 - Offenses Against Private Property Section 53-142a. - Illegal sale or possession of master car key.

Any person who makes and sells to anyone other than a new car dealer, licensed under section 14-52, a person actually engaged in the trade of locksmith, a law enforcement agency or a loan institution which finances the purchase of motor vehicles, any motor vehicle master car key, and any person other than one engaged in the manufacture of such keys as a bona fide business or other than one to whom the sale of such a key is authorized by this section who has such a key in his possession, shall, for a first offense, be guilty of a class D misdemeanor and, for a subsequent offense, be guilty of a class B misdemeanor. (1967, P.A. 818; P.A. 12-80, S. 102.) History: P.A. 12-80 replaced penalty for first offense of a fine of not more than \$100 or imprisonment of not more than 30 days or both with a class D misdemeanor and replaced penalty for subsequent offense of a fine of not more than \$500 or imprisonment of not more than 6 months or both with a class B misdemeanor.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 941 - Offenses Against Private Property Section 53-142b. - Transferral, sale or use of records, tapes, film, cassettes or discs without owner's consent, or supplying machinery for reproduction thereof, prohibited. Exceptions.

(a) As used in this section, "owner" means the person who owns the master phonograph record, master disc, master tape, master audio or video cassette or disc, master film or other device used for reproducing recorded sounds or images, or both, on phonograph records, discs, tapes, audio or video cassettes or discs, films and other articles on which sound or images, or both, are recorded and from which the transferred recorded sounds or images, or both, are directly or indirectly derived. (b) No person shall (1) knowingly and wilfully transfer or cause to be transferred any sounds or images, or both, recorded on a phonograph record, disc, tape, audio or video cassette or disc, film or other article on which sounds or images, or both, are recorded, with the intent to sell or cause to be sold, or to use or cause to be used for profit such article without the consent of the owner, or (2) sell or offer for sale or advertise for sale any such article with the knowledge that the sounds or images, or both, thereon have been so transferred without the consent of the owner or (3) offer or make available for a fee, rental or any other form of compensation, directly or indirectly, any equipment or machinery with the knowledge that such equipment or machinery will be used by another to reproduce, without the consent of the owner, any phonograph record, disc, wire, tape, audio or video cassette or disc, film or other article on which sounds or images, or both, may be transferred. (c) Any person engaging in radio or television broadcasting who transfers or causes to be transferred any such sounds or images, or both, which are intended for, or in connection with, broadcast transmission or related uses or for archival purposes shall be exempt from any provision of subsection (b) of this section. (d) Any person who violates any provision of this section shall be guilty of a class A misdemeanor. (P.A. 74-160, S. 1; P.A. 94-140, S. 1.) History: P.A. 94-140 included audio or video cassettes or discs in list of articles on which sounds or images are recorded, substituted "sounds or images, or both" for "sounds" where appearing and added Subsec. (d) re penalty for violation, replacing former penalty contained in repealed Sec. 53-142d.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 941 - Offenses Against Private Property Section 53-142c. - Manufacture, sale or distribution of records, tapes, cassettes or discs without identification marks prohibited.

(a) No person shall manufacture or knowingly sell, distribute, advertise for sale or cause to be sold, distributed or circulated for profit any phonograph record, tape, album of phonograph records or tapes or audio or video cassette or disc, without the actual name and address of the manufacturer thereof, and the name of the featured performer or group prominently disclosed on the outside

cover, box or jacket containing such record, tape, album of records or tapes or audio or video cassette or disc. (b) Any person who violates any provision of this section shall be guilty of a class A misdemeanor. (P.A. 74-160, S. 2; P.A. 94-140, S. 2.) History: P.A. 94-140 added "audio or video cassette or disc" and added Subsec. (b) re penalty for violation, replacing former penalty contained in repealed Sec. 53-142d.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 941 - Offenses Against Private Property Section 53-142d. - Penalties for violations of sections 53-142b, 53-142c.

Section 53-142d is repealed. (P.A. 74-160, S. 3; P.A. 94-140, S. 4.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 941 - Offenses Against Private Property Section 53-142f. - Possession of unauthorized recordings prohibited.

(a) No person shall knowingly possess one hundred or more copies of any single record, disc, tape, film, audio or video cassette or disc or other article on which sounds or images or both have been recorded without the consent of the owner in violation of section 53-142b. (b) Any person who violates any provision of this section shall be guilty of a class D felony. (P.A. 94-140, S. 3.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 941 - Offenses Against Private Property Section 53-142j. (Formerly Sec. 53-142e). - Destruction, delay or opening of letters and packages by private messenger or courier service prohibited.

(a) No person who is an agent or employee of a private messenger or courier service shall secrete, destroy, detain, delay or open any letter or package, entrusted to him or which comes into his possession, and which was intended to be conveyed, carried or delivered by such private messenger or courier service. (b) Any person who violates the provisions of this section shall be guilty of a class A misdemeanor. (P.A. 88-86.) History: Sec. 53-142e transferred to Sec. 53-142j in 1995.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 941 - Offenses Against Private Property Section 53-142k. - Organized retail theft.

(a) As used in this section: (1) "Retail property" means any new article, product, commodity, item or component intended to be sold in retail commerce; (2) "Value" means the retail value of an item as advertised by the affected retail establishment, including applicable taxes; and (3) "Retail property fence" means a person who buys retail property when such person knows or should know the property is stolen and with the intent to unlawfully distribute the property or to promote, manage, carry on or facilitate a violation of subsection (b) of this section. (b) Any person who, for financial gain and in conjunction with one or more other persons, commits larceny by shoplifting, as defined in section 53a-119, of retail property having an aggregate value exceeding two thousand dollars and (1) wrongfully takes such property during a period of one hundred eighty days, or (2) sells, delivers or otherwise transfers such property to a retail property fence, shall have committed the offense of organized retail theft. (c) Any person who receives, possesses, conceals, stores, barter, sells or disposes of any retail property acquired in violation of subsection (b) of this section, with the intent to distribute the proceeds or otherwise promote, manage, carry on or facilitate a violation of said subsection, shall have committed the offense of accessory to organized retail theft. (d) It shall not be a defense to a charge of accessory to organized retail theft in violation of subsection (c) of this section that the retail property was obtained by means other than through a violation of said subsection if the property was explicitly represented to the person charged under said subsection (c) as being obtained through the commission of organized retail theft. (e) Any person who violates subsection (b) or (c) of this section shall be guilty of a class D felony, except that, if such person derives a financial benefit of ten thousand dollars or more as a result of such violation, such person shall be guilty of a class C felony. (P.A. 10-177, S. 1.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 941 - Offenses Against Private Property Section 53-56 to 53-80. - Theft from the person. Theft of motor vehicle, bicycle or livestock. Shoplifting. Theft, counterfeiting or embezzlement of passage tickets. Receiving stolen goods. Robbery, burglary, breaking and entering, generally. Use of explosives.

Sections 53-56 to 53-80, inclusive, are repealed. (1949 Rev., S. 8362, 8394-8417; 1951, S. 3275d-3277d; 1953, S. 3273d; 1955, S. 3274d; 1959, P.A. 101; 596; 1961, P.A. 305; February, 1965, P.A. 574, S. 43; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 941 - Offenses Against Private Property Section 53-80a. - Manufacture of bombs.

Any person, other than one engaged in the manufacture of firearms or explosives or incendiary devices for lawful purposes, who fabricates, in any manner, any type of an explosive, incendiary or other device designed to be dropped, hurled, or set in place to be exploded by a timing device, shall be guilty of a class B felony. (1971, P.A. 277.) Possession of an explosive in violation of Sec. 29-348 and manufacturing a bomb in violation of this section are not the same offense; defendant's action of gluing pennies onto an M-1000 explosive device constituted fabrication. 152 CA 753; judgment reversed on alternate grounds, see 320 C. 589. Cited. 41 CS 525.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 941 - Offenses Against Private Property Section 53-81 to 53-129.

- Wilful injury to private building. Damage to materials of construction project. Arson, generally. Illegal burning and dumping. Injury to or obstruction of railroads or navigation. Trespass, generally. Other offenses.

Sections 53-81 to 53-129, inclusive, are repealed. (1949 Rev., S. 4895, 4897, 8418–8465, 8467; 1949, S. 3278d; 1955, S. 2492d; 1957, P.A. 167; 277; 529, S. 1; 1959, P.A. 28, S. 204; February, 1965, P.A. 184; 1967, P.A. 372, S. 2; 1969, P.A. 438; 828, S. 214; 1971, P.A. 871, S. 129.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 942 - Offenses Against Public Justice Section 53-143 to 53-150. - Perjury and subornation of perjury. Attempt to influence jurors. Conversation with or by jurors. Bribery: Generally; of witness; of executive or legislative officer. Attempt to improperly influence legislation.

Sections 53-143 to 53-150, inclusive, are repealed. (1949 Rev., S. 8481–8488; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 942 - Offenses Against Public Justice Section 53-153. - Unlawful removal or alteration of records. Counterfeiting seals.

Any person who, wilfully and corruptly, takes away, alters, mutilates or destroys any book, record, document, archive or other property in the possession or custody or under the control of any institution, board, commission, department or officer of the state or any county or municipality or court, or who counterfeits the seal of this state or the seal of any court or public office entitled to have and use a seal, and makes use of the same, or, with evil intent, affixes any of the said true seals to any document, or who has in his possession any such counterfeited seal, and wilfully conceals the same, knowing it to be falsely made and counterfeited, shall be imprisoned not more than ten years. (1949 Rev., S. 8490; 1953, S. 3280d; P.A. 78-331, S. 20, 58.) History: P.A. 78-331 deleted reference to imprisonment specifically “in the Connecticut Correctional Institution, Somers”. Section held to give a civil remedy to party injured by unlawful alteration of records. 28 C. 210. Alteration does not include making of false entries in document. 159 C. 544. Cited. 165 C. 507; 221 C. 910; 222 C. 539. Cited. 8 CA 351; 26 CA 286.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 942 - Offenses Against Public Justice Section 53-154 to 53-163. - Failure to appear according to promise or bond. Escape from custody, generally. Conveying of unauthorized items into a correctional institution. Intoxication and possession of intoxicating beverages on property of, or under jurisdiction of, Correction Department. When sentence to take effect.

Sections 53-154 to 53-163, inclusive, are repealed. (1949 Rev., S. 8491–8900; 1953, S. 3281d; 1961, P.A. 312, S. 4–13; 517, S. 113; 580, S. 14–16; 1963, P.A. 12; February, 1965, P.A. 556, S. 3–5; 1967, P.A. 549, S. 7; 1969, P.A. 577; 828, S. 214; P.A. 74-280, S. 24, 25.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 942 - Offenses Against Public Justice Section 53-164. - Escape from certain institutions.

Section 53-164 is repealed, effective May 31, 2017. (1949 Rev., S. 8501; 1961, P.A. 312, S. 14; 1967, P.A. 118, S. 7; 1972, P.A. 28, S. 3; P.A. 91-278, S. 6, 9; P.A. 99-26, S. 24, 39; P.A. 00-99, S. 117, 124, 154; P.A. 01-195, S. 68, 181; P.A. 17-9, S. 6.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 942 - Offenses Against Public Justice Section 53-165 to 53-168. - Resisting, hindering or endangering officer. Aiding escape of mentally ill persons and dipsomaniacs. Breaking lockups. Rioting or inciting to riot at state correctional institution. Possession of weapons by inmates of correctional institutions. False complaint to police; use of police radio information.

Sections 53-165 to 53-168, inclusive, are repealed. (1949 Rev., S. 8502–8505; February, 1965, P.A. 60; 1961, P.A. 130, S. 2; 132; 1969, P.A. 452, S. 3; 828, S. 214; 1971, P.A. 871, S. 129.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-169 to 53-180. - Dispersion of riotous assembly. Disturbance of meetings and elections. Refusal to assist public officer. Breach of the peace; intimidation; libel. Indecent or harassing telephone calls. Disorderly conduct. False information concerning bombs. Loitering. Soliciting from occupants of vehicles.

Sections 53-169 to 53-180, inclusive, are repealed. (1949 Rev., S. 8506–8508, 8510, 8511, 8518, 8519, 8533, 8534, 8639; 1953, S. 3284d; 1957, P.A. 147; 155, S. 1; 1959, P.A. 28, S. 189; 1961, P.A. 15, S. 6; 1963, P.A. 182; February, 1965, P.A. 254, S. 1, 2; 1967, P.A. 656, S. 53; 1969, P.A. 452, S. 5; 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-181. - Soliciting rides in motor vehicles.

Any person who, while on or within the limits of the traveled portion of any public highway, solicits a ride in a motor vehicle, other than a public service motor bus or taxicab, except in case of accident or emergency, shall be deemed to have committed an infraction and be fined thirty-five dollars, except that any person may, while on or within the shoulder portion of any public highway, except a limited access highway, solicit such a ride. (1949 Rev., S. 8512; P.A. 75-220, S. 1, 2; P.A. 82-223, S. 28; P.A. 83-577, S. 32.) History: P.A. 75-220 added exception allowing hitchhiking on shoulders of public highways other than limited

access highways; P.A. 82-223 specified that violation of the section constituted an infraction and changed the fine from not more than \$10 to \$25; P.A. 83-577 increased the fine from \$25 to \$35.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-182. - Use of highways by pedestrians.

Any pedestrian who uses any street or highway negligently or recklessly or fails to obey the signal of any traffic officer, pedestrian control, sign, signal, marking or device or recklessly disregards his own safety or the safety of any person by the manner of his use of any street or highway shall be deemed to have committed an infraction and be fined not less than thirty-five dollars nor more than fifty dollars. (1949 Rev., S. 8513; February, 1965, P.A. 448, S. 42; P.A. 82-223, S. 29; P.A. 83-577, S. 33.) History: 1965 act deleted the word “wilfully” before “fails to obey the signal,” added the words “pedestrian control, sign, signal, marking or device” and substituted reference to the penalty in Sec. 14-296 for a specific penalty of not less than \$2 nor more than \$25; P.A. 82-223 specified that violation of the section constituted an infraction and replaced the penalty provision with minimum and maximum fine amounts; P.A. 83-577 increased the minimum fine from \$25 to \$35. See Sec. 14-300 re crosswalks, regulation of pedestrian traffic, etc. Pedestrian standing in street awaiting approach of trolley car and not looking for 1 minute in direction from which an automobile was approaching held not necessarily negligent under statute; question of fact for jury. 99 C. 2; Id., 11. Not necessary to charge as to full terms and effect of statute when so much of statute as was applicable was explained in charge on contributory negligence. 103 C. 552. As regards negligence, statute establishes no other standards than those of the common law. 116 C. 53; 127 C. 159; 128 C. 584. Cited. 144 C. 449; 239 C. 235. Cited. 39 CA 579. Interest of state in enforcing its traffic laws outweighs defendant's interest in stopping traffic to distribute literature; terms “negligent” and “reckless” have precise legal definition. 33 CS 725. Cited. 6 Conn. Cir. Ct. 584.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-183 to 53-189. - Animals on highway, generally. Transportation of wild animals. Signal lights and exhausts or mufflers on motor boats. Reckless operation of motor boats.

Sections 53-183 to 53-189, inclusive, are repealed. (1949 Rev., S. 4152–4154, 8535–8538; 1959, P.A. 28, S. 135; 1961, P.A. 520, S. 20; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-190. - Power boats on Killingly Pond, Alexander's Lake or Lake Wononscopomuc.

Any person who operates a boat propelled in whole or in part by an internal combustion engine or an explosive engine with a total piston displacement in excess of twelve cubic inches either on Killingly Pond or Alexander's Lake, in the town of Killingly, or on Lake Wononscopomuc, in the town of Salisbury, shall have committed an infraction. The town marine officers of Killingly and Salisbury may enforce the provisions of this section within their respective jurisdictions. The East Killingly fire department may operate on Killingly Pond, for training and rescue purposes, a boat that is propelled by an engine with a total piston displacement in excess of the limit established by this section upon the approval of the Commissioner of Energy and Environmental Protection. (1949 Rev., S. 8514; P.A. 86-89, S. 2, 4; P.A. 11-80, S. 1.) History: P.A. 86-89 made violations an infraction, authorized enforcement by town marine officers of Killingly and Salisbury and authorized operation of a training boat on Killingly Pond by the East Killingly fire department; pursuant to P.A. 11-80, “Commissioner of Environmental Protection” was changed editorially by the Revisors to “Commissioner of Energy and Environmental Protection”, effective July 1, 2011.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-191. - Motorboats on Bolton Ponds and Gardner's Lake.

(a) Any person who operates a boat having a motor or engine of more than six horsepower, in the upper and lower ponds of the Willimantic reservoir, known also as Bolton Ponds, in the towns of Bolton, Vernon and Coventry, shall have committed an infraction. The town marine officers of Bolton, Vernon and Coventry may enforce the provisions of this section. (b) Any person who between sunset and eight o'clock in the morning operates a boat in excess of six miles per hour on Gardner's Lake in the towns of Salem, Montville and Bozrah shall have committed an infraction. The town marine officers of Salem, Montville and Bozrah may enforce the provisions of this section. (1949 Rev., S. 8515; 1949, S.A. 295; 1961, P.A. 557; P.A. 86-89, S. 3, 4.) History: 1961 act added words “between sunset and sunrise” to subsection (b); P.A. 86-89 replaced provisions imposing fifty-dollar fine for violation with provisions making violations an infraction, specified that town marine officers of towns bordering lakes have enforcement powers and amended Subsec. (b) to prohibit the operation of a motorboat in excess of six miles per hour between sunset and eight o'clock in the morning, where before the operation of a boat with an engine greater than seven horsepower between sunset and sunrise was prohibited.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-192 and 53-193. - Speed of boats in Wethersfield Cove. Lights on boats on Highland Lake.

Sections 53-192 and 53-193 are repealed. (1949 Rev., S. 4155; 1953, S. 3291d; 1961, P.A. 520, S. 20.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-194. -

Preservation of Bantam Lake.

Any person who, by himself or his agent, draws off or causes to be drawn off the waters of Bantam Lake in the judicial district of Litchfield, below the natural water level of said lake, by excavating or otherwise lowering the outlet of said lake, shall be fined not less than twenty-five dollars nor more than five hundred dollars or imprisoned not more than one year or be both fined and imprisoned. (1949 Rev., S. 4156; P.A. 78-280, S. 113, 127.) History: P.A. 78-280 substituted “judicial district of Litchfield” for “Litchfield county”.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-195 to 53-197. - Abandonment or obstruction of engines or cars. Hindering street railway company in use of its tracks. Neglect to close gates and bars at railroad crossings; protection at ferry docks.

Sections 53-195 to 53-197, inclusive, are repealed. (1949 Rev., S. 8525–8527, 8631; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-198. - Smoking in motor buses, railroad cars and school buses.

No passenger while traveling upon, and no employee while engaged in the operation of, a common carrier motor bus, passenger railroad car or school bus, as defined in section 14-275, shall have a lighted cigarette, cigar or pipe in his possession. This section shall not apply to any special bus or to any compartment or part of a regular bus or passenger railroad car especially provided or set apart for smoking therein. Violation of any provision of this section shall be an infraction. (1949 Rev., S. 8529; 1959, P.A. 75; P.A. 73-90; P.A. 85-136.) History: 1959 act included school buses; P.A. 73-90 specified applicability to passenger railroad cars and raised maximum fine from \$10 to \$25; P.A. 85-136 changed the penalty for a violation of provisions of section from a fine of not more than \$25 to an infraction.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-199. - Theaters and moving picture shows; seating capacity; standing room.

No person owning, managing or conducting any place where any moving picture or theatrical production is exhibited shall sell any admission ticket or charge or receive any admission fee or collect or receive any valuable thing from any person after the seating capacity of such place has been exhausted, unless, at the time of such sale, charge, receipt or collection, the person making such sale, charge or collection or receiving such admission fee or valuable thing distinctly announces to the person making such purchase, or from whom such charge or collection is made or fee or valuable thing received, that standing room only is available. The state police shall, in order to ensure safety and health, limit the number of persons that may occupy standing room in each place where any moving picture or theatrical production is exhibited, and shall require the person owning, managing or conducting such place to display conspicuously, at each entrance thereto, a placard upon which shall be plainly printed such standing room capacity. Any person who violates any provision of this section or any order of the Commissioner of Emergency Services and Public Protection made pursuant thereto limiting the number of persons that may occupy standing room in a theater where any moving picture or theatrical production is exhibited, or who fails to display conspicuously, at the entrance thereto, a placard on which shall be plainly printed such standing room capacity, shall be fined not more than two hundred fifty dollars. (1949 Rev., S. 8528; P.A. 77-614, S. 486, 587, 610; P.A. 78-303, S. 85, 136; P.A. 11-51, S. 134; P.A. 12-80, S. 48.) History: P.A. 77-614 made state police department a division within the department of public safety, effective January 1, 1979, but language was not changed to reflect the fact under discretionary codification powers granted by P.A. 78-303; pursuant to P.A. 11-51, “Commissioner of Public Safety” was changed editorially by the Revisors to “Commissioner of Emergency Services and Public Protection”, effective July 1, 2011; P.A. 12-80 replaced penalty of a fine of not more than \$50 or imprisonment of not more than 30 days or both with a fine of not more than \$250 and made a technical change. See chapter 531 re moving pictures. Superior Court held to have no original jurisdiction of violation in city of New Haven. 97 C. 600.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-200. - Prize fighting.

Any person who is principal or second in any prize fight in this state shall be guilty of a class D felony. A contest in which blows are struck which are intended or calculated to stun, disable or knock out either of the contestants, or in which either contestant is counted out or otherwise declared defeated because of failure to resume the contest within a certain time, shall be deemed a prize fight within the meaning of this section. The provisions of this section shall not apply to (1) professional boxing or mixed martial arts matches held or conducted under the laws of this state, or (2) amateur boxing or mixed martial arts matches held under the provisions of section 29-143j, or under the supervision of any school, college or university having an academic course of study or of the recognized athletic association connected with such school, college or university. (1949 Rev., S. 8516; February, 1965, P.A. 617, S. 11; 1967, P.A. 787, S. 3; 1972, P.A. 55, S. 12; P.A. 85-293, S. 9; P.A. 96-259, S. 13; P.A. 13-258, S. 113; 13-259, S. 16.) History: 1965 act deleted exception allowing professional boxing exhibitions under permit and made specific provision for amateur boxing exhibitions; 1967 act added exception for exhibitions under section 19-327; 1972 act exempted boxing exhibitions from provisions of section and deleted proviso which had stated that boxing exhibitions would be exempt “at such time as they are regulated by an agency of the United States government”; P.A. 85-293 deleted reference to consumer protection commissioner's power to grant

permits for wrestling bouts; P.A. 96-259 made technical grammatical change in reference to wrestling bouts or amateur boxing exhibitions where section does not apply; P.A. 13-258 changed penalty from fine of not more than \$1,000 or imprisonment of not more than 5 years to a class D felony; P.A. 13-259 inserted Subdiv. (1) and (2) designators, replaced “boxing exhibitions” with “professional boxing or mixed martial arts matches”, deleted reference to wrestling bouts and replaced “amateur boxing exhibitions” with “amateur boxing or mixed martial arts matches”. See chapter 532a re boxing and mixed martial arts.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-201. - Witnessing or aiding prize fights.

Any person who is present at any prize fight, to aid, abet or assist therein, or give countenance thereto, or who aids or encourages such fight in this state, without being present thereat, shall be imprisoned not more than two years or fined not more than three thousand five hundred dollars, or both. The provisions of this section shall not apply to (1) professional boxing or mixed martial arts matches held or conducted under the laws of this state, or (2) amateur boxing or mixed martial arts matches held under the provisions of section 29-143j or under the supervision of any school, college or university having an academic course of study or of the recognized athletic association connected with such school, college or university. (1949 Rev., S. 8517; February, 1965, P.A. 617, S. 12; 1967, P.A. 787, S. 4; 1972, P.A. 55, S. 13; P.A. 85-293, S. 10; P.A. 13-258, S. 19; 13-259, S. 17.) History: 1965 act deleted exception allowing professional boxing exhibitions under permit and made specific provision for amateur boxing exhibitions; 1967 act added exception for exhibitions under Sec. 19-327; 1972 act specified that provisions do not apply to boxing exhibitions; P.A. 85-293 deleted reference to power of commissioner of consumer protection to grant permits for wrestling bouts; P.A. 13-258 changed fine from \$500 to \$3,500 and made a technical change; P.A. 13-259 inserted Subdiv. (1) and (2) designators, replaced “boxing exhibitions” with “professional boxing or mixed martial arts matches”, deleted reference to wrestling bouts, replaced “amateur boxing exhibitions” with “amateur boxing or mixed martial arts matches” and made technical changes. See chapter 532a re boxing and mixed martial arts.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-202. - Machine guns.

(a) As used in this section: (1) “Machine gun” shall apply to and include a weapon of any description, loaded or unloaded, which shoots, is designed to shoot or can be readily restored to shoot automatically more than one projectile, without manual reloading, by a single function of the trigger, and shall also include any part or combination of parts designed for use in converting a weapon into a machine gun and any combination of parts from which a machine gun can be assembled if such parts are in the possession of or under the control of a person. (2) “Crime of violence” shall apply to and include any of the following-named crimes or an attempt to commit any of the same: Murder, manslaughter, kidnapping, sexual assault and sexual assault with a firearm, assault in the first or second degree, robbery, burglary, larceny and riot in the first degree. (3) “Projectile” means any size bullet that when affixed to any cartridge case may be propelled through the bore of a machine gun. (b) Any person who possesses or uses a machine gun in the perpetration or attempted perpetration of a crime of violence shall be imprisoned not less than ten years nor more than twenty years. (c) Any person who (1) possesses or uses a machine gun for an offensive or aggressive purpose, or (2) notwithstanding the provisions of subdivision (3) of subsection (h) of this section, transfers, sells or gives a machine gun to a person under sixteen years of age, including the temporary transfer of a machine gun to such person for use in target shooting or on a firing or shooting range or for any other purpose, shall be fined not more than one thousand dollars or imprisoned not less than five years nor more than ten years or be both fined and imprisoned. (d) The possession or use of a machine gun shall be presumed to be for an offensive or aggressive purpose: (1) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun was found; or (2) when in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any state or federal court of record of the United States of America, its territories or insular possessions; or (3) when the machine gun is of the kind described in subsection (g) hereof and has not been registered as therein required; or (4) when empty or loaded projectiles of any caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof. (e) The presence of a machine gun in any room, boat or vehicle shall be presumptive evidence of the possession or use of the machine gun by each person occupying such room, boat or vehicle. (f) Each manufacturer shall keep a register of all machine guns manufactured or handled by the manufacturer. Such register shall show the model and serial number, and the date of manufacture, sale, loan, gift, delivery or receipt, of each machine gun, the name, address and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered. Upon demand, any manufacturer shall permit any marshal or police officer to inspect such manufacturer's entire stock of machine guns, and parts and supplies therefor, and shall produce the register, herein required, for inspection. Any person who violates any provision of this subsection shall be fined not more than two thousand dollars. (g) Each machine gun in this state adapted to use projectiles of any caliber shall be registered in the office of the Commissioner of Emergency Services and Public Protection within twenty-four hours after its acquisition and, thereafter, annually, on July first. Blanks for registration shall be prepared by said commissioner and furnished upon application. To comply with this subsection, the application as filed shall show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person who fails to register any gun as required hereby shall be presumed to possess the same for an offensive or

aggressive purpose. The provisions of this subsection shall not apply to any machine gun which has been registered under the provisions of subsection (f) and which is still in the actual possession of the manufacturer. (h) No provision of this section shall apply to: (1) The manufacture of machine guns for sale or transfer to the United States government, to any state, territory or possession of the United States or to any political subdivision thereof or to the District of Columbia; (2) the possession of a machine gun rendered inoperable by welding of all critical functioning parts and possessed as a curiosity, ornament or keepsake; or (3) a machine gun acquired, transferred or possessed in accordance with the National Firearms Act, as amended, provided such machine gun shall be subject to the provisions of subsection (g) of this section. (1949 Rev., S. 8509; 1963, P.A. 652, S. 10; P.A. 76-336, S. 19; P.A. 77-614, S. 486, 610; P.A. 84-200; P.A. 00-99, S. 118, 154; P.A. 01-195, S. 69, 181; P.A. 09-62, S. 1; P.A. 11-51, S. 134.) History: 1963 act deleted provisions re issuance of search warrant and order for confiscation; P.A. 76-336 redefined "crime of violence" to delete rape, mayhem, housebreaking, breaking and entering and assault "to do great bodily harm" and to add sexual assault, sexual assault with a firearm and assault in the first or second degree; P.A. 77-614 replaced commissioner of state police with commissioner of public safety, effective January 1, 1979; P.A. 84-200 replaced numeric Subsec. indicators with alphabetic indicators, replaced alphabetic Subdiv. indicators with numeric indicators, amended Subsec. (a) by redefining machine gun, including riot in the first degree as a crime of violence and adding a definition of "projectile", amended Subsec. (b) by providing a minimum term of imprisonment of 10 years, amended Subsec. (c) by providing a maximum fine of \$1,000 and a minimum term of imprisonment of 5 years or both a fine and imprisonment, amended Subsecs. (d) and (g) by replacing pistol shells or cartridges of 30 or larger caliber with "projectiles of any caliber", and amended Subsec. (h) by adding Subdivs. (2) and (3) re exceptions for machine guns rendered inoperable by welding of all critical functioning parts and machine guns acquired, transferred or possessed in accordance with the National Firearms Act; P.A. 00-99 deleted reference to sheriff in Subsec. (f), effective December 1, 2000; P.A. 01-195 made technical changes in Subsec. (f), effective July 11, 2001; P.A. 09-62 amended Subsec. (c) to designate existing provision prohibiting a person from possessing or using a machine gun for offensive or aggressive purpose as Subdiv. (1) and add Subdiv. (2) prohibiting a person from transferring, selling or giving a machine gun to person under 16 years of age; pursuant to P.A. 11-51, "Commissioner of Public Safety" was changed editorially by the Revisors to "Commissioner of Emergency Services and Public Protection" in Subsec. (g), effective July 1, 2011. See Secs. 29-27 to 29-38, inclusive, re permits for pistols and revolvers. See Sec. 54-33a et seq. re searches. Cited. 224 C. 163; 237 C. 348. Cited. 9 CA 330; 17 CA 556; 25 CA 433; 26 CA 698; 44 CA 40.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-202a. - Assault weapons: Definitions.

As used in this section and sections 53-202b to 53-202k, inclusive: (1) "Assault weapon" means: (A) (i) Any selective-fire firearm capable of fully automatic, semiautomatic or burst fire at the option of the user or any of the following specified semiautomatic firearms: Algimec Agmi; Armalite AR-180; Australian Automatic Arms SAP Pistol; Auto-Ordnance Thompson type; Avtomat Kalashnikov AK-47 type; Barrett Light-Fifty model 82A1; Beretta AR-70; Bushmaster Auto Rifle and Auto Pistol; Calico models M-900, M-950 and 100-P; Chartered Industries of Singapore SR-88; Colt AR-15 and Sporter; Daewoo K-1, K-2, Max-1 and Max-2; Encom MK-IV, MP-9 and MP-45; Fabrique Nationale FN/FAL, FN/LAR, or FN/FNC; FAMAS MAS 223; Feather AT-9 and Mini-AT; Federal XC-900 and XC-450; Franchi SPAS-12 and LAW-12; Galil AR and ARM; Goncz High-Tech Carbine and High-Tech Long Pistol; Heckler & Koch HK-91, HK-93, HK-94 and SP-89; Holmes MP-83; MAC-10, MAC-11 and MAC-11 Carbine type; Intratec TEC-9 and Scorpion; Iver Johnson Enforcer model 3000; Ruger Mini-14/5F folding stock model only; Scarab Skorpion; SIG 57 AMT and 500 series; Spectre Auto Carbine and Auto Pistol; Springfield Armory BM59, SAR-48 and G-3; Sterling MK-6 and MK-7; Steyr AUG; Street Sweeper and Striker 12 revolving cylinder shotguns; USAS-12; UZI Carbine, Mini-Carbine and Pistol; Weaver Arms Nighthawk; Wilkinson "Linda" Pistol; (ii) A part or combination of parts designed or intended to convert a firearm into an assault weapon, as defined in subparagraph (A)(i) of this subdivision, or any combination of parts from which an assault weapon, as defined in subparagraph (A)(i) of this subdivision, may be rapidly assembled if those parts are in the possession or under the control of the same person; (B) Any of the following specified semiautomatic centerfire rifles, or copies or duplicates thereof with the capability of any such rifles, that were in production prior to or on April 4, 2013: (i) AK-47; (ii) AK-74; (iii) AKM; (iv) AKS-74U; (v) ARM; (vi) MAADI AK47; (vii) MAK90; (viii) MISR; (ix) NHM90 and NHM91; (x) Norinco 56, 56S, 84S and 86S; (xi) Poly Technologies AKS and AK47; (xii) SA 85; (xiii) SA 93; (xiv) VEPR; (xv) WASR-10; (xvi) WUM; (xvii) Rock River Arms LAR-47; (xviii) Vector Arms AK-47; (xix) AR-10; (xx) AR-15; (xxi) Bushmaster Carbon 15, Bushmaster XM15, Bushmaster ACR Rifles, Bushmaster MOE Rifles; (xxii) Colt Match Target Rifles; (xxiii) Armalite M15; (xxiv) Olympic Arms AR-15, A1, CAR, PCR, K3B, K30R, K16, K48, K8 and K9 Rifles; (xxv) DPMS Tactical Rifles; (xxvi) Smith and Wesson M&P15 Rifles; (xxvii) Rock River Arms LAR-15; (xxviii) Doublestar AR Rifles; (xxix) Barrett REC7; (xxx) Beretta Storm; (xxxi) Calico Liberty 50, 50 Tactical, 100, 100 Tactical, I, I Tactical, II and II Tactical Rifles; (xxxii) Hi-Point Carbine Rifles; (xxxiii) HK-PSG-1; (xxxiv) Kel-Tec Sub-2000, SU Rifles, and RFB; (xxxv) Remington Tactical Rifle Model 7615; (xxxvi) SAR-8, SAR-4800 and SR9; (xxxvii) SLG 95; (xxxviii) SLR 95 or 96; (xxxix) TNW M230 and M2HB; (xl) Vector Arms UZI; (xli) Galil and Galil Sporter; (xlii) Daewoo AR 100 and AR 110C; (xliii) Fabrique Nationale/FN 308 Match and L1A1 Sporter; (xliv) HK USC; (xlv) IZHMASH Saiga AK; (xlvi) SIG Sauer 551-A1, 556, 516, 716 and M400 Rifles; (xlvii) Valmet M62S, M71S and M78S; (xlviii) Wilkinson Arms Linda Carbine; and (xlix) Barrett M107A1; (C) Any of the following specified semiautomatic pistols, or copies or duplicates thereof with the capability of any such pistols, that were in production prior to or on April 4, 2013: (i) Centurion 39 AK; (ii) Draco AK-47; (iii) HCR AK-47; (iv) IO Inc. Hellpup AK-47; (v) Mini-Draco AK-47; (vi) Yugo Krebs Krink; (vii) American Spirit AR-15; (viii) Bushmaster Carbon 15; (ix) Doublestar Corporation AR; (x) DPMS AR-15; (xi) Olympic Arms

AR-15; (xii) Rock River Arms LAR 15; (xiii) Calico Liberty III and III Tactical Pistols; (xiv) Masterpiece Arms MPA Pistols and Velocity Arms VMA Pistols; (xv) Intratec TEC-DC9 and AB-10; (xvi) Colefire Magnum; (xvii) German Sport 522 PK and Chiappa Firearms Mfour-22; (xviii) DSA SA58 PKP FAL; (xix) I.O. Inc. PPS-43C; (xx) Kel-Tec PLR-16 Pistol; (xxi) Sig Sauer P516 and P556 Pistols; and (xxii) Thompson TA5 Pistols; (D) Any of the following semiautomatic shotguns, or copies or duplicates thereof with the capability of any such shotguns, that were in production prior to or on April 4, 2013: All IZHMASH Saiga 12 Shotguns; (E) Any semiautomatic firearm regardless of whether such firearm is listed in subparagraphs (A) to (D), inclusive, of this subdivision, and regardless of the date such firearm was produced, that meets the following criteria: (i) A semiautomatic, centerfire rifle that has an ability to accept a detachable magazine and has at least one of the following: (I) A folding or telescoping stock; (II) Any grip of the weapon, including a pistol grip, a thumbhole stock, or any other stock, the use of which would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing; (III) A forward pistol grip; (IV) A flash suppressor; or (V) A grenade launcher or flare launcher; or (ii) A semiautomatic, centerfire rifle that has a fixed magazine with the ability to accept more than ten rounds; or (iii) A semiautomatic, centerfire rifle that has an overall length of less than thirty inches; or (iv) A semiautomatic pistol that has an ability to accept a detachable magazine and has at least one of the following: (I) An ability to accept a detachable ammunition magazine that attaches at some location outside of the pistol grip; (II) A threaded barrel capable of accepting a flash suppressor, forward pistol grip or silencer; (III) A shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to fire the firearm without being burned, except a slide that encloses the barrel; or (IV) A second hand grip; or (v) A semiautomatic pistol with a fixed magazine that has the ability to accept more than ten rounds; or (vi) A semiautomatic shotgun that has both of the following: (I) A folding or telescoping stock; and (II) Any grip of the weapon, including a pistol grip, a thumbhole stock, or any other stock, the use of which would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing; or (vii) A semiautomatic shotgun that has the ability to accept a detachable magazine; or (viii) A shotgun with a revolving cylinder; or (ix) Any semiautomatic firearm that meets the criteria set forth in subdivision (3) or (4) of subsection (a) of section 53-202a of the general statutes, revision of 1958, revised to January 1, 2013; or (F) A part or combination of parts designed or intended to convert a firearm into an assault weapon, as defined in any provision of subparagraphs (B) to (E), inclusive, of this subdivision, or any combination of parts from which an assault weapon, as defined in any provision of subparagraphs (B) to (E), inclusive, of this subdivision, may be assembled if those parts are in the possession or under the control of the same person; (G) Any semiautomatic firearm other than a pistol, revolver, rifle or shotgun, regardless of whether such firearm is listed in subparagraphs (A) to (D), inclusive, of this subdivision, and regardless of the date such firearm was produced, that has at least one of the following: (i) Any grip of the weapon, including a pistol grip, a thumbhole stock or any other stock, the use of which would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing; (ii) An ability to accept a detachable ammunition magazine that attaches at some location outside of the pistol grip; (iii) A fixed magazine with the ability to accept more than ten rounds; (iv) A flash suppressor or silencer, or a threaded barrel capable of accepting a flash suppressor or silencer; (v) A shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to fire the firearm without being burned, except a slide that encloses the barrel; (vi) A second hand grip; or (vii) An arm brace or other stabilizing brace that could allow such firearm to be fired from the shoulder, with or without a strap designed to attach to an individual's arm; (H) Any semiautomatic firearm that meets the criteria set forth in subdivision (3) or (4) of subsection (a) of section 53-202a of the general statutes, revision of 1958, revised to January 1, 2013, that was legally manufactured prior to September 13, 1994; or (I) A combination of parts designed or intended to convert a firearm into an assault weapon, as defined in any provision of subparagraph (G) or (H) of this subdivision, or any combination of parts from which an assault weapon, as defined in any provision of subparagraph (G) or (H) of this subdivision, may be assembled if those parts are in the possession or under the control of the same person; (2) "Assault weapon" does not include (A) any firearm modified to render it permanently inoperable, or (B) a part or any combination of parts of an assault weapon, that are not assembled as an assault weapon, when in the possession of a licensed gun dealer, as defined in subsection (f) of section 53-202f, or a gunsmith who is in the licensed gun dealer's employ, for the purposes of servicing or repairing lawfully possessed assault weapons under sections 53-202a to 53-202k, inclusive; (3) "Action of the weapon" means the part of the firearm that loads, fires and ejects a cartridge, which part includes, but is not limited to, the upper and lower receiver, charging handle, forward assist, magazine release and shell deflector; (4) "Detachable magazine" means an ammunition feeding device that can be removed without disassembling the firearm action; (5) "Firearm" means a firearm, as defined in section 53a-3; (6) "Forward pistol grip" means any feature capable of functioning as a grip that can be held by the nontrigger hand; (7) "Lawfully possesses" means: (A) With respect to an assault weapon described in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of this section, (i) actual possession that is lawful under sections 53-202b to 53-202k, (ii) constructive possession pursuant to a lawful purchase transacted prior to or on April 4, 2013, regardless of whether the assault weapon was delivered to the purchaser prior to or on April 4, 2013, which lawful purchase is evidenced by a writing sufficient to indicate that (I) a contract for sale was made between the parties prior to or on April 4, 2013, for the purchase of the assault weapon, or (II) full or partial payment for the assault weapon was made by the purchaser to the seller of the assault weapon prior to or on April 4, 2013, or (iii) actual possession under subparagraph (A)(i) of this subdivision, or constructive possession under subparagraph (A)(ii) of this subdivision, as evidenced by a written statement made under penalty of false statement on such form as the Commissioner of Emergency Services and Public Protection prescribes; or (B) With respect to a 2023 assault weapon, (i) actual possession that is lawful under sections 53-202b to 53-202k, inclusive, (ii) constructive possession pursuant to a lawful purchase

transacted prior to June 6, 2023, regardless of whether such assault weapon was delivered to the purchaser prior to June 6, 2023, which lawful purchase is evidenced by a writing sufficient to indicate that (I) a contract for sale was made between the parties prior to June 6, 2023, for the purchase of such assault weapon, or (II) full or partial payment for such assault weapon was made by the purchaser to the seller of such assault weapon prior to June 6, 2023, or (iii) actual possession under subparagraph (B)(i) of this subdivision, or constructive possession under subparagraph (B)(ii) of this subdivision, as evidenced by a written statement made under penalty of false statement on such form as the Commissioner of Emergency Services and Public Protection prescribes; (8) “Pistol grip” means a grip or similar feature that can function as a grip for the trigger hand; (9) “Second hand grip” means a grip or similar feature that can function as a grip that is additional to the trigger hand grip; and (10) “2023 assault weapon” means an assault weapon described in any provision of subparagraphs (G) to (I), inclusive, of subdivision (1) of this section. (P.A. 93-306, S. 1; P.A. 01-130, S. 1; P.A. 13-3, S. 25; 13-220, S. 3, 4, 21; P.A. 23-53, S. 23.) History: P.A. 01-130 amended Subsec. (a) to delete reference to Sec. 53a-46a(h), make technical changes in Subdiv. (2) and add Subdivs. (3) and (4) re physical characteristics criteria applicable to definition of “assault weapon” and amended Subsec. (b) to delete reference to Sec. 53a-46a(h); P.A. 13-3 deleted Subsec. (a) designator, redefined “assault weapon” in Subdivs. (1) and (2), deleted former Subsec. (b) re firearm modified to render it permanently inoperable, added definitions of “action of the weapon” in Subdiv. (3), “detachable magazine” in Subdiv. (4), “firearm” in Subdiv. (5), “forward pistol grip” in Subdiv. (6), “lawfully possesses” in Subdiv. (7), “pistol grip” in Subdiv. (8), and “second hand grip” in Subdiv. (9), and made conforming changes, effective April 4, 2013; P.A. 13-220 redefined “assault weapon” in Subdiv. (1)(E)(ix), made a technical change in Subdiv. (2), and redefined “lawfully possesses” in Subdiv. (7), effective June 18, 2013; P.A. 23-53 redefined “assault weapon” in Subdiv. (1), redefined “lawfully possess” in Subdiv. (7), made technical changes in Subdivs. (8) and (9) and added Subdiv. (10) defining “2023 assault weapon”, effective June 6, 2023.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-202aa. - Firearms trafficking: Class C or B felony.

(a) A person is guilty of firearms trafficking if such person, knowingly and intentionally, directly or indirectly, causes one or more firearms that such person owns, is in possession of or is in control of to come into the possession of or control of another person who such person knows or has reason to believe is prohibited from owning or possessing any firearm under state or federal law. (b) (1) Any person who violates any provision of this section shall be guilty of a class C felony if such person, on or after October 1, 2007, but prior to October 1, 2013, sells, delivers or otherwise transfers five or fewer firearms, and a class B felony if such person, on or after October 1, 2007, but prior to October 1, 2013, sells, delivers or otherwise transfers more than five firearms. (2) Any person who violates any provision of this section on or after October 1, 2013, shall be guilty of a class B felony for which three years of the sentence imposed may not be suspended or reduced by the court, and ten thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine. (c) For the purposes of this section, “firearm” means “firearm” as defined in section 53a-3, but does not include a rifle or shotgun or an antique firearm as defined in section 29-37a. (P.A. 07-163, S. 3; June 12 Sp. Sess. P.A. 12-2, S. 89; P.A. 13-3, S. 13, 42.) History: June 12 Sp. Sess. P.A. 12-2 made a technical change in Subsec. (a); P.A. 13-3 amended Subsec. (c) to make a technical change, effective April 4, 2013, and amended Subsec. (b) to insert Subdiv. (1) designator re violation committed on or after October 1, 2007, but prior to October 1, 2013, and add Subdiv. (2) re violation committed on or after October 1, 2013, to be a class B felony for which 3 years of the sentence may not be suspended or reduced by the court and \$10,000 of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing the fine, effective October 1, 2013. See Sec. 29-33 re requirements for sale or transfer of pistols or revolvers. See Sec. 29-37a re requirements for sale or transfer of long guns. See Sec. 29-37j re prohibition on purchasing firearm with intent to transfer same to person prohibited from purchasing or receiving. See Sec. 53a-217 re criminal possession of a firearm. See Sec. 53a-217c re criminal possession of a pistol or revolver.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-202b. - Sale or transfer of assault weapon prohibited. Exemptions. Olympic pistols. Regulations. Class C felony.

(a)(1) Any person who, within this state, distributes, transports or imports into the state, keeps for sale, or offers or exposes for sale, or who gives any assault weapon, except as provided by sections 53-202a to 53-202k, inclusive, shall be guilty of a class C felony and shall be sentenced to a term of imprisonment of which two years may not be suspended or reduced by the court. (2) Any person who transfers, sells or gives any assault weapon to a person under eighteen years of age in violation of subdivision (1) of this subsection shall be sentenced to a term of imprisonment of six years, which shall not be suspended or reduced by the court and shall be in addition and consecutive to the term of imprisonment imposed under subdivision (1) of this subsection. (b) The provisions of subsection (a) of this section shall not apply to: (1) The sale of assault weapons to: (A) The Department of Emergency Services and Public Protection, police departments, the Department of Correction, the Division of Criminal Justice, the Department of Motor Vehicles, the Department of Energy and Environmental Protection or the military or naval forces of this state or of the United States; (B) a sworn and duly certified member of an organized police department, the Division of State Police within the Department of Emergency Services and Public Protection or the Department of Correction, a chief inspector or inspector in the Division of Criminal Justice, a salaried inspector of motor vehicles designated by the Commissioner of Motor Vehicles, a conservation officer or special conservation officer appointed by the Commissioner of Energy and Environmental Protection pursuant to section 26-5, or a constable who is certified by the Police Officer Standards and Training Council and appointed by the chief executive authority of a town, city or borough to perform criminal law enforcement duties, pursuant to a letter on the letterhead of such department, division,

commissioner or authority authorizing the purchase and stating that the sworn member, inspector, officer or constable will use the assault weapon in the discharge of official duties, and that a records check indicates that the sworn member, inspector, officer or constable has not been convicted of a crime of family violence, for use by such sworn member, inspector, officer or constable in the discharge of such sworn member's, inspector's, officer's or constable's official duties or when off duty, (C) a member of the military or naval forces of this state or of the United States, or (D) a nuclear facility licensed by the United States Nuclear Regulatory Commission for the purpose of providing security services at such facility, or any contractor or subcontractor of such facility for the purpose of providing security services at such facility; (2) A person who is the executor or administrator of an estate that includes an assault weapon for which a certificate of possession has been issued under section 53-202d which is disposed of as authorized by the Probate Court, if the disposition is otherwise permitted by sections 53-202a to 53-202k, inclusive; (3) The transfer of an assault weapon for which a certificate of possession has been issued under section 53-202d, by bequest or intestate succession, or, upon the death of a testator or settlor: (A) To a trust, or (B) from a trust to a beneficiary who is eligible to possess the assault weapon; (4) The sale of a semiautomatic pistol that is defined as an assault weapon in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a that the Commissioner of Emergency Services and Public Protection designates as being designed expressly for use in target shooting events at the Olympic games sponsored by the International Olympic Committee pursuant to regulations adopted under this subdivision, and for which the purchaser signs a form prescribed by the commissioner and provided by the seller that indicates that the pistol will be used by the purchaser primarily for target shooting practice and events. The Commissioner of Emergency Services and Public Protection shall adopt regulations, in accordance with chapter 54, to designate semiautomatic pistols that are defined as assault weapons in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a that may be sold pursuant to this subdivision, provided the use of such pistols is sanctioned by the International Olympic Committee and USA Shooting, or any subsequent corresponding governing board for international shooting competition in the United States. (P.A. 93-306, S. 2; P.A. 11-51, S. 134; P.A. 13-3, S. 26; 13-220, S. 5.) History: P.A. 11-51, "Department of Public Safety" was changed editorially by the Revisors to "Department of Emergency Services and Public Protection", effective July 1, 2011; P.A. 13-3 amended Subsec. (b)(1) to insert Subpara. (A) and (B) designators and add "for use in the discharge of their official duties or when off duty" in Subpara. (A) and provision re Nuclear Regulatory Commission licensee and subcontractor providing security services in Subpara. (B), and deleted references to Secs. 29-37j and 53a-46a(h) and made technical changes, effective April 4, 2013; P.A. 13-220 substantially revised Subsec. (b)(1), (2) and (3) re permitted sales and transfers and added Subdiv. (4) re sale of pistols that Commissioner of Emergency Services and Public Protection designates in regulations as designed expressly for use at Olympic games, effective June 18, 2013. Cited. 234 C. 455; 242 C. 143.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-202c. - Possession of assault weapon prohibited. Exemptions. Class D felony.

(a) Except as provided in section 53-202e, any person who, within this state, possesses an assault weapon, except as provided in sections 53-202a to 53-202k, inclusive, and 53-202o, shall be guilty of a class D felony and shall be sentenced to a term of imprisonment of which one year may not be suspended or reduced by the court, except that a first-time violation of this subsection shall be a class A misdemeanor if (1) the person presents proof that such person lawfully possessed the assault weapon (A) prior to October 1, 1993, with respect to an assault weapon described in subparagraph (A) of subdivision (1) of section 53-202a, (B) on April 4, 2013, under the provisions of sections 53-202a to 53-202k, inclusive, in effect on January 1, 2013, with respect to an assault weapon described in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a, or (C) on June 5, 2023, under the provisions of sections 53-202a to 53-202k, inclusive, revision of 1958, revised to January 1, 2023, with respect to an assault weapon defined as a 2023 assault weapon in section 53-202a, and (2) the person has otherwise possessed the assault weapon in compliance with subsection (f) of section 53-202d. (b) The provisions of subsection (a) of this section shall not apply to the possession of assault weapons by: (1) The Department of Emergency Services and Public Protection, police departments, the Department of Correction, the Division of Criminal Justice, the Department of Motor Vehicles, the Department of Energy and Environmental Protection or the military or naval forces of this state or of the United States, (2) a sworn and duly certified member of an organized police department, the Division of State Police within the Department of Emergency Services and Public Protection or the Department of Correction, a chief inspector or inspector in the Division of Criminal Justice, a salaried inspector of motor vehicles designated by the Commissioner of Motor Vehicles, a conservation officer or special conservation officer appointed by the Commissioner of Energy and Environmental Protection pursuant to section 26-5, or a constable who is certified by the Police Officer Standards and Training Council and appointed by the chief executive authority of a town, city or borough to perform criminal law enforcement duties, for use by such sworn member, inspector, officer or constable in the discharge of such sworn member's, inspector's, officer's or constable's official duties or when off duty, (3) a member of the military or naval forces of this state or of the United States, or (4) a nuclear facility licensed by the United States Nuclear Regulatory Commission for the purpose of providing security services at such facility, or any contractor or subcontractor of such facility for the purpose of providing security services at such facility. (c) The provisions of subsection (a) of this section shall not apply to the possession of an assault weapon described in subparagraph (A) of subdivision (1) of section 53-202a by any person prior to July 1, 1994, if all of the following are applicable: (1) The person is eligible under sections 53-202a to 53-202k, inclusive, to apply for a certificate of possession for the assault weapon by July 1, 1994; (2) The person lawfully possessed the assault weapon prior to October 1, 1993; and (3) The person is otherwise in compliance with sections 53-202a to 53-202k, inclusive. (d) The provisions of subsection (a) of this section shall not apply to the possession of an assault weapon described in any provision of subparagraphs (B) to (F), inclusive,

of subdivision (1) of section 53-202a by any person prior to April 5, 2013, if all of the following are applicable: (1) The person is eligible under sections 53-202a to 53-202k, inclusive, to apply for a certificate of possession for the assault weapon by January 1, 2014; (2) The person lawfully possessed the assault weapon on April 4, 2013, under the provisions of sections 53-202a to 53-202k, inclusive, in effect on January 1, 2013; and (3) The person is otherwise in compliance with sections 53-202a to 53-202k, inclusive. (e) The provisions of subsection (a) of this section shall not apply to the possession of a 2023 assault weapon by any person prior to May 1, 2024, if all of the following are applicable: (1) The person is eligible under sections 53-202a to 53-202k, inclusive, to apply for a certificate of possession for such assault weapon by May 1, 2024; (2) The person lawfully possessed such assault weapon on June 5, 2023, under the provisions of sections 53-202a to 53-202k, inclusive, and section 53-202m of the general statutes, revision of 1958, revised to January 1, 2023; and (3) The person is otherwise in compliance with sections 53-202a to 53-202k, inclusive. (f) The provisions of subsection (a) of this section shall not apply to the possession of a 2023 assault weapon by any person if all of the following are applicable: (1) Such assault weapon was reclassified for federal purposes as a rifle pursuant to the amendments to 27 CFR Parts 478 and 479 published at 88 Federal Register 6478 (January 31, 2023). (2) The person applied to register such assault weapon under the National Firearms Act, P.L. 73-474, as amended from time to time, using the form known as Form 1 published by the Bureau of Alcohol, Tobacco, Firearms and Explosives, and submitted a copy of such form to the Department of Emergency Services and Public Protection not later than August 1, 2023, and the Bureau of Alcohol, Tobacco, Firearms and Explosives has approved such application, has denied such application within the past thirty days, or has not yet processed such application. (3) The person lawfully possessed such assault weapon on June 5, 2023, under the provisions of sections 53-202a to 53-202k, inclusive, and section 53-202m of the general statutes, revision of 1958, revised to January 1, 2023; and (4) The person is otherwise in compliance with sections 53-202a to 53-202k, inclusive. (g) The provisions of subsection (a) of this section shall not apply to a person who is the executor or administrator of an estate that includes an assault weapon, or the trustee of a trust that includes an assault weapon, for which a certificate of possession has been issued under section 53-202d if the assault weapon is possessed at a place set forth in subdivision (1) of subsection (f) of section 53-202d or as authorized by the Probate Court. (h) The provisions of subsection (a) of this section shall not apply to the possession of a semiautomatic pistol that is defined as an assault weapon in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a that the Commissioner of Emergency Services and Public Protection designates as being designed expressly for use in target shooting events at the Olympic games sponsored by the International Olympic Committee pursuant to regulations adopted under subdivision (4) of subsection (b) of section 53-202b that is (1) possessed and transported in accordance with subsection (f) of section 53-202d, or (2) possessed at or transported to or from a collegiate, Olympic or target pistol shooting competition in this state which is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms, provided such pistol is transported in the manner prescribed in subsection (a) of section 53-202f. (P.A. 93-306, S. 3; P.A. 02-120, S. 5; P.A. 11-51, S. 134; P.A. 13-3, S. 27; 13-220, S. 6; P.A. 23-53, S. 24.) History: P.A. 02-120 amended Subsec. (a) to add reference to Sec. 53-202o, effective June 7, 2002; pursuant to P.A. 11-51, "Department of Public Safety" was changed editorially by the Revisors to "Department of Emergency Services and Public Protection" in Subsec. (b), effective July 1, 2011; P.A. 13-3 amended Subsec. (a)(1) to designate existing provision re assault weapon lawfully possessed prior to October 1, 1993, as Subpara. (A) and amend same to add reference to description in Sec. 53-202a(1)(A) and add Subpara. (B) re assault weapon described in Sec. 53-202a(1)(B) to (F) and lawfully possessed on April 3, 2013, under Secs. 53-202a to 53-202k in effect on January 1, 2013, amended Subsec. (b) to add exemption for Nuclear Regulatory Commission licensee and subcontractor providing security services, amended Subsec. (c) to add reference to assault weapon described in Sec. 53-202a(1)(A), added Subsec. (d) re assault weapon described in Sec. 53a-202a(1)(B) to (F) and lawfully possessed on April 3, 2013, under Secs. 53-202a to 53-202k in effect on January 1, 2013, redesignated existing Subsec. (d) as Subsec. (e), and deleted references to Secs. 29-37j and 53a-46a(h) and made technical and conforming changes, effective April 4, 2013; P.A. 13-220 substantially revised Subsec. (b) re persons permitted to possess assault weapons, amended Subsec. (e) re trust that includes an assault weapon, and added Subsec. (f) re possession of semiautomatic pistol designated in regulations adopted under Sec. 53-202b(b)(4) as Olympic pistols, effective June 18, 2013; P.A. 23-53 amended Subsec. (a)(1) by adding Subpara. (C) re assault weapon described as a 2023 assault weapon in Sec. 53-202a and lawfully possessed on June 5, 2023, under Secs. 53-202a to 53-202k, revision of 1958, revised to January 1, 2023, added new Subsecs. (e) and (f) re applicability of Subsec. (a) to possession of a 2023 assault weapon and redesignated existing Subsecs. (e) to (h) as Subsecs. (g) to (f), effective June 6, 2023.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-202d. - Certificate of possession of assault weapon. Certificate of transfer of assault weapon to gun dealer. Circumstances where possession of assault weapon authorized.

(a)(1)(A) Except as provided in subparagraph (B) of this subdivision, any person who lawfully possesses an assault weapon, as defined in subparagraph (A) of subdivision (1) of section 53-202a, prior to October 1, 1993, shall apply by October 1, 1994, or, if such person is a member of the military or naval forces of this state or of the United States and is unable to apply by October 1, 1994, because such member is or was on official duty outside of this state, shall apply within ninety days of returning to the state to the Department of Emergency Services and Public Protection, for a certificate of possession with respect to such assault weapon. (B) No person who lawfully possesses an assault weapon pursuant to subdivision (1), (2) or (4) of subsection (b) of section 53-202c shall be required to obtain a certificate of possession pursuant to this subdivision with respect to an assault weapon used for official duties, except that any person described in subdivision (2) of subsection (b) of section 53-202c who purchases an assault weapon, as

defined in subparagraph (A) of subdivision (1) of section 53-202a, for use in the discharge of official duties who retires or is otherwise separated from service shall apply within ninety days of such retirement or separation from service to the Department of Emergency Services and Public Protection for a certificate of possession with respect to such assault weapon. (2) (A) Except as provided in subparagraph (B) of this subdivision, any person who lawfully possesses an assault weapon, as defined in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a, on April 4, 2013, under the provisions of sections 53-202a to 53-202k, inclusive, in effect on January 1, 2013, or any person who regains possession of an assault weapon as defined in any provision of said subparagraphs pursuant to subsection (e) of section 53-202f, or any person who lawfully purchases a firearm on or after April 4, 2013, but prior to June 18, 2013, that meets the criteria set forth in subdivision (3) or (4) of subsection (a) of section 53-202a of the general statutes, revision of 1958, revised to January 1, 2013, shall apply by January 1, 2014, or, if such person is a member of the military or naval forces of this state or of the United States and is unable to apply by January 1, 2014, because such member is or was on official duty outside of this state, shall apply within ninety days of returning to the state to the Department of Emergency Services and Public Protection for a certificate of possession with respect to such assault weapon. Any person who lawfully purchases a semiautomatic pistol that is defined as an assault weapon in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a that the Commissioner of Emergency Services and Public Protection designates as being designed expressly for use in target shooting events at the Olympic games sponsored by the International Olympic Committee pursuant to regulations adopted under subdivision (4) of subsection (b) of section 53-202b shall apply within ninety days of such purchase to the Department of Emergency Services and Public Protection for a certificate of possession with respect to such assault weapon. (B) No person who lawfully possesses an assault weapon pursuant to subdivision (1), (2) or (4) of subsection (b) of section 53-202c shall be required to obtain a certificate of possession pursuant to this subdivision with respect to an assault weapon used for official duties, except that any person described in subdivision (2) of subsection (b) of section 53-202c who purchases an assault weapon, as defined in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a for use in the discharge of official duties who retires or is otherwise separated from service shall apply within ninety days of such retirement or separation from service to the Department of Emergency Services and Public Protection for a certificate of possession with respect to such assault weapon. (3) Any person who obtained a certificate of possession for an assault weapon, as defined in subparagraph (A) of subdivision (1) of section 53-202a, prior to April 5, 2013, that is defined as an assault weapon pursuant to any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a shall be deemed to have obtained a certificate of possession for such assault weapon for the purposes of sections 53-202a to 53-202k, inclusive, and shall not be required to obtain a subsequent certificate of possession for such assault weapon. (4) (A) Except as provided in subparagraphs (B) and (C) of this subdivision, any person who lawfully possesses a 2023 assault weapon on June 5, 2023, under the provisions of sections 53-202a to 53-202k, inclusive, in effect on January 1, 2023, or any person who regains possession of a 2023 assault weapon pursuant to subdivision (2) of subsection (e) of section 53-202f, shall apply by May 1, 2024, or, if such person is a member of the military or naval forces of this state or of the United States and is unable to apply by May 1, 2024, because such member is or was on official duty outside of this state, shall apply within ninety days of returning to the state to the Department of Emergency Services and Public Protection for a certificate of possession with respect to such assault weapon. The Department of Emergency Services and Public Protection shall accept applications both in paper and electronic form, to the extent practicable, and shall not require such applications be notarized. (B) No person who lawfully possesses an assault weapon pursuant to subdivision (1), (2) or (4) of subsection (b) of section 53-202c shall be required to obtain a certificate of possession pursuant to this subdivision with respect to an assault weapon used for official duties, except that any person described in subdivision (2) of subsection (b) of section 53-202c who purchases a 2023 assault weapon for use in the discharge of official duties who retires or is otherwise separated from service shall apply within ninety days of such retirement or separation from service to the Department of Emergency Services and Public Protection for a certificate of possession with respect to such assault weapon. (C) Any person who lawfully possesses a 2023 assault weapon pursuant to the provisions of subsection (f) of section 53-202c and whose Form 1 application to the Bureau of Alcohol, Tobacco, Firearms and Explosives has not yet been processed may, instead of following the procedure specified in subparagraph (A) of this subdivision, apply by May 1, 2024, to the Department of Emergency Services and Public Protection for a temporary certificate of possession with respect to such assault weapon. Such temporary certificate of possession shall expire on the earlier of January 1, 2027, and the date seven days succeeding a denial of the Form 1 application. When the Form 1 application is approved with respect to such assault weapon, such person may apply to the Department of Emergency Services and Public Protection to convert such temporary certificate of possession into a certificate of possession with respect to such assault weapon. If a complete application to convert is received, the Commissioner of Emergency Services and Public Protection shall approve the application. For the purposes of this subparagraph, a full and complete Form 1 application submitted to the Department of Emergency Services and Public Protection in a form and manner determined by the department shall be sufficient to constitute a complete application for a temporary certificate of possession, and a copy of the notice that a Form 1 application has been approved shall constitute a complete application to convert a temporary certificate of possession into a certificate of possession. The Department of Emergency Services and Public Protection shall accept applications under this subparagraph both in paper and electronic form, to the extent practicable, and shall not require such applications to be notarized. (5) Any person who obtained a certificate of possession for an assault weapon, as defined in any provision of subparagraphs (A) to (F), inclusive, of subdivision (1) of section 53-202a prior to June 6, 2023, that is also a 2023 assault weapon shall be deemed to have obtained a certificate of possession for such assault weapon for the purposes of sections 53-202a to 53-202k, inclusive, and shall not be required to obtain a subsequent certificate of possession for such assault weapon. (6) The certificate of possession shall contain a description of the firearm that identifies it uniquely, including

all identification marks, the full name, address, date of birth and thumbprint of the owner, and any other information as the department may deem appropriate. (7) The department shall adopt regulations, in accordance with the provisions of chapter 54, to establish procedures with respect to the application for and issuance of certificates of possession pursuant to this section. Notwithstanding the provisions of sections 1-210 and 1-211, the name and address of a person issued a certificate of possession shall be confidential and shall not be disclosed, except such records may be disclosed to (A) law enforcement agencies and employees of the United States Probation Office acting in the performance of their duties and parole officers within the Department of Correction acting in the performance of their duties, and (B) the Commissioner of Mental Health and Addiction Services to carry out the provisions of subsection (c) of section 17a-500. (b) (1) No assault weapon, as defined in subparagraph (A) of subdivision (1) of section 53-202a, possessed pursuant to a certificate of possession issued under this section may be sold or transferred on or after January 1, 1994, to any person within this state other than to a licensed gun dealer, as defined in subsection (f) of section 53-202f, or as provided in section 53-202e, or by bequest or intestate succession, or, upon the death of a testator or settlor: (A) To a trust, or (B) from a trust to a beneficiary who is eligible to possess the assault weapon. (2) No assault weapon, as defined in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a, possessed pursuant to a certificate of possession issued under this section may be sold or transferred on or after April 5, 2013, to any person within this state other than to a licensed gun dealer, as defined in subsection (f) of section 53-202f, or as provided in section 53-202e, or by bequest or intestate succession, or, upon the death of a testator or settlor: (A) To a trust, or (B) from a trust to a beneficiary who is eligible to possess the assault weapon. (3) No 2023 assault weapon possessed pursuant to a certificate of possession issued under this section may be sold or transferred on or after June 6, 2023, to any person within this state other than to a licensed gun dealer, or as provided in section 53-202e, or by bequest or intestate succession, or, upon the death of a testator or settlor: (A) To a trust, or (B) from a trust to a beneficiary who is eligible to possess the assault weapon. (c) Any person who obtains title to an assault weapon for which a certificate of possession has been issued under this section by bequest or intestate succession shall, within ninety days of obtaining title, apply to the Department of Emergency Services and Public Protection for a certificate of possession as provided in subsection (a) of this section, render the assault weapon permanently inoperable, sell the assault weapon to a licensed gun dealer or remove the assault weapon from the state. (d) Any person who moves into the state in lawful possession of an assault weapon, shall, within ninety days, either render the assault weapon permanently inoperable, sell the assault weapon to a licensed gun dealer or remove the assault weapon from this state, except that any person who is a member of the military or naval forces of this state or of the United States, is in lawful possession of an assault weapon and has been transferred into the state after October 1, 1994, may, within ninety days of arriving in the state, apply to the Department of Emergency Services and Public Protection for a certificate of possession with respect to such assault weapon. (e) If an owner of an assault weapon sells or transfers the assault weapon to a licensed gun dealer, such dealer shall, at the time of delivery of the assault weapon, execute a certificate of transfer and cause the certificate of transfer to be mailed or delivered to the Commissioner of Emergency Services and Public Protection. The certificate of transfer shall contain: (1) The date of sale or transfer; (2) the name and address of the seller or transferor and the licensed gun dealer, their Social Security numbers or motor vehicle operator license numbers, if applicable; (3) the licensed gun dealer's federal firearms license number and seller's permit number; (4) a description of the assault weapon, including the caliber of the assault weapon and its make, model and serial number; and (5) any other information the commissioner prescribes. The licensed gun dealer shall present such dealer's motor vehicle operator's license or Social Security card, federal firearms license and seller's permit to the seller or transferor for inspection at the time of purchase or transfer. The Commissioner of Emergency Services and Public Protection shall maintain a file of all certificates of transfer at the commissioner's central office. (f) Any person who has been issued a certificate of possession for an assault weapon under this section may possess the assault weapon only under the following conditions: (1) At that person's residence, place of business or other property owned by that person, or on property owned by another person with the owner's express permission; (2) While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets; (3) While on a target range which holds a regulatory or business license for the purpose of practicing shooting at that target range; (4) While on the premises of a licensed shooting club; (5) While attending any exhibition, display or educational project which is about firearms and which is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms; (6) While transporting the assault weapon between any of the places set forth in this subsection, or to any licensed gun dealer, as defined in subsection (f) of section 53-202f, for servicing or repair pursuant to subsection (c) of section 53-202f, provided the assault weapon is transported as required by section 53-202f; (7) With respect to a nonresident of this state, while transporting a semiautomatic pistol that is defined as an assault weapon in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a that the Commissioner of Emergency Services and Public Protection designates as being designed expressly for use in target shooting events at the Olympic games sponsored by the International Olympic Committee pursuant to regulations adopted under subdivision (4) of subsection (b) of section 53-202b, into or through this state in order to attend any exhibition, display or educational project described in subdivision (5) of this subsection, or to participate in a collegiate, Olympic or target pistol shooting competition in this state which is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms, provided (A) such pistol is transported into or through this state not more than forty-eight hours prior to or after such exhibition, display, project or competition, (B) such pistol is unloaded and carried in a locked carrying case and the ammunition for such pistol is carried in a separate locked container, (C) such nonresident has not been convicted of a felony in this state or of an offense in another state that would constitute a felony if committed in this state, and (D) such nonresident has in his or her possession a pistol permit or firearms

registration card if such permit or card is required for possession of such pistol under the laws of his or her state of residence. (P.A. 93-306, S. 4; July Sp. Sess. P.A. 94-1, S. 19, 20; P.A. 98-129, S. 8; P.A. 11-51, S. 170; P.A. 12-177, S. 3; P.A. 13-3, S. 28; 13-220, S. 7, 8; P.A. 15-216, S. 5; P.A. 23-53, S. 25.) History: July Sp. Sess. P.A. 94-1 amended Subsec. (a) to extend from July 1, 1994, to October 1, 1994, the deadline for applying for a certificate of possession and add provision requiring any member of the military or naval forces who is unable to apply by said date due to official duty outside of the state to apply within 90 days of returning to the state and amended Subsec. (b) to add exception authorizing any member of the military or naval forces in lawful possession of an assault weapon who is transferred into the state after October 1, 1994 to apply for a certificate of possession within 90 days of arriving in the state, effective July 7, 1994; P.A. 98-129 added Subsec. (a)(2) authorizing disclosure of such records to the Commissioner of Mental Health and Addiction Services to carry out the provisions of Sec. 17a-500(c); P.A. 11-51 replaced Commissioner and Department of Public Safety with Commissioner and Department of Emergency Services and Public Protection and made technical changes, effective July 1, 2011; P.A. 12-177 amended Subsec. (a)(1) to add provision re disclosure of information to employees of the U.S. Probation Office acting in performance of their duties; P.A. 13-3 amended Subsec. (a) to designate existing provisions as Subdivs. (1), (4) and (5), add reference to Sec. 53-202a(1)(A) definition in Subdiv. (1), add Subdiv. (2) re assault weapon defined in Sec. 53-202a(1)(B) to (F) lawfully possessed under Secs. 53-202a to 53-202k in effect on January 1, 2013, and add Subdiv. (3) re person who obtained certificate of possession prior to April 4, 2013, to be deemed to have obtained certificate for weapon and not to be required to obtain subsequent certificate, amended Subsec. (b) to designate existing provisions re sale or transfer as Subdiv. (1), add reference to definition in Sec. 53-202a(1)(A) therein, add Subdiv. (2) re sale of assault weapon defined in Sec. 53-202a(1)(B) to (F) possessed pursuant to a certificate of possession, and designate existing provisions re obtaining title by bequest or intestate succession as new Subsec. (c) and re person moving into state as new Subsec. (d), redesignated existing Subsecs. (c) and (d) as Subsecs. (e) and (f), and made technical and conforming changes, effective April 4, 2013; P.A. 13-220 amended Subsec. (a) to add Subpara. (B) re exception from certificate of possession requirement for persons listed in Sec. 53-202c(b)(1), (2) or (4), except upon retirement or separation from service re assault weapon purchased for official use, in Subdivs. (1) and (2), and to add provisions re person who regains possession of an assault weapon or who purchases a firearm on or after April 4, 2013, but prior to June 18, 2013, and re certificates of possession for Olympic pistols in Subdiv. (2), amended Subsec. (b) to add provisions re transfer upon death of testator or settlor, amended Subsec. (f) to add Subdiv. (7) re transport by nonresident of semiautomatic pistol designated in regulations adopted under Sec. 53-202b(b)(4) as Olympic pistols, and made technical and conforming changes, effective June 18, 2013; P.A. 15-216 amended Subsec. (a)(5)(A) by adding reference to parole officers; P.A. 23-53 amended Subsec. (a) by adding new Subdivs. (4) and (5) re 2023 assault weapons and redesignating existing Subdivs. (4) and (5) as Subdivs. (6) and (7) and amended Subsec. (b) by adding Subdiv. (3) re 2023 assault weapons, effective June 6, 2023.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-202e. - Relinquishment of assault weapon to law enforcement agency.

Any individual may arrange in advance to relinquish an assault weapon to a police department or the Department of Emergency Services and Public Protection. The assault weapon shall be transported in accordance with the provisions of section 53-202f. (P.A. 93-306, S. 5; June 12 Sp. Sess. P.A. 12-2, S. 115.) History: June 12 Sp. Sess. P.A. 12-2 replaced "Department of Public Safety" with "Department of Emergency Services and Public Protection", effective June 15, 2012. Cited. 234 C. 455; 242 C. 143.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-202f. - Transportation and transfer of assault weapon. Authorized actions of gun dealer, manufacturer, pawnbroker or consignment shop operator.

(a) While transporting an assault weapon between any of the places set forth in subdivisions (1) to (6), inclusive, of subsection (f) of section 53-202d, no person shall carry a loaded assault weapon concealed from public view or knowingly have, in any motor vehicle owned, operated or occupied by such person (1) a loaded assault weapon, or (2) an unloaded assault weapon unless such weapon is kept in the trunk of such vehicle or in a case or other container which is inaccessible to the operator of such vehicle or any passenger in such vehicle. The provisions of this subsection shall not apply to a member, inspector, officer or constable that possesses an assault weapon pursuant to subdivision (2) of subsection (b) of section 53-202c. Any person who violates the provisions of this subsection shall be guilty of a class E felony. (b) Any licensed gun dealer, as defined in subsection (f) of this section, who lawfully possesses an assault weapon pursuant to section 53-202d, in addition to the uses allowed in section 53-202d, may transport the assault weapon between dealers or out of the state, display the assault weapon at any gun show licensed by a state or local governmental entity or sell the assault weapon to a resident outside the state. Any transporting of the assault weapon allowed by this subsection must be done as required by subsection (a) of this section. (c) (1) Any licensed gun dealer, as defined in subsection (f) of this section, or a federally-licensed firearm manufacturer may take possession of any assault weapon for the purposes of servicing or repair from any person to whom has been issued a certificate of possession for such weapon pursuant to sections 53-202a to 53-202k, inclusive. (2) Any licensed gun dealer may transfer possession of any assault weapon received pursuant to subdivision (1) of this subsection to a gunsmith for purposes of accomplishing service or repair of the same. Such transfers are permissible only to the following persons: (A) A gunsmith who is in the licensed gun dealer's employ; or (B) A gunsmith with whom the dealer has contracted for gunsmithing services, provided the gunsmith receiving the assault weapon holds a dealer's license issued pursuant to Chapter 44, commencing with Section 921, of Title 18 of the United States Code and the regulations issued pursuant thereto. (d) (1) Not later than December 31, 2013, any person who lawfully possessed an assault weapon described in any provision of

subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a on April 4, 2013, which was lawful under the provisions of sections 53-202a to 53-202k, inclusive, in effect on January 1, 2013, may transfer possession of the assault weapon to a licensed gun dealer within or outside of this state for sale outside of this state, and may transport the assault weapon to such dealer for the purpose of making such transfer, without obtaining a certificate of possession under section 53-202d. (2) Not later than April 30, 2024, any person who lawfully possessed a 2023 assault weapon on June 5, 2023, which was lawful under the provisions of sections 53-202a to 53-202k, inclusive, in effect on January 1, 2023, may transfer possession of the 2023 assault weapon to a licensed gun dealer within or outside of this state for sale outside of this state, and may transport the 2023 assault weapon to such dealer for the purpose of making such transfer, without obtaining a certificate of possession under section 53-202d. (e) (1) Not later than October 1, 2013, any licensed gun dealer, pawnbroker licensed under section 21-40, or consignment shop operator, as defined in section 21-39a, may transfer possession of an assault weapon to any person who (A) legally possessed the assault weapon prior to or on April 4, 2013, (B) placed the assault weapon in the possession of such dealer, pawnbroker or operator prior to or on April 4, 2013, pursuant to an agreement between such person and such dealer, pawnbroker or operator for the sale of the assault weapon to a third person, and (C) is eligible to possess a firearm on the date of such transfer. (2) Any licensed gun dealer, pawnbroker licensed under section 21-40, or consignment shop operator, as defined in section 21-39a, may transfer possession of a 2023 assault weapon to any person who (A) legally possessed the 2023 assault weapon prior to June 6, 2023, (B) placed the 2023 assault weapon in the possession of such dealer, pawnbroker or operator pursuant to an agreement between such person and such dealer, pawnbroker or operator for the sale of the assault weapon to a third person, and (C) is eligible to possess a firearm on the date of such transfer. (f) The term “licensed gun dealer”, as used in sections 53-202a to 53-202k, inclusive, means a person who has a federal firearms license and a permit to sell firearms pursuant to section 29-28. (P.A. 93-306, S. 6; P.A. 13-3, S. 29; 13-220, S. 9; 13-258, S. 29; P.A. 23-53, S. 15.) History: (Revisor's note: In Subdiv. (2)(B) of Subsec. (c) the words “with whom” were substituted for “who” editorially by the Revisors for grammatical accuracy); P.A. 13-3 deleted references to Secs. 29-37j and 53a-46a(h) and made technical changes, effective April 4, 2013; P.A. 13-220 amended Subsec. (a) to add provision exempting member, inspector, officer or constable possessing an assault weapon under Sec. 53-202c(b)(2), amended Subsec. (c)(1) to add reference to federally-licensed firearm manufacturer, added new Subsec. (d) re transfer of assault weapon to licensed gun dealer not later than December 31, 2013, added Subsec. (e) re licensed gun dealer, pawnbroker or consignment shop operator permitted to transfer assault weapon not later than October 1, 2013, to person who legally possessed same prior to or on April 4, 2013, redesignated existing Subsec. (d) as Subsec. (f), and made conforming changes, effective June 18, 2013; P.A. 13-258 amended Subsec. (a) to change penalty from fine of not more than \$500 or imprisonment of not more than 3 years to a class E felony; P.A. 23-53 amended Subsec. (d) by redesignating existing provisions as Subdiv. (1) and adding Subdiv. (2) re 2023 assault weapons, redesignated Subsec. (e)(1), (e)(2) and (e)(3) as Subsec. (e)(1)(A), (e)(1)(B) and (e)(1)(C) and added new Subsec. (e)(2) re 2023 assault weapons, effective June 6, 2023.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-202g. - Report of loss or theft of assault weapon or other firearm. Penalty.

(a) Any person who lawfully possesses an assault weapon under sections 53-202a to 53-202k, inclusive, or a firearm, as defined in section 53a-3, that is lost or stolen from such person shall report the loss or theft to the organized local police department for the town in which the loss or theft occurred or, if such town does not have an organized local police department, to the state police troop having jurisdiction for such town within seventy-two hours of when such person discovered or should have discovered the loss or theft. Such department or troop shall forthwith forward a copy of such report to the Commissioner of Emergency Services and Public Protection. The provisions of this subsection shall not apply to the loss or theft of an antique firearm as defined in section 29-37a. (b) Any person who fails to make a report required by subsection (a) of this section, within the prescribed time period shall be guilty of a class A misdemeanor for a first offense and be guilty of a class C felony for any subsequent offense, except that, if such person intentionally fails to make such report within the prescribed time period, such person shall be guilty of a class B felony. Any person who violates subsection (a) of this section for the first offense shall not lose such person's right to hold or obtain any firearm permit under the general statutes. (P.A. 93-306, S. 7; P.A. 07-163, S. 1; P.A. 11-51, S. 134; P.A. 13-3, S. 12, 50; P.A. 23-53, S. 45.) History: P.A. 07-163 designated existing provisions as Subsec. (a) and amended same to make provisions applicable to “a firearm, as defined in section 53a-3” and assault weapons or firearms that are “lost or stolen”, rather than “stolen”, require person to report loss or theft to “the organized local police department for the town in which the loss or theft occurred or, if such town does not have an organized local police department, to the state police troop having jurisdiction for such town”, rather than to “law enforcement authorities”, require department to forthwith forward a copy of report to Commissioner of Public Safety and exclude loss or theft of an antique firearm from reporting requirement and added Subsec. (b) to establish as the penalty an infraction for a first offense and a class D felony for a subsequent offense for failing to make report within prescribed time period and a class C felony for intentionally failing to make report within prescribed time period and provide that violation of Subsec. (a) shall not cause a person to lose right to hold or obtain any firearm permit; pursuant to P.A. 11-51, “Commissioner of Public Safety” was changed editorially by the Revisors to “Commissioner of Emergency Services and Public Protection” in Subsec. (a), effective July 1, 2011; P.A. 13-3 amended Subsec. (a) to delete references to Secs. 29-37j and 53a-46a(h) and make a technical change, effective April 4, 2013, and amended Subsec. (b) to change penalty for subsequent offense from a class D felony to a class C felony and change penalty for intentional failure to make a report from a class C felony to a class B felony, effective October 1, 2013; P.A. 23-53 amended Subsec. (b) by replacing infraction penalty for a first offense for failing to timely report without intention with a class A misdemeanor penalty.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-202h. - Temporary transfer or possession of assault weapon for transport to out-of-state event.

The provisions of subsection (a) of section 53-202b and subsection (a) of section 53-202c shall not apply to the temporary transfer or possession of an assault weapon, for which a certificate of possession has been issued pursuant to section 53-202d, for purposes of transporting such weapon to and from any shooting competition or exhibition, display or educational project which is about firearms and which is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms, which competition, exhibition, display or educational project is held outside this state. (P.A. 93-306, S. 10.) Cited. 234 C. 455; 242 C. 143.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-202i. - Circumstances in which manufacture, transportation or temporary transfer of assault weapons not prohibited.

Nothing in sections 53-202a to 53-202k, inclusive, shall be construed to prohibit a federally-licensed firearm manufacturer engaged in the business of manufacturing assault weapons in this state from (1) manufacturing or transporting assault weapons in this state for sale within this state in accordance with subdivision (1) of subsection (b) of section 53-202b or for sale outside this state, or (2) transporting and temporarily transferring assault weapons to and from a third party for the sole purpose of permitting the third party to perform a function in the manufacturing production process. (P.A. 93-306, S. 11; P.A. 13-3, S. 30; 13-220, S. 10.) History: P.A. 13-3 deleted references to Secs. 29-37j and 53a-46a(h), effective April 4, 2013; P.A. 13-220 substituted "federally-licensed firearm manufacturer" for "person, firm or corporation", designated existing provisions re manufacture and transport as Subdiv. (1) and added Subdiv. (2) re transporting and temporarily transferring assault weapons to third party to perform function in manufacturing production process, effective June 18, 2013. Cited. 234 C. 455; 242 C. 143.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-202j. - Commission of a class A, B or C felony with an assault weapon: Eight-year nonsuspendable sentence.

Any person who commits any class A, B or C felony and in the commission of such felony uses, or is armed with and threatens the use of, or displays, or represents by his words or conduct that he possesses an assault weapon, as defined in section 53-202a, shall be imprisoned for a term of eight years, which shall not be suspended or reduced and shall be in addition and consecutive to any term of imprisonment imposed for conviction of such felony. (P.A. 93-306, S. 8.) Cited. 234 C. 455; 242 C. 143.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-202k. - Commission of a class A, B or C felony with a firearm: Five-year nonsuspendable sentence.

Any person who commits any class A, B or C felony and in the commission of such felony uses, or is armed with and threatens the use of, or displays, or represents by his words or conduct that he possesses any firearm, as defined in section 53a-3, except an assault weapon, as defined in section 53-202a, shall be imprisoned for a term of five years, which shall not be suspended or reduced and shall be in addition and consecutive to any term of imprisonment imposed for conviction of such felony. (P.A. 93-306, S. 9.) Cited. 234 C. 455; 241 C. 665. Section is a sentence enhancer rather than a separate offense; a separate conviction under section is improper. 242 C. 143. When jury convicts based on an underlying felony, jury must also determine issue of whether a firearm was used in commission of the felony. 253 C. 210. Unarmed accomplice is subject to an enhanced penalty under section. 255 C. 782. Where court failed to instruct jury as to elements of statute which provided for enhancement of sentence, enhanced sentence was vacated and case remanded for trial on that issue. 256 C. 785. Based on plain language of section, its legislative history, and prior court decisions interpreting its provisions, application of sentence enhancement to manslaughter in the first degree with a firearm, a class B felony, does not violate double jeopardy; based on section's language and its legislative history, trial court properly applied section's sentence enhancement to defendant's split sentence. 257 C. 544. State need not prove that firearm was capable of discharging a shot to apply statute as sentence enhancement. 259 C. 799. Section imposes separate enhancements of 5 years each where defendant is convicted of multiple qualifying felonies arising from the same incident. 263 C. 136. Possession of firearm by one conspirator is not attributable to other conspirators for purposes of enhancement statute. 276 C. 452. State is required to prove only that defendant was guilty of being an accessory to underlying robbery and that a firearm was used in the commission of the robbery, and need not prove that defendant intended that firearm would be used during the robbery. 315 C. 500. Cited. 43 CA 801; 44 CA 561; 48 CA 361. Since section is sentence enhancement provision and not a separate crime, conviction under section must be vacated. 49 CA 420. Trial court improperly rendered judgment convicting defendant of the crime of commission of class A, B or C felony with a firearm because statute does not establish a separate criminal offense but is a sentence enhancement provision. 51 CA 171. Section intended to serve as sentence enhancement provision, not as a separate crime. Id., 541. Reaffirmed ruling that statute is sentence enhancement provision and not a separate crime. 52 CA 599. Reaffirmed prior holdings that statute is sentence enhancement provision and not a separate crime. 54 CA 18. Under section, state is not required to demonstrate that defendant actually had a gun, but that defendant represented, by words or conduct, that he was holding a gun. 60 CA 487. Failure to instruct jury re elements of statute was harmless error, since evidence against defendant was overwhelming and uncontested, and not violative of due process. 61 CA 417. Trial court determination that defendant fulfilled requirements of sentence enhancement pursuant to statute results in harmless error if jury would have, upon proper instruction, reached the same determination. 65 CA 551. Statute permits multiple enhancements. 69 CA 717. Failure of court to instruct jury that finding defendant used a firearm was

harmless error where state has proven the elements necessary for sentence enhancement. 74 CA 129. Plaintiff's claim that trial court did not put issue of enhancement under statute to the jury was harmless error since verdict required finding that the murder was committed with a firearm. Id., 391. Court declines to create a presumption of prosecutorial vindictiveness when the state seeks sentence enhancement pursuant to section after defendant elects a jury trial; sentence enhancement pursuant to section not treated as essential element of statute and state need only prove to jury the two elements of statute and is not required to prove that length of defendant's incarceration should be increased. 81 CA 824. Legislature's use of "shall" in section, coupled with precedent, amply supports conclusion that legislature intended sentence enhancement to apply to conviction under Sec. 53a-59(a)(5). 90 CA 445. Since section is a sentence enhancement provision and not a separate offense, conviction under section must be vacated. 94 CA 715. Trial court properly applied sentence enhancement provisions of section in a matter where defendant knowingly and voluntarily pled nolo contendere to section's provisions; in doing so, defendant waived his right to a jury determination of the facts with respect to that charge. 103 CA 100. Enhancement of defendant's sentence for conviction of conspiracy to commit assault in the first degree was improper because section does not apply to unarmed coconspirators; where defendant was convicted of risk of injury to a child only as a principal, and not as an accessory, and there was no evidence that defendant personally had used a firearm in the commission of the offense, sentence enhancement pursuant to section was not appropriate; section is not an offense. 160 CA 815. Enhancement of sentences for unarmed accomplices is permissible under section; finding beyond a reasonable doubt that a firearm had been used in the commission of each of the crimes of which defendant was found guilty as an accessory provided sufficient basis to impose sentence enhancement pursuant to section. Id., 851. Brandishing a gun as a show of force to indicate to victims that the gun could be fired satisfies the statutory definition of firearm for sentence enhancement pursuant to section so that jury instruction regarding operability of firearm is not required. 215 CA 167.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-202l. - Armor piercing and incendiary .50 caliber ammunition: Definition. Sale or transfer prohibited. Class D felony.

(a) For the purposes of this section: (1) "Armor piercing bullet" means (A) any .50 caliber bullet that (i) is designed for the purpose of, (ii) is held out by the manufacturer or distributor as, or (iii) is generally recognized as having a specialized capability to penetrate armor or bulletproof glass, including, but not limited to, such bullets commonly designated as "M2 Armor-Piercing" or "AP", "M8 Armor-Piercing Incendiary" or "API", "M20 Armor-Piercing Incendiary Tracer" or "APIT", "M903 Caliber .50 Saboted Light Armor Penetrator" or "SLAP", or "M962 Saboted Light Armor Penetrator Tracer" or "SLAPT", or (B) any bullet that can be fired from a pistol or revolver that (i) has projectiles or projectile cores constructed entirely, excluding the presence of traces of other substances, from tungsten alloys, steel, iron, brass, bronze, beryllium copper or depleted uranium, or (ii) is fully jacketed with a jacket weight of more than twenty-five per cent of the total weight of the projectile, is larger than .22 caliber and is designed and intended for use in a firearm, and (iii) does not have projectiles whose cores are composed of soft materials such as lead or lead alloys, zinc or zinc alloys, frangible projectiles designed primarily for sporting purposes, or any other projectiles or projectile cores that the Attorney General of the United States finds to be primarily intended to be used for sporting purposes or industrial purposes or that otherwise does not constitute "armor piercing ammunition" as defined in federal law. "Armor piercing bullet" does not include a shotgun shell. (2) "Incendiary .50 caliber bullet" means any .50 caliber bullet that (A) is designed for the purpose of, (B) is held out by the manufacturer or distributor as, or (C) is generally recognized as having a specialized capability to ignite upon impact, including, but not limited to, such bullets commonly designated as "M1 Incendiary", "M23 Incendiary", "M8 Armor-Piercing Incendiary" or "API", or "M20 Armor-Piercing Incendiary Tracer" or "APIT". (b) Any person who knowingly distributes, transports or imports into the state, keeps for sale or offers or exposes for sale or gives to any person any ammunition that is an armor piercing bullet or an incendiary .50 caliber bullet shall be guilty of a class D felony, except that a first-time violation of this subsection shall be a class A misdemeanor. (c) Any person who knowingly transports or carries a firearm with an armor piercing bullet or incendiary .50 caliber bullet loaded shall be guilty of a class D felony. (d) The provisions of subsections (b) and (c) of this section shall not apply to the following: (1) The sale of such ammunition to the Department of Emergency Services and Public Protection, police departments, the Department of Correction or the military or naval forces of this state or of the United States for use in the discharge of their official duties; (2) A sworn and duly certified member of the Department of Emergency Services and Public Protection or a police department when transporting or carrying a firearm with an armor piercing bullet or incendiary .50 caliber bullet loaded; (3) A person who is the executor or administrator of an estate that includes such ammunition that is disposed of as authorized by the Probate Court; or (4) The transfer of such ammunition by bequest or intestate succession, or, upon the death of a testator or settlor: (A) To a trust, or (B) from a trust to a beneficiary who is eligible to possess such ammunition. (e) If the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this section, and (3) has not previously had a prosecution under this section suspended pursuant to this subsection, it may order suspension of prosecution in accordance with the provisions of subsection (i) of section 29-33. (P.A. 01-130, S. 2; P.A. 03-19, S. 122; P.A. 11-51, S. 134; P.A. 13-3, S. 32; 13-220, S. 17; P.A. 23-53, S. 17.) History: P.A. 03-19 made technical changes in Subsec. (a), effective May 12, 2003; pursuant to P.A. 11-51, "Department of Public Safety" was changed editorially by the Revisors to "Department of Emergency Services and Public Protection" in Subsec. (c)(1), effective July 1, 2011; P.A. 13-3 amended Subsec. (a)(1) to replace definition of "armor piercing .50 caliber bullet" with definition of "armor piercing bullet", added new Subsec. (c) re class D felony for knowingly transporting or carrying firearm with armor piercing bullet or incendiary .50 caliber bullet loaded, redesignated existing Subsecs. (c) and (d) as Subsecs. (d) and (e), and made technical changes, effective April 4, 2013; P.A. 13-220 amended Subsec. (d) to add new

Subdiv. (2) re sworn and duly certified member of Department of Emergency Services and Public Protection or police department when transporting or carrying firearm with bullet loaded, redesignate existing Subdivs. (2) and (3) as Subdivs. (3) and (4) and amend redesignated Subdiv. (4) to make a technical change and allow transfer upon death of testator or settlor to a trust or from a trust to an eligible beneficiary; P.A. 23-53 amended Subsec. (e) by changing reference to Sec. 29-33(h) to Sec. 29-33(i).

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-202m. - Circumstances when assault weapons exempt from limitations on transfers and registration requirements.

Section 53-202m is repealed, effective June 6, 2023. (P.A. 01-130, S. 3; P.A. 13-220, S. 11; P.A. 23-53, S. 49.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-202n. - Possession of specified assault weapon permitted under certain circumstances. Notice requirement.

(a) For the purposes of subsection (a) of section 53-202c, this section and section 53-202o, “specified assault weapon” means any of the following firearms: Auto-Ordnance Thompson type, Avtomat Kalashnikov AK-47 type, or MAC-10, MAC-11 and MAC-11 Carbine type. (b) The provisions of subsection (a) of section 53-202c shall not apply to any person who (1) in good faith purchased or otherwise obtained title to a specified assault weapon on or after October 1, 1993, and prior to May 8, 2002, in compliance with any state and federal laws concerning the purchase or transfer of firearms, (2) is not otherwise disqualified or prohibited from possessing such specified assault weapon, and (3) has notified the Department of Emergency Services and Public Protection in accordance with subsection (c) of this section prior to October 1, 2003, that he or she possesses such specified assault weapon. (c) A person complies with the notice requirement of subdivision (3) of subsection (b) of this section if such person provides the Department of Emergency Services and Public Protection with: (1) A copy of the proof of purchase for such specified assault weapon, and (2) one of the following: (A) A copy of state form DPS-3 with respect to such specified assault weapon, (B) a copy of federal ATF Form 4473 with respect to such specified assault weapon, or (C) a sworn affidavit from such person that such specified assault weapon was purchased in compliance with any state and federal laws concerning the purchase or transfer of firearms; except that, if such person does not have a copy of the proof of purchase for such specified assault weapon, such person may satisfy the requirement of subdivision (1) of this subsection by, not later than January 1, 2003, providing such information as the department may require on a form prescribed by the department together with a sworn affidavit from such person that such specified assault weapon was purchased in compliance with any state and federal laws concerning the purchase or transfer of firearms. (d) Any person who is a member of the military or naval forces of this state or of the United States and is unable to meet the notice requirements of subdivision (3) of subsection (b) and of subsection (c) of this section by October 1, 2003, because such person is or was on official duty outside this state, may file such notice within ninety days of returning to the state. (e) As proof that a person has complied with the notice requirement of this section and that such notice has been received by the Department of Emergency Services and Public Protection, the department shall issue a certificate of possession for such specified assault weapon. Such certificate shall contain a description of the firearm that identifies it uniquely, including all identification marks, and the full name, address and date of birth of the owner. (P.A. 02-120, S. 3; P.A. 11-51, S. 134.) History: P.A. 02-120 effective June 7, 2002; pursuant to P.A. 11-51, “Department of Public Safety” was changed editorially by the Revisors to “Department of Emergency Services and Public Protection”, effective July 1, 2011.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-202o. - Affirmative defense in prosecution for possession of specified assault weapon.

(a) In any prosecution for a violation of section 53-202c based on the possession by the defendant of a specified assault weapon, it shall be an affirmative defense that the defendant (1) in good faith purchased or otherwise obtained title to such specified assault weapon on or after October 1, 1993, and prior to May 8, 2002, in compliance with any state and federal laws concerning the purchase or transfer of firearms, (2) is not otherwise disqualified or prohibited from possessing such specified assault weapon, and (3) has possessed such specified assault weapon in compliance with subsection (f) of section 53-202d. (b) In any such prosecution, if such defendant proves such affirmative defense by a preponderance of the evidence, the specified assault weapon shall be returned to such defendant upon such defendant notifying the Department of Emergency Services and Public Protection in accordance with subdivision (3) of subsection (b) and of subsection (c) of section 53-202n and obtaining a certificate of possession, provided such notification is made not later than October 1, 2003. (P.A. 02-120, S. 4; P.A. 11-51, S. 134; P.A. 13-3, S. 31.) History: P.A. 02-120 effective June 7, 2002; pursuant to P.A. 11-51, “Department of Public Safety” was changed editorially by the Revisors to “Department of Emergency Services and Public Protection” in Subsec. (b), effective July 1, 2011; P.A. 13-3 made a technical change in Subsec. (a), effective April 4, 2013.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-202w. - Large capacity magazines. Definitions. Sale, transfer or possession prohibited. Exceptions.

(a) As used in this section and section 53-202x: (1) “Large capacity magazine” means any firearm magazine, belt, drum, feed strip or similar device that has the capacity of, or can be readily restored or converted to accept, more than ten rounds of ammunition, but does not include: (A) A feeding device that has been permanently altered so that it cannot accommodate more than ten rounds of ammunition, (B) a .22 caliber tube ammunition feeding device, (C) a tubular magazine that is contained in a lever-action firearm, or

(D) a magazine that is permanently inoperable; (2) "Lawfully possesses", with respect to a large capacity magazine, means that a person has (A) actual and lawful possession of the large capacity magazine, (B) constructive possession of the large capacity magazine pursuant to a lawful purchase of a firearm that contains a large capacity magazine that was transacted prior to or on April 4, 2013, regardless of whether the firearm was delivered to the purchaser prior to or on April 4, 2013, which lawful purchase is evidenced by a writing sufficient to indicate that (i) a contract for sale was made between the parties prior to or on April 4, 2013, for the purchase of the firearm, or (ii) full or partial payment for the firearm was made by the purchaser to the seller of the firearm prior to or on April 4, 2013, or (C) actual possession under subparagraph (A) of this subdivision, or constructive possession under subparagraph (B) of this subdivision, as evidenced by a written statement made under penalty of false statement on such form as the Commissioner of Emergency Services and Public Protection prescribes; and (3) "Licensed gun dealer" means a person who has a federal firearms license and a permit to sell firearms pursuant to section 29-28. (b) Except as provided in this section, on and after April 5, 2013, any person who, within this state, distributes, imports into this state, keeps for sale, offers or exposes for sale, or purchases a large capacity magazine shall be guilty of a class D felony. On and after April 5, 2013, any person who, within this state, transfers a large capacity magazine, except as provided in subsection (f) of this section, shall be guilty of a class D felony. (c) Except as provided in this section and section 53-202x, any person who possesses a large capacity magazine shall be guilty of a (1) class D felony if such person is ineligible to possess a firearm under state or federal law, or (2) class A misdemeanor if such person is not ineligible to possess a firearm under state or federal law. (d) A large capacity magazine may be possessed, purchased or imported by: (1) The Department of Emergency Services and Public Protection, police departments, the Department of Correction, the Division of Criminal Justice, the Department of Motor Vehicles, the Department of Energy and Environmental Protection or the military or naval forces of this state or of the United States; (2) A sworn and duly certified member of an organized police department, the Division of State Police within the Department of Emergency Services and Public Protection or the Department of Correction, a chief inspector or inspector in the Division of Criminal Justice, a salaried inspector of motor vehicles designated by the Commissioner of Motor Vehicles, a conservation officer or special conservation officer appointed by the Commissioner of Energy and Environmental Protection pursuant to section 26-5, or a constable who is certified by the Police Officer Standards and Training Council and appointed by the chief executive authority of a town, city or borough to perform criminal law enforcement duties, for use by such sworn member, inspector, officer or constable in the discharge of such sworn member's, inspector's, officer's or constable's official duties or when off duty; (3) A member of the military or naval forces of this state or of the United States; (4) A nuclear facility licensed by the United States Nuclear Regulatory Commission for the purpose of providing security services at such facility, or any contractor or subcontractor of such facility for the purpose of providing security services at such facility; (5) Any person who is sworn and acts as a policeman on behalf of an armored car service pursuant to section 29-20 in the discharge of such person's official duties; or (6) Any person, firm or corporation engaged in the business of manufacturing large capacity magazines in this state that manufactures, purchases, tests or transports large capacity magazines in this state for sale within this state to persons specified in subdivisions (1) to (5), inclusive, of this subsection or for sale outside this state, or a federally-licensed firearm manufacturer engaged in the business of manufacturing firearms or large capacity magazines in this state that manufactures, purchases, tests or transports firearms or large capacity magazines in this state for sale within this state to persons specified in subdivisions (1) to (5), inclusive, of this subsection or for sale outside this state. (e) A large capacity magazine may be possessed by: (1) A licensed gun dealer; (2) A gunsmith who is in a licensed gun dealer's employ, who possesses such large capacity magazine for the purpose of servicing or repairing a lawfully possessed large capacity magazine; (3) A person, firm, corporation or federally-licensed firearm manufacturer described in subdivision (6) of subsection (d) of this section that possesses a large capacity magazine that is lawfully possessed by another person for the purpose of servicing or repairing the large capacity magazine; (4) Any person who has declared possession of the magazine pursuant to section 53-202x; or (5) Any person who is the executor or administrator of an estate that includes a large capacity magazine, or the trustee of a trust that includes a large capacity magazine, the possession of which has been declared to the Department of Emergency Services and Public Protection pursuant to section 53-202x, which is disposed of as authorized by the Probate Court, if the disposition is otherwise permitted by this section and section 53-202x. (f) Subsection (b) of this section shall not prohibit: (1) The transfer of a large capacity magazine, the possession of which has been declared to the Department of Emergency Services and Public Protection pursuant to section 53-202x, by bequest or intestate succession, or, upon the death of a testator or settlor: (A) To a trust, or (B) from a trust to a beneficiary; (2) The transfer of a large capacity magazine to a police department or the Department of Emergency Services and Public Protection; (3) The transfer of a large capacity magazine to a licensed gun dealer in accordance with section 53-202x; or (4) The transfer of a large capacity magazine prior to October 1, 2013, from a licensed gun dealer, pawnbroker licensed under section 21-40, or consignment shop operator, as defined in section 21-39a, to any person who (A) possessed the large capacity magazine prior to or on April 4, 2013, (B) placed a firearm that such person legally possessed, with the large capacity magazine included or attached, in the possession of such dealer, pawnbroker or operator prior to or on April 4, 2013, pursuant to an agreement between such person and such dealer, pawnbroker or operator for the sale of the firearm to a third person, and (C) is eligible to possess the firearm on the date of such transfer. (g) The court may order suspension of prosecution in addition to any other diversionary programs available to the defendant, if the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this section, and (3) has not previously had a prosecution under this section suspended pursuant to this subsection, it may order suspension of prosecution in accordance with the provisions of subsection (h) of section 29-33. (P.A. 13-3, S. 23; 13-220, S. 1; P.A. 23-53, S. 18, 27; 23-203, S. 3.) History: P.A. 13-3 effective April 4, 2013; P.A. 13-220 amended Subsec. (a)(2) to redefine "lawfully possesses", amended

Subsec. (d) to substantially revise list of persons permitted to possess, purchase or import a large capacity magazine, amended Subsec. (e) to insert new Subdiv. (3) re possession for purpose of repair, redesignate existing Subdivs. (3) and (4) as Subdivs. (4) and (5) and add provision re trust that includes a magazine in redesignated Subdiv. (5), amended Subsec. (f) to add provision re transfer by bequest, intestate succession or upon death of testator or settlor in Subdiv. (1) and add Subdiv. (4) re licensed gun dealer, pawnbroker or consignment shop operator permitted to transfer magazine not later than October 1, 2013, to person who legally possessed same prior to or on April 4, 2013, and made technical and conforming changes, effective June 18, 2013; P.A. 23-53 amended Subsec. (c) by replacing existing Subdiv. (1) infraction and class D felony penalties for first and subsequent offenses for possession of large capacity magazine on or after January 1, 2014, that was obtained prior to April 5, 2013, and existing Subdiv. (2) re class D felony penalty for possession of large capacity magazine on or after January 1, 2014, that was obtained on or after April 5, 2013, with new Subdiv. (1) re class D felony if person in possession of large capacity magazine is ineligible to possess a firearm, and new Subdiv. (2) re class A misdemeanor if person is not ineligible to possess a firearm and amended Subsec. (g) by adding provision re suspension of prosecution in addition to any other diversionary program and replacing reference to Sec. 29-33(h) with reference to Sec. 29-33(i); P.A. 23-203 amended Subsec. (g) by allowing the court to order suspension of prosecution in addition to any other diversionary programs available and replacing reference to Sec. 29-33(i) with reference to Sec. 29-33(h).

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-202x. - Declaration of possession of large capacity magazine. Regulations.

(a)(1) Except as provided in subdivision (3) of this subsection, any person who lawfully possesses a large capacity magazine prior to January 1, 2014, shall apply by January 1, 2014, or, if such person is a member of the military or naval forces of this state or of the United States and is unable to apply by January 1, 2014, because such member is or was on official duty outside of this state, shall apply within ninety days of returning to the state to the Department of Emergency Services and Public Protection to declare possession of such magazine. Such application shall be made on such form or in such manner as the Commissioner of Emergency Services and Public Protection prescribes. (2) Except as provided in subdivision (3) of this subsection, any person who lawfully possessed a large capacity magazine prior to January 1, 2014, and had not yet declared possession of such magazine as of July 1, 2023, shall apply by January 1, 2024, to declare possession of such magazine. Such application shall be made on such form or in such manner as the Commissioner of Emergency Services and Public Protection prescribes. Truthful information included on a timely registration application for a large capacity magazine pursuant to this subdivision shall not be used against the defendant in any criminal prosecution for possession of such large capacity magazine. (3) No person who lawfully possesses a large capacity magazine pursuant to subdivision (1), (2), (4) or (5) of subsection (d) of section 53-202w shall be required to declare possession of a large capacity magazine pursuant to this section with respect to a large capacity magazine used for official duties, except that any such person who retires or is otherwise separated from service who possesses a large capacity magazine that was purchased or obtained by such person for official use before such person retired or separated from service shall declare possession of the large capacity magazine within ninety days of such retirement or separation from service to the Department of Emergency Services and Public Protection. No person that lawfully possesses a large capacity magazine pursuant to subdivision (6) of subsection (d) of section 53-202w shall be required to declare possession of such large capacity magazine. (b) In addition to the application form prescribed under subsection (a) of this section, the department shall design or amend the application forms for a certificate of possession for an assault weapon under section 53-202d or for a permit to carry a pistol or revolver under section 29-28a, a long gun eligibility certificate under section 29-37p, an eligibility certificate for a pistol or revolver under section 29-36f or any renewal of such permit or certificate to permit an applicant to declare possession of a large capacity magazine pursuant to this section upon the same application. (c) The department may adopt regulations, in accordance with the provisions of chapter 54, to establish procedures with respect to applications under this section. Notwithstanding the provisions of sections 1-210 and 1-211, the name and address of a person who has declared possession of a large capacity magazine shall be confidential and shall not be disclosed, except such records may be disclosed to (1) law enforcement agencies and employees of the United States Probation Office acting in the performance of their duties and parole officers within the Department of Correction acting in the performance of their duties, and (2) the Commissioner of Mental Health and Addiction Services to carry out the provisions of subsection (c) of section 17a-500. (d) Any person who moves into the state in lawful possession of a large capacity magazine shall, within ninety days, either render the large capacity magazine permanently inoperable, sell the large capacity magazine to a licensed gun dealer or remove the large capacity magazine from this state, except that any person who is a member of the military or naval forces of this state or of the United States, is in lawful possession of a large capacity magazine and has been transferred into the state after January 1, 2024, may, within ninety days of arriving in the state, apply to the Department of Emergency Services and Public Protection to declare possession of such large capacity magazine. (e) (1) If an owner of a large capacity magazine transfers the large capacity magazine to a licensed gun dealer, such dealer shall, at the time of delivery of the large capacity magazine, execute a certificate of transfer. For any transfer prior to January 1, 2014, or on or after July 1, 2023, and prior to January 1, 2024, the dealer shall provide to the Commissioner of Emergency Services and Public Protection monthly reports, on such form as the commissioner prescribes, regarding the number of transfers that the dealer has accepted. For any transfer prior to July 1, 2023, and on or after January 1, 2014, or on or after January 1, 2024, the dealer shall cause the certificate of transfer to be mailed or delivered to the Commissioner of Emergency Services and Public Protection. The certificate of transfer shall contain: (A) The date of sale or transfer; (B) the name and address of the seller or transferor and the licensed gun dealer, and their Social Security numbers or motor vehicle operator license numbers, if applicable; (C) the licensed gun dealer's federal firearms license number; and (D) a description of the large capacity magazine. (2) The licensed

gun dealer shall present such dealer's federal firearms license and seller's permit to the seller or transferor for inspection at the time of purchase or transfer. (3) The Commissioner of Emergency Services and Public Protection shall maintain a file of all certificates of transfer at the commissioner's central office. (f) Any person who declared possession of a large capacity magazine under this section may possess the large capacity magazine only under the following conditions: (1) At that person's residence; (2) At that person's place of business or other property owned by that person, provided such large capacity magazine contains not more than ten bullets; (3) While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets; (4) While on a target range which holds a regulatory or business license for the purpose of practicing shooting at that target range; (5) While on the premises of a licensed shooting club; (6) While transporting the large capacity magazine between any of the places set forth in this subsection, or to any licensed gun dealer, provided (A) such large capacity magazine contains not more than ten bullets, and (B) the large capacity magazine is transported in the manner required for an assault weapon under subdivision (2) of subsection (a) of section 53-202f; or (7) Pursuant to a valid permit to carry a pistol or revolver, provided such large capacity magazine (A) is within a pistol or revolver that was lawfully possessed by the person prior to April 5, 2013, (B) does not extend more than one inch below the bottom of the pistol grip, and (C) contains not more than ten bullets. (g) Any person who violates the provisions of subsection (f) of this section shall be guilty of a class C misdemeanor. (P.A. 13-3, S. 24; 13-220, S. 2; P.A. 15-216, S. 8; P.A. 23-203, S. 2.) History: P.A. 13-3 effective April 4, 2013; P.A. 13-220 amended Subsec. (a) to designate existing provisions as Subdiv. (1) and add Subdiv. (2) re exception from declaration requirement for persons listed in Sec. 53-202w(d)(1), (2), (4) or (5), except upon retirement or separation from service re magazine purchased or obtained for official use, and re exception from declaration requirement for lawful possession under Sec. 53-202w(d)(6), amended Subsec. (f)(7)(B) to provide that magazine not extend more than one inch, rather than beyond, the bottom of pistol grip, and made conforming changes, effective June 18, 2013; P.A. 15-216 amended Subsec. (c)(1) by adding reference to parole officers; P.A. 23-203 amended Subsec. (a) by making a conforming change in Subdiv. (1), adding new Subdiv. (2) re application by January 1, 2024, to declare possession of a large capacity magazine and by redesignating existing Subdiv. (2) as Subdiv. (3), amended Subsec. (d) by changing January 1, 2014, to January 1, 2024, and amended Subsec. (e)(1) by adding "or on or after July 1, 2023, and prior to January 1, 2024," "prior to July 1, 2023, and" and "or on or after January 1, 2024,".

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-203. - Unlawful discharge of firearms.

Any person who intentionally, negligently or carelessly discharges any firearm in such a manner as to be likely to cause bodily injury or death to persons or domestic animals, or the wanton destruction of property, shall be guilty of a class C misdemeanor. (1949 Rev., S. 8521; P.A. 73-457; P.A. 12-80, S. 103.) History: P.A. 73-457 essentially rewrote provisions, which previously prohibited discharging firearms "in any city or borough, except on military occasions, without permission first obtained from the mayor of such city or the warden of such borough" and which had imposed fine for firing cannon without permit applicable to proprietors or persons in charge of private military schools, to forbid discharging firearm so as to harm persons, domestic animals or property and to increase maximum fine from \$7 to \$250 and maximum imprisonment from 30 days to 3 months; P.A. 12-80 replaced penalty of a fine of not more than \$250 or imprisonment of not more than 3 months or both with a class C misdemeanor. Cited. 169 C. 309; 186 C. 574; 197 C. 602; 215 C. 739; 219 C. 363; 226 C. 497. Cited. 24 CA 408. Cited. 39 CS 359.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-204. - Hunting or discharging firearm from public highway.

Any person who hunts or discharges any firearm from any public highway shall be fined not more than one hundred dollars. This section shall not apply to any law or conservation enforcement officer in the performance of his duty. Enforcement officers of the Department of Energy and Environmental Protection are empowered to arrest for the violation of the provisions of this section. (1955, S. 3290d; 1957, P.A. 344; P.A. 11-80, S. 1.) History: Pursuant to P.A. 11-80, "Department of Environmental Protection" was changed editorially by the Revisors to "Department of Energy and Environmental Protection", effective July 1, 2011.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-205. - Loaded firearms prohibited in vehicles and snowmobiles. Exceptions.

(a) No person shall carry or possess in any vehicle or snowmobile any firearm, other than a pistol or revolver, while such firearm contains in the barrel, chamber or magazine any loaded shell or cartridge capable of being discharged or, if such firearm is a muzzleloader, when such muzzleloader has a percussion cap in place or when the powder pan of a flintlock contains powder. As used in this subsection, "muzzleloader" means a rifle or shotgun that is incapable of firing a self-contained cartridge and must be loaded at the muzzle end. (b) The enforcement officers of the Department of Energy and Environmental Protection are empowered to enforce this section. (c) The provisions of this section shall not apply to members of the military departments of the government or state while on duty or while traveling to or from assignments, or to enforcement officers, security guards or other persons employed to protect public or private property while in the performance of such duties. (d) Any person who violates any provision of this section shall be guilty of a class D misdemeanor. (1953, S. 3289d; 1969, P.A. 752, S. 11; P.A. 76-374; P.A. 10-36, S. 12; P.A. 11-80, S. 1; P.A. 12-80, S. 104; P.A. 23-53, S. 34.) History: 1969 act prohibited carrying and possession of loaded shotguns and rifles in snowmobiles; P.A. 76-374 included muzzleloaders in prohibition and added provisions specifically applicable to muzzleloaders; P.A. 10-36 divided existing provisions into Subsecs. (a) to (d) and made technical changes, effective July 1, 2010;

pursuant to P.A. 11-80, "Department of Environmental Protection" was changed editorially by the Revisors to "Department of Energy and Environmental Protection" in Subsec. (b), effective July 1, 2011; P.A. 12-80 amended Subsec. (d) to replace penalty of a fine of not less than \$10 or more than \$100 or imprisonment of not more than 30 days or both with a class D misdemeanor; P.A. 23-53 amended Subsec. (a) by replacing "shotgun, rifle or muzzleloader of any gauge or caliber" with "firearm, other than a pistol or revolver," and making conforming changes, effective July 1, 2023.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-206. - Carrying of dangerous weapons prohibited.

(a) Any person who carries upon his or her person any BB. gun, blackjack, metal or brass knuckles, or any dirk knife, or any switch knife, or any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, or stiletto, or any knife the edged portion of the blade of which is four inches or more in length, any police baton or nightstick, or any martial arts weapon or electronic defense weapon, as defined in section 53a-3, or any other dangerous or deadly weapon or instrument, shall be guilty of a class E felony. Whenever any person is found guilty of a violation of this section, any weapon or other instrument within the provisions of this section, found upon the body of such person, shall be forfeited to the municipality wherein such person was apprehended, notwithstanding any failure of the judgment of conviction to expressly impose such forfeiture. (b) The provisions of this section shall not apply to (1) any officer charged with the preservation of the public peace while engaged in the pursuit of such officer's official duties; (2) the carrying of a baton or nightstick by a security guard while engaged in the pursuit of such guard's official duties; (3) the carrying of a knife, the edged portion of the blade of which is four inches or more in length, by (A) any member of the armed forces of the United States, as defined in section 27-103, or any reserve component thereof, or of the armed forces of the state, as defined in section 27-2, when on duty or going to or from duty, (B) any member of any military organization when on parade or when going to or from any place of assembly, (C) any person while transporting such knife as merchandise or for display at an authorized gun or knife show, (D) any person who is found with any such knife concealed upon one's person while lawfully removing such person's household goods or effects from one place to another, or from one residence to another, (E) any person while actually and peaceably engaged in carrying any such knife from such person's place of abode or business to a place or person where or by whom such knife is to be repaired, or while actually and peaceably returning to such person's place of abode or business with such knife after the same has been repaired, (F) any person holding a valid hunting, fishing or trapping license issued pursuant to chapter 490 or any saltwater fisherman carrying such knife for lawful hunting, fishing or trapping activities, or (G) any person while participating in an authorized historic reenactment; (4) the carrying by any person enrolled in or currently attending, or an instructor at, a martial arts school of a martial arts weapon while in a class or at an authorized event or competition or while transporting such weapon to or from such class, event or competition; (5) the carrying of a BB. gun by any person taking part in a supervised event or competition of the Boy Scouts of America or the Girl Scouts of America or in any other authorized event or competition while taking part in such event or competition or while transporting such weapon to or from such event or competition; (6) the carrying of an electronic defense weapon, as defined in section 53a-3, by any person who is twenty-one years of age or older and possesses a permit or certificate issued under the provisions of section 29-28, 29-36f, 29-37p or 29-38n; and (7) the carrying of a BB. gun by any person upon such person's own property or the property of another person provided such other person has authorized the carrying of such weapon on such property, and the transporting of such weapon to or from such property. (1949 Rev., S. 8540; 1953, S. 3287d; P.A. 86-287, S. 1; P.A. 87-220, S. 1; P.A. 98-129, S. 9; June Sp. Sess. P.A. 98-1, S. 120, 121; P.A. 99-212, S. 12; P.A. 03-19, S. 123; P.A. 10-32, S. 148; P.A. 13-258, S. 30; P.A. 14-122, S. 57; P.A. 21-31, S. 2.) History: P.A. 86-287 amended Subsecs. (a) and (b) by adding "or any martial arts weapon and electronic defense weapon as defined in section 53a-3" and amended Subsec. (a) by adding provision permitting person to carry any martial arts weapon anywhere within state if such person has been granted a permit to do so; P.A. 87-220 made technical changes; P.A. 98-129 replaced requirement that a permit be obtained for the carrying of certain dangerous or deadly weapons or instruments with prohibition on the carrying of such weapons or instruments, deleted slung shot, air rifles and sand bags from the list of prohibited weapons or instruments, added exception for the carrying of knives with blades of four inches or more by certain individuals and deleted requirement that the seller of any such weapon or instrument give written notice of any such sale to the chief of police of the city, warden of the borough or first selectman of the town where such weapon or instrument was sold or delivered; June Sp. Sess. P.A. 98-1 repealed all changes enacted by P.A. 98-129, effective June 24, 1998; P.A. 99-212 substantially revised section including replacing requirement that a permit be obtained for the carrying of certain dangerous or deadly weapons or instruments with prohibition on the carrying of such weapons or instruments, deleting slung shot, air rifle and sand bag from list of prohibited weapons and instruments, adding police baton or nightstick to list of prohibited weapons and instruments, making the exception for an officer charged with preservation of the public peace applicable while the officer is "engaged in the pursuit of such officer's official duties", adding exception for the carrying of a baton or nightstick by a security guard while engaged in the guard's official duties, adding exception for the carrying of a knife having a blade of four inches or more by certain individuals under certain circumstances, adding exception for the carrying of a martial arts weapon by a student or instructor at a martial arts school under certain circumstances, adding exception for the carrying of a BB. gun by a person taking part in certain supervised or authorized events or competitions under certain circumstances, adding exception for the carrying of a BB. gun on private property with the authorization of the owner and the transporting of such weapon to or from such property and deleting the requirement that the seller of any such weapon or instrument give written notice of such sale to the chief of police of the city, warden of the borough or first selectman of the town where such weapon or instrument was sold or delivered; P.A. 03-19 made a technical change in Subsec. (a),

effective May 12, 2003; P.A. 10-32 made technical changes, effective May 10, 2010; P.A. 13-258 amended Subsec. (a) to change penalty from fine of not more than \$500 or imprisonment of not more than 3 years to a class E felony; P.A. 14-122 made a technical change in Subsec. (b)(3)(F); P.A. 21-31 amended Subsec. (b) by adding new Subdiv. (6) re electronic defense weapons and redesignating existing Subdiv. (6) as Subdiv. (7), effective July 1, 2021. See Sec. 29-32b re Board of Firearms Permit Examiners. See Sec. 29-38 re weapons in vehicles. Cited. 138 C. 485; 153 C. 584. Burden on prosecution to prove defendant did not possess a written permit. 179 C. 516. Cited. 195 C. 668; 208 C. 689; 209 C. 322; 210 C. 110; Id., 199; 211 C. 672; 217 C. 73; 226 C. 497; 229 C. 691; 236 C. 189; 240 C. 317. Offense of carrying a dangerous weapon is not constitutionally overbroad in violation of the first and fourteenth amendments to the U.S. Constitution; the circumstances surrounding an alleged threat are critical in determining if the threat is a true threat; the trial court should have instructed jury to consider the particular factual context in which the allegedly threatening conduct occurred, including the victim's reaction to defendant's actions before and after the allegedly threatening conduct; defendant's threatened use of a table leg to inflict serious bodily injury against victim, in the event that victim continued to bother him, constitutes a violation of this section and Sec. 53a-3 if the threat is found to be a true threat not protected by the first amendment to the U.S. Constitution. 287 C. 237. Cited. 1 CA 642; 7 CA 149; 9 CA 330; 10 CA 532; 11 CA 665; 17 CA 556; 21 CA 299; 25 CA 433; 27 CA 601; 39 CA 175; 41 CA 391; 43 CA 488. Compared with Sec. 29-38. 10 CS 272. A razor is not a dangerous or deadly weapon per se; whether it becomes one is a question of fact for the trier; the fact that a razor is specifically included in Sec. 53-207 does not mean that it is excluded from this section. 23 CS 425. History discussed; concealment is not an element of the crime; .22 caliber air-operated single-shot pellet gun held to be a dangerous weapon. 24 CS 85. Cited. 5 Conn. Cir. Ct. 313. Knife not coming within description of statute cannot be included as "any other dangerous or deadly weapon" and is not within prohibition of section. Id., 551. Subsec. (b): Exceptions in Subdiv. (3)(D) and (E) plainly and unambiguously apply only to the carrying of long knives, and said Subdiv. implicitly provides an exception for carrying a long knife in one's residence or abode; in this case, defendant carried a switchblade knife which was prohibited irrespective of location, and section recognizes no presumed lawful reason for carrying a switchblade knife. 300 C. 368.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-206a. - Application for permit. Notice of decision to applicant.

Section 53-206a is repealed, effective October 1, 1999. (1963, P.A. 115; P.A. 77-614, S. 486, 610; P.A. 98-129, S. 21; June Sp. Sess. P.A. 98-1, S. 120, 121; P.A. 99-212, S. 22.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-206b. - Unlawful training in use of firearms, explosive or incendiary devices or techniques capable of causing injury. Class C felony.

(a) As used in this section: (1) "Civil disorder" means a public disturbance involving acts of violence by a group of three or more persons which causes an immediate danger of or results in damage to the property of or injury to any other person. (2) "Explosive or incendiary device" means (A) dynamite and all other forms of high explosives, (B) any explosive bomb, grenade, missile or similar device, and (C) any incendiary bomb or grenade, fire bomb or similar device, including any device which (i) consists of or includes a breakable container which contains a flammable liquid or compound and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and (ii) can be carried or thrown by an individual. (3) "Firearm" means a firearm as defined in section 53a-3. (b) No person shall (1) teach or demonstrate to any person the use, application or making of any firearm, explosive or incendiary device, or technique capable of causing injury or death to a person, knowing or intending that such firearm, explosive, incendiary device or technique will be unlawfully employed for use in, or in furtherance of, a civil disorder; or (2) assemble with one or more persons for the purpose of training with, practicing with or being instructed in the use of any firearm, explosive or incendiary device, or technique capable of causing injury or death to a person, intending to employ unlawfully such firearm, explosive, incendiary device or technique for use in, or in furtherance of, a civil disorder. (c) Any person who violates any provision of this section shall be guilty of a class C felony. (d) Nothing in this section shall make unlawful any act of any peace officer, as defined in section 53a-3, performed in the lawful discharge of his official duties. (P.A. 81-243.) See chapter 505 re private military forces.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-206c. - Sale, carrying and brandishing of facsimile firearms prohibited. Class B misdemeanor.

(a) For the purposes of this section: (1) "Facsimile of a firearm" means (A) any nonfunctional imitation of an original firearm which was manufactured, designed and produced since 1898, or (B) any nonfunctional representation of a firearm other than an imitation of an original firearm, provided such representation could reasonably be perceived to be a real firearm. Such term does not include any look-a-like, nonfiring, collector replica of an antique firearm developed prior to 1898, or traditional BB. or pellet-firing air gun that expels a metallic or paint-contained projectile through the force of air pressure. (2) "Firearm" means firearm as defined in section 53a-3. (b) No person shall give, offer for sale or sell any facsimile of a firearm. The provisions of this subsection shall not apply to any facsimile of a firearm, which, because of its distinct color, exaggerated size or other design feature, cannot reasonably be perceived to be a real firearm. (c) Except in self defense, no person shall carry, draw, exhibit or brandish a facsimile of a firearm or simulate a firearm in a threatening manner, with intent to frighten, vex or harass another person. (d) No person shall draw, exhibit or brandish a facsimile of a firearm or simulate a firearm in the presence of a peace officer, firefighter, emergency medical

technician or paramedic engaged in the performance of his duties knowing or having reason to know that such peace officer, firefighter, emergency medical technician or paramedic is engaged in the performance of his duties, with intent to impede such person in the performance of such duties. (e) Any person who violates any provision of this section shall be guilty of a class B misdemeanor. (P.A. 88-237.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-206d. - Carrying a firearm or hunting while under the influence of intoxicating liquor or drug prohibited.

(a)(1) No person shall carry a pistol, revolver, machine gun, shotgun, rifle or other firearm, which is loaded and from which a shot may be discharged, upon his person (A) while under the influence of intoxicating liquor or any drug, or both, or (B) while the ratio of alcohol in the blood of such person is eight-hundredths of one per cent or more of alcohol, by weight. (2) Any person who violates any provision of this subsection shall be guilty of a class B misdemeanor. (b) (1) No person shall engage in hunting while under the influence of intoxicating liquor or any drug, or both. A person shall be deemed under the influence when at the time of the alleged offense the person (A) is under the influence of intoxicating liquor or any drug, or both, or (B) has an elevated blood alcohol content. For the purposes of this subdivision, "elevated blood alcohol content" means (i) a ratio of alcohol in the blood of such person that is eight-hundredths of one per cent or more of alcohol, by weight, or (ii) if such person is under twenty-one years of age, a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight. (2) Any person who violates any provision of this subsection shall be guilty of a class A misdemeanor. (3) Enforcement officers of the Department of Energy and Environmental Protection are empowered to arrest for a violation of the provisions of this subsection. (P.A. 98-129, S. 20; P.A. 00-142, S. 3; P.A. 11-80, S. 1; P.A. 16-152, S. 1.) History: P.A. 00-142 amended Subsec. (a) by designating provisions as Subdiv. (1), making technical changes therein, designated former Subsec. (b) as Subsec. (a)(2), making a technical change therein, and added new Subsec. (b) re hunting under the influence; pursuant to P.A. 11-80, "Department of Environmental Protection" was changed editorially by the Revisors to "Department of Energy and Environmental Protection" in Subsec. (b)(3), effective July 1, 2011; P.A. 16-152 amended Subsecs. (a)(1)(B) and (b)(1)(i) by reducing the ratio of alcohol in blood from 0.10 per cent to 0.08 per cent or more of alcohol, amended Subsec. (b)(1) by deleting " , or while impaired by the consumption of intoxicating liquor", by deleting provisions re person who has been convicted of violation being deemed impaired and adding provision re ratio of alcohol in blood of person under age 21.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-206e. - Limitation on sale and use of laser pointers.

(a) As used in this section, "laser pointer" means a hand-held device that emits a laser light beam and is designed to be used by the operator to indicate, mark or identify a specific position, place, item or object. (b) No person shall sell, offer to sell, lease, give or otherwise provide a laser pointer to a person under eighteen years of age, except as provided in subsection (d) of this section. (c) No person under eighteen years of age shall possess a laser pointer on school grounds or in any public place, except as provided in subsection (d) of this section. (d) A person may temporarily transfer a laser pointer to a person under eighteen years of age for an educational or other lawful purpose provided the person to whom the laser pointer is temporarily transferred is under the direct supervision of a parent, legal guardian, teacher, employer or other responsible adult. (e) No person shall shine, point or focus a laser pointer, directly or indirectly, upon or at another person in a manner that can reasonably be expected to cause harassment, annoyance or fear of injury to such other person. (f) Any person who violates any provision of this section shall have committed an infraction. (P.A. 99-256.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-206f. - Failure of parent or guardian to halt illegal possession of firearm by minor child.

Any parent or guardian of a minor child who, knowing that such child possesses a firearm, as defined in section 53a-3, and is ineligible to possess such firearm, fails to make reasonable efforts to halt such possession shall be guilty of (1) a class A misdemeanor, or (2) if such child causes the injury or death of another person with such firearm, a class D felony. (P.A. 11-51, S. 33.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-206g. - Sale, possession, use or manufacture of bump stocks or other rates of fire enhancement prohibited. Class D felony or Class D misdemeanor.

(a) Except as provided in subsection (e) of this section, no person, other than a licensed firearms manufacturer under 18 USC 923(i) fulfilling a military contract, may sell, offer to sell, otherwise transfer or offer to transfer, purchase, possess, use or manufacture any rate of fire enhancement. (b) Except as provided in subsection (d) of this section, a person who violates any provision of subsection (a) of this section shall be guilty of a class D felony. (c) For purposes of this section, "firearm" means firearm as defined in section 53a-3, and "rate of fire enhancement" means any device, component, part, combination of parts, attachment or accessory that: (1) Uses energy from the recoil of a firearm to generate a reciprocating action that causes repeated function of the trigger, including, but not limited to, a bump stock; (2) repeatedly pulls the trigger of a firearm through the use of a crank, lever or other part, including, but not limited to, a trigger crank; or (3) causes a semiautomatic firearm to fire more than one round per operation of the trigger,

where the trigger pull and reset constitute a single operation of the trigger, including, but not limited to, a binary trigger system. (d) Except as provided in subsection (e) of this section, any person who holds a valid permit to carry a pistol or revolver issued pursuant to subsection (b) of section 29-28, a valid eligibility certificate for a pistol or revolver issued pursuant to section 29-36f, a valid long gun eligibility certificate issued pursuant to section 29-37p or an ammunition certificate issued or renewed pursuant to section 29-38n or section 29-38o and possesses a rate of fire enhancement prior to July 1, 2019, shall be guilty of a class D misdemeanor for a first offense and shall be guilty of a class D felony for any subsequent offense. (e) (1) (A) Except as provided in subparagraph (B) of this subdivision, any person who moves into the state in lawful possession of a rate of fire enhancement shall, within ninety days, render the rate of fire enhancement permanently inoperable, remove the rate of fire enhancement from this state, or surrender the rate of fire enhancement to the Department of Emergency Services and Public Protection for destruction and, during such ninety-day period, shall not be subject to the penalties in subsection (b) or (d) of this section. (B) Any such person who sells or offers to sell or otherwise transfers or offers to transfer, except as permitted by subparagraph (A) of this subdivision, or uses such rate of fire enhancement during such ninety-day period, shall be subject to the penalties in subsection (b) or (d) of this section, as applicable. (2) (A) Except as provided in subparagraph (B) of this subdivision, any military personnel stationed or otherwise residing in this state who is deployed from this state on October 1, 2018, or is under deployment from this state on said date, and who was in lawful possession of a rate of firearm enhancement on September 30, 2018, shall, within ninety days of returning to this state from deployment, render the rate of fire enhancement permanently inoperable, remove the rate of fire enhancement from this state or surrender the rate of fire enhancement to the Department of Emergency Services and Public Protection for destruction. (B) Except as provided in subparagraph (A) of this subdivision, any such military personnel who sells or offers to sell or otherwise transfers or offers to transfer, except as permitted by subparagraph (A) of this subdivision, or uses such rate of fire enhancement during such ninety-day period, shall be subject to the penalties in subsection (b) or (d) of this section, as applicable. (f) If the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this section, and (3) has not previously had a prosecution under this section suspended pursuant to this subsection, it may order suspension of prosecution in accordance with the provisions of subsection (i) of section 29-33. (P.A. 18-29, S. 1; P.A. 23-53, S. 19.) History: P.A. 23-53 amended Subsec. (f) by changing reference to Sec. 29-33(h) to Sec. 29-33(i).

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-206h. - Bump stocks or other rates of fire enhancement prohibition. Notice.

(a) Not later than thirty days after May 31, 2018, the Commissioner of Emergency Services and Public Protection shall, within available appropriations, provide written notification of the provisions of section 53-206g by: (1) Posting the notification on the department's Internet web site, and (2) providing the notification electronically to federally licensed firearm dealers. (b) Commencing thirty days after May 31, 2018, but prior to July 1, 2023, the commissioner shall include a written notification of the provisions of section 53-206g with: (1) (A) A permit to carry a pistol or revolver issued pursuant to subsection (b) of section 29-28, (B) an eligibility certificate for a pistol or revolver issued pursuant to section 29-36f, (C) a long gun eligibility certificate issued pursuant to section 29-37p, and (D) an ammunition certificate issued or renewed pursuant to section 29-38n or section 29-38o; and (2) a notice of expiration mailed to a holder of such permit or certificate pursuant to (A) subsection (f) of section 29-30, (B) subsection (e) of section 29-36h, or (C) subsection (e) of section 29-37r. (P.A. 18-29, S. 2.) History: P.A. 18-29 effective May 31, 2018.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-206i. - Manufacture of firearm from polymer plastic without detectable security exemplar. Prohibited. Penalty.

(a) No person shall manufacture any firearm from polymer plastic that, after removal of grips, stocks and magazines, is not as detectible as the security exemplar, by walk-through metal detectors calibrated and operated to detect the security exemplar. (b) If the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this section, and (3) has not previously had a prosecution under this section suspended pursuant to this subsection, the court may order suspension of prosecution. The court shall not order suspension of prosecution unless the accused person has acknowledged that he or she understands the consequences of the suspension of prosecution. Any person for whom prosecution is suspended shall agree to the tolling of any statute of limitations with respect to such violation and to a waiver of his or her right to a speedy trial. Such person shall appear in court and shall be released to the supervision of the Court Support Services Division for such period, not exceeding two years, and under such conditions as the court shall order. If the person refuses to accept, or, having accepted, violates such conditions, the court shall terminate the suspension of prosecution and the case shall be brought to trial. If such person satisfactorily completes such person's period of probation, he or she may apply for dismissal of the charges against such person and the court, on finding such satisfactory completion, shall dismiss such charges. If the person does not apply for dismissal of the charges against such person after satisfactorily completing such person's period of probation, the court, upon receipt of a report submitted by the Court Support Services Division that the person satisfactorily completed such person's period of probation, may on its own motion make a finding of such satisfactory completion and dismiss such charges. Upon dismissal, all records of such charges shall be erased pursuant to section 54-142a. An order of the court denying a motion to dismiss the charges against a person who has completed such person's period of probation or terminating the participation of a defendant in such program shall be a final judgment for purposes of appeal.

(c) Any person who violates any provision of this section shall be guilty of a class C felony for which two years of the sentence imposed may not be suspended or reduced by the court, and five thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine, and any firearm found in the possession of any person in violation of any provision of this section shall be forfeited. (d) For purposes of this section, "firearm" means firearm, as defined in section 53a-3, but does not include the frame or receiver of any such weapon and "security exemplar" means "security exemplar" as defined in 18 USC 922(p), as amended from time to time, and any regulation adopted thereunder. (P.A. 19-6, S. 4; P.A. 22-26, S. 24.) History: P.A. 22-26 amended Subsec. (b) to replace "custody" with "supervision".

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-206j. - Sale, delivery or transfer of unfinished frame or lower receiver. Prohibited. Exceptions. Penalty.

(a) No person shall purchase or receive or sell, deliver or otherwise transfer an unfinished frame or lower receiver, except as provided in: (1) Subsections (b) and (c) of this section; or (2) subsection (d) of this section; or (3) subsection (e) of this section. (b) The procedures for the purchase or receipt or sale, delivery or other transfer of an unfinished frame or lower receiver shall be the same procedures as apply to the purchase or receipt or sale, delivery or other transfer of a pistol or revolver under subsections (b) to (e), inclusive, of section 29-33, provided such purchase or receipt or sale, delivery or other transfer of an unfinished frame or lower receiver is in accordance with the provisions of subsection (c) of this section. (c) (1) No person shall sell, deliver or otherwise transfer an unfinished frame or lower receiver pursuant to subsection (b) of this section that does not have a unique serial number or other mark of identification, obtained pursuant to: (A) The serial numbering program of the federal Bureau of Alcohol, Tobacco, Firearms and Explosives, or (B) subdivisions (2) and (3) of this subsection. (2) A person may obtain a unique serial number or other mark of identification for an unfinished frame or lower receiver by providing to the Department of Emergency Services and Public Protection any identifying information concerning the unfinished frame or lower receiver and the owner of such unfinished frame or lower receiver, in a manner prescribed by the Commissioner of Emergency Services and Public Protection. Upon receiving a properly submitted request for a unique serial number or other mark of identification for an unfinished frame or lower receiver, the Department of Emergency Services and Public Protection shall determine if such person is prohibited from purchasing a firearm, and if not, shall issue to such person a unique serial number or other mark of identification immediately and in no instance more than (A) three business days after the Department of Emergency Services and Public Protection receives such request, or (B) ten business days after the system to distribute a unique serial number or other mark of identification pursuant to section 29-36b is operational, whichever date is later. (3) Such unique serial number or other mark of identification shall be engraved upon or permanently affixed to the unfinished frame or lower receiver in a manner that conforms with the requirements imposed on licensed importers and licensed manufacturers of firearms pursuant to 18 USC 923(i), as amended from time to time, and any regulation adopted thereunder. (d) The provisions of subsections (a) to (c), inclusive, of this section shall not apply to the sale, delivery or transfer of any unfinished frame or lower receiver between (1) a federally licensed firearm manufacturer and a federally licensed firearm dealer, (2) a federally licensed firearm importer and a federally licensed firearm dealer, or (3) federally licensed firearm dealers. (e) Any person may arrange in advance to deliver and transfer an unfinished frame or lower receiver to a police department or the Department of Emergency Services and Public Protection. (f) On and after October 1, 2019, no person shall possess an unfinished frame or lower receiver unless such person is eligible to purchase a firearm under state and federal law. (g) If the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this section, and (3) has not previously had a prosecution under this section suspended pursuant to this subsection, the court may order suspension of prosecution. The court shall not order suspension of prosecution unless the accused person has acknowledged that he or she understands the consequences of the suspension of prosecution. Any person for whom prosecution is suspended shall agree to the tolling of any statute of limitations with respect to such violation and to a waiver of his or her right to a speedy trial. Such person shall appear in court and shall be released to the supervision of the Court Support Services Division for such period, not exceeding two years, and under such conditions as the court shall order. If the person refuses to accept, or, having accepted, violates such conditions, the court shall terminate the suspension of prosecution and the case shall be brought to trial. If such person satisfactorily completes such person's period of probation, he or she may apply for dismissal of the charges against such person and the court, on finding such satisfactory completion, shall dismiss such charges. If the person does not apply for dismissal of the charges against such person after satisfactorily completing such person's period of probation, the court, upon receipt of a report submitted by the Court Support Services Division that the person satisfactorily completed such person's period of probation, may on its own motion make a finding of such satisfactory completion and dismiss such charges. Upon dismissal, all records of such charges shall be erased pursuant to section 54-142a. An order of the court denying a motion to dismiss the charges against a person who has completed such person's period of probation or terminating the participation of a defendant in such program shall be a final judgment for purposes of appeal. (h) Any person who violates any provision of this section shall be guilty of a class C felony for which two years of the sentence imposed may not be suspended or reduced by the court, and five thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine, except that any person who sells, delivers or otherwise transfers an unfinished frame or lower receiver in violation of the provisions of this section knowing that such unfinished frame or lower receiver is stolen or that the manufacturer's number or other mark of identification on such unfinished frame or lower receiver has been altered, removed or obliterated, shall be guilty of a class B felony for which three years of the sentence imposed may not be suspended or reduced by the court, and ten thousand dollars of the fine imposed may not be

remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine, and any unfinished frame or lower receiver found in the possession of any person in violation of any provision of this section shall be forfeited. (i) For purposes of this section, “unfinished frame or lower receiver” means a blank, casting or machined body intended to be turned into the frame or lower receiver of a firearm, as defined in section 53a-3, with additional machining, and which has been formed or machined to the point where most major machining operations have been completed to turn the blank, casting or machined body into a frame or lower receiver of a firearm, even if the fire-control cavity area of such blank, casting or machined body is still completely solid and unmachined. An “unfinished frame or lower receiver” is not a firearm, as defined in 18 USC 921(a), as amended from time to time. (P.A. 19-6, S. 5; P.A. 22-26, S. 25.) History: P.A. 19-6 effective June 3, 2019; P.A. 22-26 amended Subsec. (g) to replace “custody” with “supervision”.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-206k. - Conditions for sale or transfer of electronic defense weapons. Penalty.

Any person who sells or transfers an electronic defense weapon, as defined in section 53a-3, to any person who is under twenty-one years of age or does not possess a permit or certificate issued under the provisions of section 29-28, 29-36f, 29-37p or 29-38n shall be guilty of a class D felony. (P.A. 21-31, S. 3.) History: P.A. 21-31 effective July 1, 2021.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-207 to 53-209. - Carrying of knife or razor with intent to assault. Removal of danger signal. Abuse of public utility employees.

Sections 53-207 to 53-209, inclusive, are repealed. (1949 Rev., S. 8539, 8541; 1953, S. 3288d; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-209a. - Manufacture of chemical, biological or radioactive weapon.

Any person who fabricates, in any manner, (1) a weapon designed or intended to cause death or serious physical injury by the release, dissemination or impact of toxic or poisonous chemicals or their precursors, (2) a weapon involving a disease organism, or (3) a weapon designed to release radiation or radioactivity at a level dangerous to human life, other than a person engaged in the manufacture of such weapons for lawful purposes, shall be guilty of a class B felony. (P.A. 02-97, S. 2.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-210. - Refusal to relinquish telephone party line.

No person shall wilfully refuse to relinquish a party line when informed that such line is needed for an emergency call to a fire department or police department or for medical aid or ambulance service, or secure the use of a party line by falsely stating that such line is needed for an emergency call. As used in this section, “party line” means a subscriber line telephone circuit, consisting of two or more main telephone stations connected therewith, each station with a distinctive ring or telephone number, and “emergency” means a situation in which property or human life is in jeopardy and the prompt summoning of aid is essential. Violation of this section shall be an infraction as provided for in sections 51-164m and 51-164n. (1957, P.A. 375, S. 1; 1961, P.A. 517, S. 126; P.A. 75-577, S. 10, 126.) History: 1961 act made grammatical correction in definition of emergency; P.A. 75-577 restated provisions and replaced maximum fine of \$50 with statement that violation is an infraction as provided in Secs. 51-164m and 51-164n. See Sec. 53a-183b re interfering with emergency call as class A misdemeanor.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-211. - Use of white canes by others than blind persons prohibited. Vehicles to reduce speed, grant right-of-way.

Section 53-211 is repealed, effective October 1, 2008. (1949 Rev., S. 8543; February, 1965, P.A. 448, S. 43; P.A. 08-150, S. 63.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-212. - Use of Roentgen-rays, x-rays and radium.

(a) No person, unless such person holds a license to practice medicine and surgery or a license to practice dentistry, shall use the Roentgen-ray or the x-ray or radium for the therapeutic or cosmetic treatment of another person, unless such person uses the same under the prescription, direction or supervision of a licensed physician, surgeon or dentist. (b) Any person who violates any provision of subsection (a) shall be fined not less than one hundred dollars nor more than three hundred dollars or be imprisoned not more than one year or be both fined and imprisoned for the first offense, and for each subsequent offense shall be fined not less than two hundred dollars nor more than five hundred dollars or be imprisoned not less than thirty days nor more than one year or be both fined and imprisoned. (c) The provisions of this section shall not be construed to prohibit the use of the Roentgen-ray or the x-ray for diagnostic purposes. (1949 Rev., S. 8542; P.A. 99-102, S. 49.) History: P.A. 99-102 amended Subsec. (a) by deleting obsolete reference to osteopathy and making a technical change re gender neutrality. Cited. 5 CA 113.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-212a. - Use of fluoroscopic x-ray shoe-fitting devices prohibited.

Any person, partnership, association or corporation which operates or maintains within this state any fitting devices or machines

which use fluoroscopic x-ray or radiation principles for the purpose of selling footwear or other articles of apparel through commercial outlets shall be fined not more than one hundred dollars. (1959, P.A. 261.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-212b to 53-214. - Use of machinery in proximity to high voltage conductors. Spitting in public places. Pollution of drinking utensils.

Sections 53-212b to 53-214, inclusive, are repealed. (1949 Rev., S. 4148, 8637; 1961, P.A. 36; 1969, P.A. 828, S. 214; P.A. 73-379, S. 20, 21.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-215. - Abandonment of refrigerator.

Any person who discards or abandons, or knowingly permits to be discarded or abandoned on property within his control, outdoors or within any unoccupied building or structure, any refrigerator, ice box or other container which has an airtight door or lid without having removed such door or lid shall be guilty of a class D misdemeanor, and each day of such violation shall constitute a separate offense. (1955, S. 3286d; P.A. 12-80, S. 105.) History: P.A. 12-80 replaced penalty of a fine of not more than \$100 or imprisonment of not more than 30 days or both with a class D misdemeanor.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 943 - Offenses Against Public Peace and Safety Section 53-215a. - Manufacture or sale of defective recapped tires.

Any person who manufactures, sells or offers for sale any recapped motor vehicle tire, having knowledge that the casing of such tire does not meet the requirements promulgated by the Commissioner of Motor Vehicles in accordance with section 14-137, or who knowingly recaps or causes to be recapped any tire having a defective casing with intent to sell the same or offer it for sale, shall be fined not more than one hundred dollars or imprisoned not more than six months or both. (1959, P.A. 642, S. 1; 1969, P.A. 324.) History: 1969 act replaced reference to knowledge that tire casing "is defective" with reference to knowledge that casing does not meet requirements promulgated by motor vehicles commissioner.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 944 - (Offenses Against Chastity) Concealment of Delivery of Child Section 53-216 to 53-237. - Offenses against chastity, generally.

Sections 53-216 to 53-237, inclusive, are repealed. (1949 Rev., S. 8359, 8544–8561, 8569, 8594, 8683; 1953, S. 3299d; 1959, P.A. 28, S. 190; 1963, P.A. 642, S. 58; 1967, P.A. 295, S. 2; 656, S. 54; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 944 - (Offenses Against Chastity) Concealment of Delivery of Child Section 53-237a. - Concealment of delivery: Class A misdemeanor.

(a) A person is guilty of concealment of delivery who intentionally conceals the delivery of any child, whether such child was delivered alive or dead. (b) Concealment of delivery is a class A misdemeanor. (1971, P.A. 871, S. 56.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 944 - (Offenses Against Chastity) Concealment of Delivery of Child Section 53-238 to 53-241. - Rape. Assault with intent to commit rape; with intent to carnally know female child. Examination for venereal disease of persons accused of violations of chapter.

Sections 53-238 to 53-241, inclusive, are repealed. (1949 Rev., S. 8562–8565; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 945 - (Offenses Against Humanity and Morality) Cruelty to Animals Section 53-242 to 53-246. - Blasphemy. Obscenity. Intoxication.

Sections 53-242 to 53-246, inclusive, are repealed. (1949 Rev., S. 8566, 8567, 8570, 8580, 8755; 1955, S. 3293d; 1963, P.A. 156; 409, S. 1–4; February, 1965, P.A. 132; 241, S. 2; 574, S. 45; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 945 - (Offenses Against Humanity and Morality) Cruelty to Animals Section 53-247. - Cruelty to animals. Animals engaged in exhibition of fighting. Intentional injury or killing of police animals or dogs in volunteer canine search and rescue teams.

(a) Any person who overdrives, drives when overloaded, overworks, tortures, deprives of necessary sustenance, mutilates or cruelly beats or kills or unjustifiably injures any animal, or who, having impounded or confined any animal, fails to give such animal proper care or neglects to cage or restrain any such animal from doing injury to itself or to another animal or fails to supply any such animal with wholesome air, food and water, or unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes any such drug or substance, with intent that the same shall be taken by an animal, or causes it to be done, or, having charge or custody of any animal, inflicts cruelty upon it or fails to provide it with proper food, drink or protection from the weather or abandons it or carries it or causes it to be carried in a cruel manner, or fights with or baits, harasses or worries any animal for the purpose of making it perform for amusement, diversion or exhibition, shall, for a first offense, be fined not more than one thousand dollars or imprisoned not more than one year or both, and for each subsequent offense, shall be guilty of a class D

felony. (b) Any person who maliciously and intentionally maims, mutilates, tortures, wounds or kills an animal shall, (1) for a first offense, be guilty of a class D felony, and (2) for any subsequent offense, be guilty of a class C felony. The provisions of this subsection shall not apply to any licensed veterinarian while following accepted standards of practice of the profession or to any person while following approved methods of slaughter under section 22-272a, while performing medical research as an employee of, student in or person associated with any hospital, educational institution or laboratory, while following generally accepted agricultural practices or while lawfully engaged in the taking of wildlife. (c) Any person who knowingly (1) owns, possesses, keeps or trains an animal engaged in an exhibition of fighting for amusement or gain, (2) possesses, keeps or trains an animal with the intent that it be engaged in an exhibition of fighting for amusement or gain, (3) permits an act described in subdivision (1) or (2) of this subsection to take place on premises under his control, (4) acts as judge or spectator at an exhibition of animal fighting for amusement or gain, or (5) bets or wagers on the outcome of an exhibition of animal fighting for amusement or gain, shall be guilty of a class D felony. (d) Any person who intentionally injures any animal while such animal is in the performance of its duties under the supervision of a peace officer, as defined in section 53a-3, or intentionally injures a dog that is a member of a volunteer canine search and rescue team, as defined in section 5-249, while such dog is in the performance of its duties under the supervision of the active individual member of such team, shall be guilty of a class D felony. (e) Any person who intentionally kills any animal while such animal is in the performance of its duties under the supervision of a peace officer, as defined in section 53a-3, or intentionally kills a dog that is a member of a volunteer canine search and rescue team, as defined in section 5-249, while such dog is in the performance of its duties under the supervision of the active individual member of such team, shall be fined not more than ten thousand dollars or imprisoned not more than ten years, or both. (f) In addition to any sentence imposed pursuant to subsections (a) to (e), inclusive, of this section, at the time of a person's sentencing for a conviction under this section, the court shall order that, for the five-year period commencing from the date of such conviction or the date of such person's release from imprisonment for such conviction, whichever is later, such person (1) shall not harbor, own, possess, reside with, adopt or serve as a foster placement for any animal, and (2) shall not be employed by, or volunteer for, any entity in any position that involves care for, or regular contact with, any animal. (1949 Rev., S. 8571; 1971, P.A. 99; P.A. 84-181; P.A. 89-121; P.A. 90-325, S. 30, 32; P.A. 91-35, S. 3, 5; P.A. 93-36; P.A. 96-243, S. 8, 16; P.A. 04-241, S. 4; P.A. 12-86, S. 1; P.A. 13-258, S. 114; P.A. 16-96, S. 1; P.A. 23-149, S. 7.) History: 1971 act deleted references to "unnecessary" cruelty or neglect to provide proper care and to "cruelly" abandoning animal; P.A. 84-181 increased the maximum fine from \$250 to \$750; P.A. 89-121 increased the maximum fine from \$750 to \$1,000; P.A. 90-325 excepted baiting, harassing or worrying any animal in connection with cow-chip bingo from the penalty provisions; P.A. 91-35 deleted exception for baiting, harassing or worrying any animal in connection with cow-chip bingo established by P.A. 90-325; P.A. 93-36 added Subsec. (b) re penalty for intentional killing of a police animal; P.A. 96-243 relettered former Subsec. (b) as Subsec. (d), inserting new Subsec. (b) re malicious and intentional acts re animals and Subsec. (c) re fighting animals exhibited for amusement or gain, effective June 6, 1996; P.A. 04-241 added new Subsec. (d) re penalty for any person who intentionally injures any animal while such animal is performing duties under supervision of a peace officer or intentionally injures a dog in a volunteer canine search and rescue team while such dog is performing duties under supervision of the active individual member of such team, redesignated existing Subsec. (d) as Subsec. (e) and amended same by doubling penalty for intentional killing of a police animal and providing that any person who intentionally kills a dog in a canine search and rescue team while such dog is performing duties under supervision of the active individual member of such team shall be fined not more than \$10,000 or imprisoned not more than 10 years or both; P.A. 12-86 amended Subsec. (a) to designate existing penalty as penalty for first offense and add penalty for subsequent offense of a fine of not more than \$5,000 or imprisonment of not more than 5 years or both; P.A. 13-258 changed penalties in Subsecs. (a) to (d) from fine of not more than \$5,000 or imprisonment of not more than 5 years to a class D felony and made a technical change in Subsec. (e); P.A. 16-96 amended Subsec. (b) to add "(1) for a first offense," re class D felony and to add Subdiv. (2) re subsequent offense a class C felony; P.A. 23-149 added Subsec. (f) requiring court to order that a person convicted under Subsecs. (a) to (e) not possess any animal or be employed by or volunteer for an entity involving regular contact with any animal for a 5-year period commencing from date of conviction or date of release from imprisonment for such conviction, whichever is later.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 945 - (Offenses Against Humanity and Morality) Cruelty to Animals Section 53-247a. - Provision of cannabis to domesticated animals.

Any person who provides cannabis, as defined in section 21a-420, to a domesticated animal, shall be guilty of a class C misdemeanor. (June Sp. Sess. P.A. 21-1, S. 20.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 945 - (Offenses Against Humanity and Morality) Cruelty to Animals Section 53-248. - Sale or treatment of animals unable to work.

Any person who sells, offers for sale, trades or gives away any horse for the purpose of being worked, which could not be worked in this state without violating the provisions of section 53-247, or any person who leads, rides or drives an animal on any public highway for any purpose except that of conveying the animal to a suitable place for its humane keeping or killing or for medical or surgical treatment, which animal could not be worked in this state without violating the provisions of said section, shall be fined not more than two hundred dollars or imprisoned not more than six months or both. (1949 Rev., S. 8572.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 945 - (Offenses Against Humanity and Morality) Cruelty to

AnimalsSection 53-249. - Cruelty to poultry.

Any crate or other container used for the purpose of transporting, shipping or holding for sale any live poultry shall be in a sanitary condition and shall be constructed so as to provide sufficient ventilation and warmth, and such poultry, while in such container, shall receive such reasonable care as may be required to prevent unnecessary suffering. Any person who violates any provision of this section shall be guilty of a class D misdemeanor. (1949 Rev., S. 8573; P.A. 12-80, S. 106.) History: P.A. 12-80 replaced penalty of a fine of not more than \$100 or imprisonment of not more than 30 days or both with a class D misdemeanor.

2024 Connecticut General StatutesTitle 53 - CrimesChapter 945 - (Offenses Against Humanity and Morality) Cruelty to AnimalsSection 53-249a. - Sale or gift of dyed fowl or rabbits prohibited.

Any person who sells or offers for sale at retail or gives away, living chickens, ducklings, other fowl or rabbits, which have been dyed, colored or otherwise treated so as to import to them an artificial color, shall be fined not more than one hundred fifty dollars. (February, 1965, P.A. 82, S. 1; P.A. 10-32, S. 149.) History: P.A. 10-32 made a technical change, effective May 10, 2010.

2024 Connecticut General StatutesTitle 53 - CrimesChapter 945 - (Offenses Against Humanity and Morality) Cruelty to AnimalsSection 53-250. - Use of animals.

Any person who uses any animal, including a fish, reptile or bird for the purpose of soliciting any alms, collection, contribution, subscription, donation or payment of money, or uses any animal, including a fish, reptile or bird as a prize or award in the operation of any game or device, or exhibits any wild animal in connection with any business for the purpose of attracting trade upon any street, highway or public park or at any fair, exhibition or place of amusement, recreation or entertainment, or owns, keeps or has in such person's custody any animal, including a fish, reptile or bird for any such purpose, shall be guilty of a class D misdemeanor, but no provision of this section shall be construed so as to apply (1) to the exhibition of any animal, including a fish, reptile or bird by (A) any educational institution; or (B) in a zoological garden or in connection with any theatrical exhibition or circus, or (2) to the use of any animal in a cow-chip raffle. (1949 Rev., S. 8574; P.A. 90-325, S. 31, 32; P.A. 91-35, S. 4, 5; P.A. 12-80, S. 107; P.A. 24-142, S. 90.) History: P.A. 90-325 provided that the section not apply to the use of any animal in cow-chip bingo; P.A. 91-35 substituted cow-chip "raffle" for cow-chip "bingo"; P.A. 12-80 replaced penalty of a fine of not more than \$100 or imprisonment of not more than 30 days or both with a class D misdemeanor; P.A. 24-142 added "including a fish," and "including a fish, reptile" re uses of animal, inserted Subdiv. and Subpara. designators and made a technical change.

2024 Connecticut General StatutesTitle 53 - CrimesChapter 945 - (Offenses Against Humanity and Morality) Cruelty to AnimalsSection 53-251. - Docking of horses' tails.

(a) Any person who cuts the bone of the tail of any horse for the purpose of docking the tail or who cuts the muscles or tendons of the tail of a horse, or otherwise operates upon it in any manner for the purpose or with the effect of altering the natural carriage of the tail, or who causes or knowingly permits such cutting or operation to be done upon premises of which he is the owner, lessee, proprietor or user, or assists in or is present at such cutting or operation, shall be fined not more than three hundred dollars or imprisoned not more than one year or both. Any horse with a tail set or apparently with a tail set shall be accessible and subject to inspection by any officer or agent of the Connecticut Humane Society. (b) If a horse is found with the bone, muscles or tendons of its tail so cut and with the wound resulting from such cutting unhealed upon the premises of any person, such facts shall be prima facie evidence that the person who occupies or has the use of the premises on which such horse is so found has committed the offense described in subsection (a). If a horse is found with the bone, muscles or tendons of its tail so cut and with the wound resulting from such cutting unhealed in the charge or custody of any person, such facts shall be prima facie evidence that the person having the charge or custody of such horse has committed the offense charged in said subsection (a). (c) No provision of this section shall be construed to prevent the operation by a registered veterinarian upon the tail of a horse when such operation is necessary for the health of the horse or is the means of effecting the natural carriage of its tail. (1949 Rev., S. 8575.)

2024 Connecticut General StatutesTitle 53 - CrimesChapter 945 - (Offenses Against Humanity and Morality) Cruelty to AnimalsSection 53-252. - Transportation of animals on railroads.

No railroad company, in transporting animals, shall permit them to be confined in cars more than twenty-eight consecutive hours, except when transported in cars in which they have proper food, water, space and opportunity for rest, without unloading them for food, water and rest, for at least five consecutive hours, unless prevented by storm or other accidental cause; and, in estimating such confinement, the time during which the animals have been confined, without such rest, on connecting roads from which they are received, shall be included. Animals so unloaded shall be properly fed, watered and sheltered during such rest by the owner or person having their custody or, on his neglect, by the railroad company transporting them, at his expense; and such company shall, in such case, have a lien upon such animals for food, care and custody furnished and shall not be liable for any detention of them for such purpose. Any such company or the owner or custodian of such animals, who does not comply with the provisions of this section, shall be fined not more than five hundred dollars. The knowledge and acts of agents of, and of persons employed by, such company, in regard to animals transported, owned or employed by it or in its custody, shall be held to be its acts and knowledge. (1949 Rev., S. 8577.) See Sec. 29-108a for definition of "animal".

2024 Connecticut General Statutes Title 53 - Crimes Chapter 945 - (Offenses Against Humanity and Morality) Cruelty to Animals Section 53-253. - Notice of arrest of offender to be given.

Any person making an arrest for a violation of the laws relating to cruelty to animals shall use reasonable diligence to give notice thereof to the owner of animals found in the charge or custody of the person arrested and shall properly care and provide for them until their owner takes charge of them, provided the owner shall take charge of them within sixty days from the date of such notice; and the person making such arrest shall have a lien on such animals for the expense of such care and provision. (1949 Rev., S. 8578.) See Sec. 29-108a for definition of “animal”.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 945 - (Offenses Against Humanity and Morality) Cruelty to Animals Section 53-254. - Causing dependency or delinquency of children.

Section 53-254 is repealed. (1949 Rev., S. 8579; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-255 to 53-258. - Misuse of the flag. Merchandise not to have representation of flag. Exceptions. Display of mutilated United States flag.

Sections 53-255 to 53-258, inclusive, are repealed. (1949 Rev., S. 8581–8584; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-258a. - Misuse or mutilation of the flag.

Any person who, in any manner for exhibition or display, puts or causes to be placed any inscription, picture, design, device, symbol, name, advertisement, word, character, mark or notice upon any flag, standard, color or ensign of the United States or the state flag of this state or any ensign evidently purporting to be either of such flags, standards, colors or ensigns or in any manner appends, annexes or affixes to any such flag, standard, color or ensign, any inscription, picture, design, device, symbol, name, advertisement, word, mark, notice or token or displays or exhibits or causes to be placed or exhibited any flag, standard, color or ensign of the United States or the flag of this state or any flag, standard, color or ensign evidently purporting to be either of such flags, standards, colors or ensigns, upon which in any manner is put, attached, annexed or affixed any inscription, picture, design, device, symbol, name, advertisement, word, mark, notice or token or publicly misuses, mutilates, tramples upon or otherwise defaces or defiles or puts indignity upon any of such flags, standards, colors or ensigns, whether any of such flags, standards, colors or ensigns are public or private property, shall be guilty of a class A misdemeanor. Flags, standards, colors or ensigns, the property of or used in the service of the United States or of this state, may have inscriptions, names of actions, words, marks or symbols which are placed thereon pursuant to law or authorized regulations. (1971, P.A. 241.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-259 to 53-263. - Display of foreign or international flags. Public officers to receive only their fixed salaries. Commission to public agents. Unlawful taking of fees and commissions. Furnishing of supplies by officer to state-aided institution.

Sections 53-259 to 53-263, inclusive, are repealed. (1949 Rev., S. 8585, 8597, 8599, 8600, 8604; 1955, S. 3294d; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-264. - Maintenance.

Each attorney, state marshal or constable, who, with intent to make gain by the fees of collection, purchases and sues upon any choses in action, shall be fined not more than one hundred dollars. (1949 Rev., S. 8596; P.A. 00-99, S. 119, 154.) History: P.A. 00-99 replaced reference to sheriff and deputy sheriff with state marshal, effective December 1, 2000. State of facts not within section. 14 C. 23. Cited. 77 C. 461. Attorney may purchase judgment and sue thereon. 85 C. 267. Common law as to maintenance never adopted in this state as applied to civil actions. 100 C. 110; 106 C. 70.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-265 to 53-278. - Impersonation of policeman. Corruption of agents and employees. Betrayal of employer's correspondence, books or accounts. Corrupt influences; court proceedings; evidence. Unlawful payment of naturalization fees. Fortune telling and other fraudulent practices. Betting on races and jai alai games. Gaming on public conveyances. Gaming house; keepers; frequenters. Owning faro bank. Witness not excused. Gaming in general. Keeping billiard table or slot machine for gambling purpose.

Sections 53-265 to 53-278, inclusive, are repealed. (1949 Rev., S. 8601–8603, 8605, 8645, 8647–8655; 1955, S. 3305d; 1969, P.A. 828, S. 214; 1971, P.A. 787; 865, S. 20; 1972, P.A. 60, S. 13–16; 187, S. 15; P.A. 73-455, S. 9; P.A. 93-5.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-278a. - Gambling: Definitions.

As used in sections 53-278a to 53-278g, inclusive: (1) “Gain” means the direct realization of winnings; “profit” means any other realized or unrealized benefit, direct or indirect, including without limitation benefits from proprietorship, management or unequal

advantage in a series of transactions; (2) "Gambling" means risking any money, credit, deposit or other thing of value for gain contingent in whole or in part upon lot, chance or the operation of a gambling device, including the playing of a casino gambling game such as blackjack, poker, craps, roulette or a slot machine, but does not include: Legal contests of skill, speed, strength or endurance in which awards are made only to entrants or the owners of entries; legal business transactions which are valid under the law of contracts; activity legal under the provisions of sections 7-169 to 7-186, inclusive; any lottery or contest conducted by or under the authority of any state of the United States, Commonwealth of Puerto Rico or any possession or territory of the United States; and other acts or transactions expressly authorized by law on or after October 1, 1973. Online casino gaming, online sports wagering, retail sports wagering and fantasy contests, as such terms are defined in section 12-850, shall not be considered gambling if the online casino gaming, online sports wagering, retail sports wagering or fantasy contest is conducted pursuant to sections 12-852 to 12-865, inclusive; (3) "Professional gambling" means accepting or offering to accept, for profit, money, credits, deposits or other things of value risked in gambling, or any claim thereon or interest therein. Without limiting the generality of this definition, the following shall be included: Pool-selling and bookmaking; maintaining slot machines, one-ball machines or variants thereof, pinball machines, which award anything other than an immediate and unrecorded right of replay, roulette wheels, dice tables, or money or merchandise pushcards, punchboards, jars or spindles, in any place accessible to the public; and except as provided in sections 7-169 to 7-186, inclusive, conducting lotteries, gift enterprises, disposal or sale of property by lottery or hazard or policy or numbers games, or selling chances therein; and the following shall be presumed to be included: Conducting any banking game played with cards, dice or counters, or accepting any fixed share of the stakes therein; (4) "Gambling device" means any device or mechanism by the operation of which a right to money, credits, deposits or other things of value may be created, as the result of the operation of an element of chance; any device or mechanism which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; any device, mechanism, furniture or fixture designed primarily for use in connection with professional gambling; and any subassembly or essential part designed or intended for use in connection with any such device, mechanism, furniture, fixture, construction or installation, provided an immediate and unrecorded right of replay mechanically conferred on players of pinball machines and similar amusement devices shall be presumed to be without value. "Gambling device" does not include a crane game machine or device or a redemption machine. A device or equipment used to participate in online casino gaming, online sports wagering, retail sports wagering or fantasy contests, as such terms are defined in section 12-850, shall not be considered a gambling device if the conditions set forth in sections 12-852 to 12-865, inclusive, as applicable, have been met; (5) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made, used or intended to be used in connection with professional gambling; (6) "Gambling information" means a communication with respect to any wager made in the course of, and any information intended to be used for, professional gambling. Information as to wagers, betting odds or changes in betting odds shall be presumed to be intended for use in professional gambling; (7) "Gambling premise" means any building, room, enclosure, vehicle, vessel or other place, whether open or enclosed, used or intended to be used for professional gambling. Any place where a gambling device is found shall be presumed to be intended to be used for professional gambling, except a place wherein a bazaar or raffle for which a permit has been issued under sections 7-170 to 7-186, inclusive, or bingo for which a permit has been issued under section 7-169 is to be conducted; (8) "Person" includes natural persons, partnerships, limited liability companies and associations of persons, and corporations; and any corporate officer, director or stockholder who authorizes, participates in or knowingly accepts benefits from any violation of sections 53-278a to 53-278g, inclusive, committed by his corporation; (9) "Peace officer" means a municipal or state police officer or chief inspector or inspector in the Division of Criminal Justice or state marshal while exercising authority granted under any provision of the general statutes or judicial marshal in the performance of the duties of a judicial marshal; (10) "Court" means the Superior Court; (11) "Crane game machine or device" means a machine or device (A) that is designed and manufactured only for bona fide amusement purposes and involves at least some skill in its operation, (B) that rewards a winning player exclusively with merchandise contained within the machine or device and such merchandise is limited to noncash prizes, toys or novelties each of which has a wholesale value not exceeding ten dollars or ten times the cost of playing the machine or device, whichever is less, (C) the player of which is able to control the timing of the use of the claw or grasping device to attempt to pick up or grasp a prize, toy or novelty, (D) the player of which is made aware of any time restrictions that the machine or device imposes on the player to maneuver the claw or grasping device into a position to attempt to pick up or grasp a prize, toy or novelty, and (E) the claw or grasping device of which is not of a size, design or shape that prohibits the picking up or grasping of a prize, toy or novelty contained within the machine or device; (12) "Redemption machine" means an amusement device operated by one or more players that involves a game the object of which is throwing, rolling, bowling, shooting, placing or propelling a ball or other object into, upon or against a hole or other target and that rewards the player or players with tickets, tokens or other noncash representations of value redeemable for merchandise prizes, provided (A) the outcome of the game is predominantly determined by the skill of the player, (B) the award of tickets, tokens or other noncash representations of value is based solely on the player's achieving the object of the game or on the player's score, (C) only merchandise prizes are awarded, (D) the average wholesale value of the prizes awarded in lieu of tickets or tokens for a single play of the machine does not exceed ten dollars or ten times the cost of a single play of the machine, whichever is less, and (E) the redemption value of each ticket, token or other noncash representation of value that may be accumulated by a player or players to redeem prizes of greater value does not exceed the cost of a single play of the machine. (P.A. 73-455, S. 1; P.A. 74-183, S. 172, 291; 74-191, S. 1, 2; P.A. 75-567, S. 70, 80; P.A. 76-111, S. 4; 76-436, S. 152, 681; P.A. 95-61; 95-79, S. 178, 189; P.A. 00-99, S. 4, 154; Jan. 6 Sp. Sess. P.A. 03-1, S. 1; June Sp. Sess. P.A. 17-2, S. 650, 651; P.A. 21-23, S. 40, 41.) History: P.A. 74-183 redefined "court" as court of common pleas rather than circuit court, reflecting

reorganization of judicial system, effective December 31, 1974; P.A. 74-191 redefined “gambling” to exclude lotteries or contests under authority of the “Commonwealth of Puerto Rico or any possession or territory of the United States” and to substitute Sec. 7-186l for Sec. 7-186; P.A. 75-567 replaced “county” detectives with detectives in the division of criminal justice in definition of “peace officer”, county government having been abolished in 1959; P.A. 76-111 redefined “peace officer” to replace detectives with chief inspectors or inspectors of criminal justice division; P.A. 76-436 redefined “court” to delete court of common pleas, reflecting transfer of all trial jurisdiction to superior court, effective July 1, 1978; (Revisor's note: In 1993 references in Subdivs. (3) and (7) to Sec. 7-186m were replaced editorially by the Revisors with references to Sec. 7-186l, Sec. 7-186m having been repealed); P.A. 95-61 amended Subdiv. (4) to exempt “crane game machine or device” and “redemption machine” from definition of “gambling device” and added Subdivs. (11) and (12) defining those terms; P.A. 95-79 redefined “person” to include limited liability companies, effective May 31, 1995; P.A. 00-99 amended Subdiv. (9) by deleting reference to sheriff and deputy sheriff and adding provision re state marshal exercising statutory authority and judicial marshal in performance of duties, effective December 1, 2000; Jan. 6 Sp. Sess. P.A. 03-1 amended definition of “gambling” in Subdiv. (2) by adding reference to “the playing of a casino gambling game such as blackjack, poker, craps, roulette or a slot machine”, deleting reference to Sec. 7-186l and substituting reference to Sec. 7-186, amended definition of “professional gambling” in Subdiv. (3) by deleting reference to Sec. 7-186l and substituting reference to Sec. 7-186, and amended definition of “gambling premises” in Subdiv. (7) by deleting reference to games of chance for which a permit was issued under Secs. 7-186a to 7-186l, inclusive, effective January 7, 2003; June Sp. Sess. P.A. 17-2 redefined “gambling” in Subdiv. (2) by adding provision re fantasy contests and redefined “gambling device” in Subdiv. (4) by adding provision re device or equipment used to play fantasy contests, effective October 31, 2017; P.A. 21-23 amended Subdiv. (2) to redefine “gambling” by deleting existing provision re fantasy contests and inserting provision re online casino gaming, online sports wagering, retail sports wagering and fantasy contests and Subdiv. (4) to redefine “gambling device” by deleting existing provision re device or equipment used to play fantasy contests and inserting provision re device or equipment used to participate in online casino gaming, online sports wagering, retail sports wagering or fantasy contests, effective July 1, 2021. See Secs. 52-553, 52-554 re wagering contracts and recovery of money lost in gaming. Cited. 196 C. 471. Proposal to combine live racing broadcasts with advertisements for telephone wagering does not contravene state's public policy against gambling. 278 C. 150.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-278b. - Gambling; professional gambling; penalties.

(a) Any person who engages in gambling, or solicits or induces another to engage in gambling, or is present when another person or persons are engaged in gambling, shall be guilty of a class B misdemeanor; provided natural persons shall be exempt from prosecution and punishment under this subsection for any game, wager or transaction which is incidental to a bona fide social relationship, is participated in by natural persons only and in which no person is participating, directly or indirectly, in professional gambling. (b) Any person who engages in professional gambling shall be guilty of a class A misdemeanor. (P.A. 73-455, S. 2.) Cited. 3 CA 477; 5 CA 634; 8 CA 290; 17 CA 587; 35 CA 333. Pyramid merchandising schemes possess the 3 essential elements of a lottery, consideration, chance and prize, and thus violate the lottery statute. 32 CS 279.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-278c. - Seizure of gambling devices. Penalties for possession, sale, etc., of gambling devices or records. Exceptions.

(a) All gambling devices are common nuisances and, if found in a place known or suspected to be a gambling premise, are subject to seizure, immediately upon detection, by any peace officer, who shall hold the same subject to confiscation and destruction by order of a court having jurisdiction. (b) No property right in any such gambling device shall exist or be recognized in any person, except the possessory right of officers enforcing sections 53-278a to 53-278g, inclusive. (c) All furnishings, fixtures, equipment and stock, including without limitation furnishings and fixtures adaptable to nongambling uses and equipment and stock for printing, recording, computing, transporting, safekeeping or, except as otherwise provided in subsection (c) of section 53-278d, communication, used in connection with professional gambling or maintaining a gambling premise, and all money or other things of value at stake or displayed in or in connection with professional gambling or any gambling device, shall be subject to seizure, immediately upon detection, by any peace officer, and shall, unless good cause is shown to the contrary by the owner, be ordered by the court to be destroyed or disposed of to a charitable or educational institution or to a governmental agency or institution, provided, if such property is money or valuable prize, it shall become the property of the state; except any such property which at the time of such order is subject to a bona fide mortgage, assignment of lease or rent, lien or security interest shall remain subject to such mortgage, assignment, lien or security interest. The court may also order that such property be sold by sale at public auction, in which case the proceeds shall become the property of the state; provided any person who has a bona fide mortgage, assignment of lease or rent, lien or security interest shall have the same right to the proceeds as he had in the property prior to sale. The provisions of section 54-33g shall not be applicable to proceedings under this section. (d) Except as provided in subsection (e) of this section, any person who knowingly owns, manufactures, possesses, buys, sells, rents, leases, stores, repairs or transports any gambling device, or offers or solicits any interest therein, except in connection with a permit under sections 7-169 to 7-186, inclusive, whether through an agent or employee or otherwise shall be guilty of a class A misdemeanor. Subsection (b) of this section shall have no application in the enforcement of this subsection. (e) Any firm or corporation may engage in the business of manufacturing gambling devices for use outside of the state, provided such firm or corporation has obtained approval for the manufacture and transportation of such devices from the Commissioner of Emergency Services and Public Protection. The commissioner shall adopt

regulations in accordance with the provisions of chapter 54 to implement the provisions of this subsection. (f) Any person who knowingly prints, makes, possesses, stores or transports any gambling record, or buys, sells, offers or solicits any interest therein, whether through an agent or employee or otherwise, shall be guilty of a class B misdemeanor, and in the enforcement of this subsection direct possession of any gambling record shall be presumed to be knowing possession thereof. (P.A. 73-455, S. 3; P.A. 74-221, S. 8; P.A. 75-54, S. 2, 3; P.A. 84-89, S. 1, 2; Jan. 6 Sp. Sess. P.A. 03-1, S. 2; P.A. 11-51, S. 134, 205.) History: P.A. 74-221 amended Subsec. (c) to replace former provisions requiring sale of forfeited property, allowing transfer of liens against such property to proceeds of sale and requiring equal division of proceeds between general fund of state and general fund of political subdivision whose officers made the seizure, with provisions requiring destruction of property, disposition to charitable or educational institution or governmental agency or consideration as state property; P.A. 75-54 amended Subsec. (c) to add provisions similar to those which existed prior to amendment of P.A. 74-221 re rights of persons holding mortgages, liens, etc. against property to claim share of proceeds of sale, etc; P.A. 84-89 inserted new Subsec. (e), exempting from criminal liability firms or corporations which manufacture gambling devices for out-of-state use provided they have approval to manufacture and transport from the public safety commissioner and relettered former Subsec. (e) as Subsec. (f); (Revisor's note: In 1993 a reference to repealed Sec. 7-186m was replaced editorially by the Revisors with a reference to Sec. 7-186lin Subsec. (d)); Jan. 6 Sp. Sess. P.A. 03-1 amended Subsec. (d) by deleting reference to Sec. 7-186land substituting reference to Sec. 7-186, effective January 7, 2003; P.A. 11-51, S. 205, made no changes; pursuant to P.A. 11-51, S. 134, "Commissioner of Public Safety" was changed editorially by the Revisors to "Commissioner of Emergency Services and Public Protection" in Subsec. (e), effective July 1, 2011. Cited. 196 C. 471. Cited. 8 CA 673.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-278d. - Transmission of gambling information.

(a) Any person who knowingly transmits or receives gambling information by telephone, telegraph, radio, semaphore or other means, or knowingly installs or maintains equipment for the transmission or receipt of gambling information, shall be guilty of a class A misdemeanor. (b) When any public utility is notified in writing by a law enforcement agency acting within its jurisdiction that any service, facility or equipment furnished by it is being used or will be used to violate this section, it shall, within ten days of receipt of such notice, discontinue or refuse the furnishing of such service, facility or equipment, and no damages, penalty or forfeiture, civil or criminal, shall be imposed against any public utility for any act done in compliance with any such notice. Unreasonable failure to comply with such notice shall be prima facie evidence of knowledge against such public utility. Nothing in this subsection shall be deemed to prejudice the right of any person affected thereby to secure an appropriate determination, as otherwise provided by law, that such service, facility or equipment should not be discontinued, or removed, or should be restored. (c) Facilities and equipment furnished by a public utility in the regular course of business, and which remain the property of such utility while so furnished, shall not be seized pursuant to subsection (c) of section 53-278c except in connection with an alleged violation of sections 53-278a to 53-278g, inclusive, by such public utility, and shall be forfeited only upon conviction of such public utility therefor. (d) Any person who subscribes to any telephone facility in a fictitious name for the purpose of gambling shall be guilty of a class D felony. (P.A. 73-455, S. 4.) Cited. 3 CA 477; 5 CA 634; 8 CA 673; 17 CA 587.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-278e. - Gambling premises as nuisance.

(a) All gambling premises are common nuisances and shall be subject to abatement by injunction or as otherwise provided by law. In any action brought under this subsection the plaintiff need not show damage and may, in the discretion of the court, be relieved of all requirements as to giving security. (b) When any property or premise is determined by a court having jurisdiction to be a gambling premise, the owner shall have the duty to terminate all interest of anyone holding the same under him. (c) When any property or premise, for which one or more licenses, permits or certificates issued by this state or any political subdivision or other public agency thereof are in effect, is determined by a court having jurisdiction to be a gambling premise, all such licenses, permits or certificates shall be void, and no license, permit or certificate so voided shall be reissued for such property or premise for a period of sixty days thereafter. All peace officers and all taxing and licensing officials of this state and its political subdivisions and other public agencies shall enforce this subsection. (d) Any person who, as owner, lessee, agent, employee, operator, occupant or otherwise, knowingly maintains or aids or permits the maintaining of a gambling premise shall be guilty of a class A misdemeanor, and any person who does any act in violation of this subsection within any locked, barricaded or camouflaged place or in connection with any electrical or mechanical alarm or warning system or arrangement where a lookout is used shall be guilty of a class D felony. (P.A. 73-455, S. 5.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-278f. - Persistent offenders.

Any person who has been convicted of a violation of subsection (b) of section 53-278b, subsection (d) of section 53-278c, subsection (a) of section 53-278d, or subsection (d) of section 53-278e or any statute predecessor thereto may, upon any subsequent violation of said subsections, be prosecuted as a persistent offender and on conviction may be subjected to the penalty of the next most serious classification of offense, provided it shall be an affirmative defense to the charge of being a persistent offender under this section if the defendant was pardoned on the ground of innocence with respect to the prior conviction on which the state is

relying. (P.A. 73-455, S. 6.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-278g. - Gambling: Excepted activities.

(a) Nothing in sections 53-278a to 53-278f, inclusive, shall be construed to prohibit the publication of an advertisement of, or the operation of, or participation in, a state lottery, pari-mutuel betting at race tracks licensed by the state, off-track betting conducted by the state or a licensee authorized to operate the off-track betting system, authorized games at a casino gaming facility, online casino gaming, online sports wagering, retail sports wagering, and fantasy contests as authorized by sections 12-852 to 12-865, inclusive, a promotional drawing for a prize or prizes, conducted for advertising purposes by any person, firm or corporation other than a retail grocer or retail grocery chain, wherein members of the general public may participate without making any purchase or otherwise paying or risking credit, money, or any other tangible thing of value or a sweepstakes conducted pursuant to sections 42-295 to 42-301, inclusive. (b) The Mashantucket Pequot Tribe and the Mohegan Tribe of Indians of Connecticut, or their agents, may use and possess at any location within the state, solely for the purpose of training individuals in skills required for employment by the tribe or testing a gambling device, any gambling device which the tribes are authorized to utilize on their reservations pursuant to the federal Indian Gaming Regulatory Act; provided no money or other thing of value shall be paid to any person as a result of the operation of such gambling device in the course of such training or testing at locations outside of the reservation of the tribe. Any person receiving such training or testing such device may use any such device in the course of such training or testing. Whenever either of said tribes intends to use and possess at any location within the state any such gambling device for the purpose of testing such device, the tribe shall give prior notice of such testing to the Department of Consumer Protection. (c) Any casino gaming facility, or its agents, may use and possess at any location within the state, solely for the purpose of training individuals in skills required for employment by the casino gaming facility or testing a gambling device, any gambling device which the casino gaming facility may use for conducting authorized games at the casino gaming facility, provided no money or other thing of value shall be paid to any person as a result of the operation of such gambling device in the course of such training or testing at locations outside of the casino gaming facility. Any person receiving such training or testing such device may use any such device in the course of such training or testing. Whenever a casino gaming facility intends to use and possess at any location within the state any such gambling device for the purpose of testing such device, the casino gambling facility shall give prior notice of such testing to the Department of Consumer Protection. (P.A. 73-455, S. 7; P.A. 93-257; 93-435, S. 93, 95; P.A. 01-45; P.A. 10-36, S. 13; P.A. 11-51, S. 182; P.A. 14-217, S. 203; P.A. 17-89, S. 12; P.A. 21-23, S. 42.) History: P.A. 93-257 added Subsec. (b) permitting training of individuals in skills required for employment by Mashantucket Pequot tribe; P.A. 93-435 changed effective date of P.A. 93-257 from October 1, 1993, to June 4, 1993, effective June 28, 1993; P.A. 01-45 amended Subsec. (b) to add provisions re Mohegan Tribe and re testing gambling devices; P.A. 10-36 amended Subsec. (a) to include off-track betting conducted by licensee authorized to operate off-track betting system, effective July 1, 2010; pursuant to P.A. 11-51, "Division of Special Revenue" was changed editorially by the Revisors to "Department of Consumer Protection" in Subsec. (b), effective July 1, 2011; P.A. 14-217 amended Subsec. (a) to add provision re sweepstakes conducted pursuant to Secs. 42-295 to 42-301 and make a technical change, effective July 1, 2014; P.A. 17-89 amended Subsec. (a) to replace reference to Sec. 53-278g with reference to Sec. 53-278f, and add "authorized games at a casino gaming facility", and added Subsec. (c) re training of individuals in skills required for employment by casino gaming facility or testing a gambling device, effective June 27, 2017; P.A. 21-23 amended Subsec. (a) to insert provision re online casino gaming, online sports wagering, retail sports wagering and fantasy contests, and made a technical change in Subsec. (b), effective July 1, 2021.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-280. - Billiard and pool rooms; permits.

The first selectman of any town, the chief of police of any city or the warden of any borough may grant permits to suitable persons to conduct public billiard and pool rooms in such town, city or borough, as the case may be, and may revoke any permit issued by him, for cause found after hearing. The use of any billiard or pool table for the purpose of gaming within any billiard or pool room, for the conduct of which a permit has been granted, or the carrying on within such billiard or pool room of any game of chance shall be sufficient cause for the revocation of such permit or for the refusal of a renewal of such permit. Each application for such a permit shall be in writing and shall describe the place where such billiard or pool room is to be located and state the number of tables to be used therein and the name of the proprietor thereof. Each such permit shall designate the place where such business is to be carried on and shall continue in force for one year unless revoked. Each person receiving such permit shall annually pay to the authority granting the same the sum of ten dollars for the use of the municipality. Any person who conducts, maintains or keeps open a public billiard or pool room without such permit shall be fined not more than two hundred fifty dollars. (1949 Rev., S. 8657; P.A. 12-80, S. 49.) History: P.A. 12-80 replaced penalty of a fine of not more than \$50 or imprisonment of not more than 6 months or both with a fine of not more than \$250. Cited. 8 CA 290.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-281 to 53-288. - Billiard and pool rooms; closing. Loitering by minors under eighteen. Keeping place where fowls or animals are fought. Penalty for attending fight of fowl or animals. Unlawful exhibition of sports or animals for gain. Unlawful exhibitions near fair grounds. Endurance contests. Bribery in game, contest or sport. Acceptance of bribe by player.

Sections 53-281 to 53-288, inclusive, are repealed. (1949 Rev., S. 8658–8665; February, 1965, P.A. 90; 1969, P.A. 828, S. 214; P.A. 94-43.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-289. - Ticket scalping.

Section 53-289 is repealed, effective October 1, 2007. (1949 Rev., S. 8666; P.A. 83-585; P.A. 84-546, S. 124, 173; P.A. 07-206, S. 5.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-289a. - Tickets to entertainment events. Disclosures. Exemption.

(a) As used in this section, “service charge” means any additional fee or charge that is designated as an “administrative fee”, “service fee” or “surcharge” or by using another substantially similar term. (b) No person shall advertise the prices of tickets to any entertainment event, including, but not limited to, any place of amusement, arena, stadium, theater, performance, sport, exhibition or athletic contest given in this state for which a service charge is imposed for the sale of a ticket at the site of the event, without conspicuously disclosing in such advertisement, whether displayed at the site of the event or elsewhere, the total price for each ticket and what portion of each ticket price, stated in a dollar amount, represents a service charge. (c) If a price is charged for admission to a place of entertainment, the operator of the place of entertainment shall print, endorse or otherwise disclose on the face of each ticket to an entertainment event at such place of entertainment (1) the price established for such ticket, or (2) if such operator, or such operator's agent, sells or resells such ticket, including at auction, the final price of such ticket. (d) (1) Any person that facilitates the sale or resale of a ticket to an entertainment event shall (A) disclose the total price of such ticket, which total price shall include all service charges required to purchase such ticket, and (B) disclose, in a clear and conspicuous manner, to the purchaser of such ticket the portion of the total ticket price, expressed as a dollar amount, that is attributable to service charges charged to such purchaser for such ticket. (2) The disclosures required under subdivision (1) of this subsection shall be displayed in the ticket listing before the ticket is selected for purchase. The total ticket price shall not increase during the period beginning when a ticket is selected for purchase and ending when a ticket is purchased, except a reasonable service charge may be charged for delivery of a nonelectronic ticket if (A) such service charge is based on the delivery method selected by the ticket purchaser, and (B) such service charge is disclosed to such purchaser before such purchaser purchases such ticket. (3) No disclosure required under this subsection shall be (A) false or misleading, (B) presented more prominently than the total ticket price, or (C) displayed in a font size that is as large or larger than the font size in which the total ticket price is displayed. (e) A movie shall not be deemed to constitute an entertainment event for the purposes of this section. (P.A. 91-152; P.A. 23-98, S. 7; 23-191, S. 5.) History: P.A. 23-98 added Subsec. (a) defining “service charge”, designated existing provisions re advertisements as Subsec. (b) and added Subsecs. (c) and (d) re ticketing disclosures; P.A. 23-191 added Subsec. (e) providing that movie shall not be deemed to constitute entertainment event for purposes of section.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-289b. - Ticket resellers. Conditions. Refunds. Penalty.

(a) Any person who resells a ticket to an entertainment event, including, but not limited to, a sporting event, a concert or a theatrical or operatic performance, shall refund to the purchaser of such ticket the full amount, including all service fees and delivery charges, paid by the purchaser for such ticket if any of the following occurs: (1) The event for which the ticket is resold is cancelled; (2) the ticket received by the purchaser does not grant the purchaser admission to the event described on the ticket; or (3) the ticket fails to conform to its description as advertised by the ticket reseller. (b) A person who resells a ticket pursuant to subsection (a) of this section shall provide the purchaser of such ticket with such ticket reseller's name, address and telephone number or other information necessary to allow such purchaser to contact such ticket reseller to obtain a refund of the ticket price, if necessary. (c) A violation of subdivision (1) or (2) of subsection (a) of this section or of subsection (b) of this section is a class B misdemeanor. (P.A. 07-206, S. 3.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-289c. - Unauthorized ticket resale in proximity to event prohibited. Exemptions. Penalty.

(a) No person shall resell, offer to resell or solicit the resale of a ticket to an entertainment event, including, but not limited to, a sporting event, a concert or a theatrical or operatic performance, on the day of such event, within one thousand five hundred feet of the physical structure where such event is scheduled to take place, if such resale is not authorized, in writing, by the owner or operator of such structure or event or a duly authorized agent of such owner or operator. (b) The provisions of subsection (a) of this section do not apply to a ticket reseller who: (1) Resells a ticket for not greater than the face value printed on the ticket; or (2) maintains a permanent office within one thousand five hundred feet of the physical structure where the entertainment event is scheduled to take place provided such reseller sells, offers to resell or solicits the resale of a ticket only within the premises of such office in person or by mail, telephone or the Internet. (c) A violation of subsection (a) of this section is a class A misdemeanor. (P.A. 07-206, S. 4; P.A. 10-36, S. 14.) History: P.A. 10-36 amended Subsec. (b) to make technical changes, effective July 1, 2010.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-289d. -

Entertainment event ticketing sales systems. Prohibitions. Paperless ticketing systems. Denial of admission to entertainment events. Exclusions. Unfair or deceptive act or practice.

(a)(1) No person shall employ an entertainment event ticketing sales system that fails to give the purchaser an option to purchase tickets that the purchaser may transfer to any party, at any price and at any time, without additional fees and without the consent of the person employing such ticketing system. For purposes of this section, "entertainment event" includes, but is not limited to, a sporting event, a concert or a theatrical or operatic performance, but does not include a movie. (2) Notwithstanding the provisions of subdivision (1) of this subsection, a person employing such a ticketing sales system may employ a paperless ticketing system that does not allow for independent transferability of tickets, provided the purchaser of such tickets is offered the option, at the time of initial sale, to purchase the same tickets in another form that is transferrable, independent of such a ticketing sales system, including, but not limited to, paper tickets or e-tickets and without additional fees, regardless of the form or transferability of such tickets. (b) No person shall deny admission to an entertainment event to a ticket holder who possesses a resold ticket to such entertainment event based solely on the grounds that such ticket has been resold. (c) A person employing an entertainment event ticketing sales system shall provide written secondary market disclosure information to potential ticket purchasers, if applicable. (d) The provisions of this section shall not apply to: (1) Tickets sold or offered for sale to students of a public institution of higher education for entertainment events held by or on behalf of such institution, or (2) concert or theater venues with seating capacities of not more than three thousand five hundred persons, provided a duly authorized representative of such concert theater or venue has provided written notice to the Commissioner of Consumer Protection of such theater or venue's intent not to comply with the provisions of this section. (e) A violation of any provision of this section shall constitute an unfair or deceptive act or practice in the conduct of trade or commerce pursuant to subsection (a) of section 42-110b. (P.A. 17-28, S. 1.) History: P.A. 17-28 effective January 1, 2018.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-289e. - Automated ticket purchasing software. Prohibitions. Unfair or deceptive act or practice.

(a) No person shall utilize automated ticket purchasing software to purchase tickets on an Internet web site. For purposes of this section, "automated ticket purchasing software" means a device, computer program or computer software that enables the automated purchase of tickets to entertainment events by bypassing or rendering inoperable security measures on an Internet web site offering the sale of tickets to entertainment events. (b) A violation of any provision of subsection (a) of this section shall constitute an unfair or deceptive act or practice in the conduct of trade or commerce pursuant to subsection (a) of section 42-110b. (P.A. 17-77, S. 17.) History: P.A. 17-77 effective January 1, 2018.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-290. - Lotteries prohibited; publication of promotional drawing.

Section 53-290 is repealed. (1949 Rev., S. 8667; 1955, S. 3306d; 1963, P.A. 516; 1971, P.A. 865, S. 21; P.A. 73-455, S. 9.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-290a. - Disclosures re promotional drawings.

Any person who operates a promotional drawing which is authorized by the provisions of section 53-278g shall cause to be printed on each ticket or token of participation, in type not less than one-third the size of the largest type on such ticket or token, a disclosure of the actual number and dollar amount of prizes to be awarded and the number of winners per each thousand tickets or tokens to be distributed. Any person who operates a promotional drawing in violation of the provisions of this section shall be fined not more than one thousand dollars. (1971, P.A. 83, S. 1; P.A. 73-455, S. 8.) History: P.A. 73-455 replaced reference to Sec. 53-290, repealed by same act, with reference to Sec. 53-278g.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-291 to 53-300. - Sale of property by lottery. Property disposed of by hazard. Lottery tickets not to be sold. Drawing a lottery. Pool selling. Sporting contest pools. Policy playing; gaming by use of lottery slips or tickets. Possession of lottery tickets of other state or county. Gift enterprise forbidden. Work and recreation on Sunday.

Sections 53-291 to 53-300, inclusive, are repealed. (1949 Rev., S. 8607, 8668-8676; 1951, S. 3302d; 1953, S. 3302d, 3307d; 1955, S. 3302d; 1957, P.A. 614, S. 2; 1959, P.A. 85; 1961, P.A. 382; 528, S. 1, 2; 1963, P.A. 522; February, 1965, P.A. 154, S. 1; 383; 384; 1967, P.A. 202; 1969, P.A. 34, S. 2; 216; 1971, P.A. 865, S. 22-27; 1972, P.A. 187, S. 16, 17; P.A. 73-455, S. 9; P.A. 76-415, S. 9; 76-435, S. 81, 82.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-300a. - Sunday real estate contracts valid.

No provision of section 53-302a shall be construed to render invalid any contract for the sale or lease of real property entered into on Sunday, and no such contract, entered into after October 1, 1967, shall be deemed to be invalid solely because it was entered into on Sunday. This section shall not affect any litigation pending in any court of this state on October 1, 1967. (1967, P.A. 681, S. 1, 2; P.A. 76-415, S. 7; 76-435, S. 81, 82.) History: P.A. 76-415 replaced reference to Sec. "53-300 or 53-302" with reference to Sec. 53-302a; P.A. 76-435 changed effective date of P.A. 76-415 from October 1, 1976, to date of passage. Cited. 177 C. 304.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-301. - Dealing in automobiles on Sunday.

Section 53-301 is repealed, effective October 1, 2002. (1949 Rev., S. 8607; 1951, 1953, 1955, S. 3302d; 1957, P.A. 614, S. 1; P.A. 02-89, S. 90.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-302. - Employment of labor on Sunday.

Section 53-302 is repealed. (1949 Rev., S. 8608; 1967, P.A. 888; 1969, P.A. 435; P.A. 76-415, S. 9; 76-435, S. 81, 82.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-302a. - Employment of labor on Sunday prohibited; exceptions. Sunday sales.

No person, firm or corporation shall engage in work, labor or business, or employ others in work, labor or business on Sunday, except the following: (a) Any enterprise whose activities are conducted solely for charitable or religious purposes, or which are service organizations. (b) Any federal, state, municipal or local governmental department or agency, or its employees, acting in an official capacity. (c) Any person, firm or corporation performing acts necessary for the public safety or health. (d) The sale or furnishing of any of the following items of personal property or services by any person, firm or corporation in any of the businesses enumerated in subsection (e), provided such person, firm or corporation sells such products or furnishes such services in the ordinary course of its business: (1) Drugs, medical and surgical supplies, or any object purchased on the prescription of a licensed practitioner for the treatment of a patient; (2) toilet articles or any article used for personal cleanliness and hygiene; (3) baby supplies; (4) ice; (5) newspapers, magazines, artists' supplies, films, stationery and greeting cards; (6) any food products intended for human or animal consumption; (7) gasoline, fuel additives, lubricants, antifreeze and tires; (8) emergency repair or replacement parts for motor vehicles, boats and aircraft; (9) emergency plumbing, heating, cooling and electrical repair and replacement parts and equipment; (10) cooking, heating and lighting fuel; (11) tobacco products; and (12) antiques. (e) The operation of any of the following businesses, provided such businesses may sell only those items sold in the ordinary course of business of such businesses, unless otherwise provided in this subsection, by any person, firm or corporation: (1) (A) Retail food stores, in which no more than five persons, including the owner, if owner-operated, are employed at one time in the conduct of business and which have less than five thousand square feet not including storage facilities and ground space; (B) retail drug stores, provided such stores shall be limited to the sale of items authorized in subdivisions (1) to (6), inclusive, and (11) of subsection (d) of this section; and (C) servicing of motor vehicles, motorcycles, boats and aircraft, but limited to the sale of items listed in subdivision (7) and (8) of subsection (d) of this section, and emergency repairs to motor vehicles, motorcycles, boats and aircraft; and provided further, each such store shall post in such manner as to be clearly visible and easily read by customers a list of the classes of goods which may be sold in or services rendered in such establishments; (2) restaurants, cafeterias and other prepared food service organizations, whether food is prepared for consumption on or off the premises where sold; (3) hotels, motels and other lodging facilities; (4) medical services and other professional services on an emergency basis; (5) ambulances and funeral services; (6) public services and utilities, manufacturing, processing and plant operations of such public services and utilities; (7) transportation by whatever means and supporting facilities; (8) cold storage warehousing; (9) ice manufacturing and distributing; (10) necessary inspection, repair and maintenance of equipment and machinery; (11) plant and industrial protection services and janitorial services; (12) any business or industry which by its nature is required to be continuous; (13) publishing, including the distribution of magazines and newspapers; (14) motion picture theaters and the production of radio and television programs and theatrical entertainments; (15) sports, athletic events and the operation of entertainment and recreational facilities and libraries; (16) sale or rental of boats, and swimming, fishing and boating equipment; (17) scenic, historic and tourist attractions; (18) sale or lease of noncommercial property and mobile manufactured homes; (19) use by public of coin-operated laundries, of coin-operated dry cleaners, or other vending machines; (20) licensed commercial kennels or pet shops; (21) agriculture, including the operation of nurseries and dairies; (22) athletic shops associated with and on the premises of athletic facilities which operate on Sundays; (23) commercial facilities for the washing of motor vehicles, motorcycles, boats or aircraft; and (24) manufacturing, including any allied operations which are involved in the production of any product. (f) This section shall not apply to isolated or occasional sales by persons not engaged in the sale, transfer or exchange of property as a business. (P.A. 76-415, S. 1; 76-435, S. 79, 81, 82; P.A. 78-329, S. 1; June Sp. Sess. P.A. 83-3, S. 1.) History: P.A. 76-435 changed effective date of P.A. 76-415 from October 1, 1976, to date of passage; P.A. 78-329 specified applicability to firms or corporations and amended Subsec. (e)(21) to include dairies, added Subsec. (2)(24) re manufacturing businesses and deleted proviso in Subsec. (1)(A) limiting stores to sale of "food products and nonalcoholic beverages intended for human or animal consumption"; June Sp. Sess. P.A. 83-3 changed term "mobile homes" to "mobile manufactured homes" in Subsec. (e)(18). Proscription of business activities on Sunday held unconstitutional as violation of equal protection and due process. 177 C. 304. Cited. 229 C. 312.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-303. - Persons who observe Saturday excepted from Sunday law.

No person who conscientiously believes that the seventh day of the week ought to be observed as the Sabbath, and actually refrains from work, labor or business on that day, or who conscientiously believes that the Sabbath begins at sundown on Friday night and

ends at sundown on Saturday night, and actually refrains from work, labor or business during said period, shall be liable to prosecution for performing work, labor or business on Sunday. (1949 Rev., S. 8609; P.A. 76-415, S. 8; 76-435, S. 81, 82; P.A. 78-329, S. 6.) History: P.A. 76-415 substituted “work, labor or business” for “secular business and labor” where appearing; P.A. 76-435 changed effective date of P.A. 76-415 from October 1, 1976, to date of passage; P.A. 78-329 deleted requirement that person file written notice of Sabbath beliefs with prosecuting attorney of court having jurisdiction as condition of exemption from liability for prosecution and deleted provision requiring that exemption applies “provided he shall not disturb any other person who is attending public worship”. Cited. 73 C. 625; 143 C. 502. Discussion of constitutionality of Sunday closing laws or Blue Laws. 177 C. 304. Cited. 33 CS 717. Cited. 4 Conn. Cir. Ct. 492.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-303a. - Retail sales on certain holidays.

Section 53-303a is repealed. (1961, P.A. 421; 1963, P.A. 384; P.A. 76-415, S. 9; 76-435, S. 81, 82.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-303b. - Employment of labor and retail sales on certain holidays.

(a) The provisions of section 53-302a shall apply to Thanksgiving Day, Christmas, New Year's Day, Memorial and Independence Day, or if any of said days is on Sunday, to the Monday following, and to Labor Day. (b) The provisions of section 53-302a shall not apply to the sale or furnishing of personal property or services at retail by any retail stores not exempted under said section 53-302a, on those Sundays following the fourth Thursday in November and preceding December twenty-fifth. (P.A. 76-415, S. 2; 76-435, S. 81, 82; P.A. 78-329, S. 2.) History: P.A. 76-435 changed effective date of P.A. 76-415 from October 1, 1976, to date of passage; P.A. 78-329 added Subsec. (b) re sales during Christmas shopping season. Discussion of constitutionality of Sunday closing laws or Blue Laws. 177 C. 304.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-303c. - Penalties.

Any person, firm or corporation who violates any provision of sections 52-207, 53-300a, 53-302a or 53-303 to 53-303e, inclusive, shall be fined not more than one hundred dollars for the first offense; not more than five hundred dollars for the second and each subsequent offense. Each violation shall constitute a separate offense. Nothing in said sections shall be construed to permit any fine being imposed upon any employee or agent who has been caused or directed by his employer to violate the provisions of said sections. (P.A. 76-415, S. 3; 76-435, S. 81, 82; P.A. 78-329, S. 3.) History: P.A. 76-435 changed effective date of P.A. 76-415 from October 1, 1976, to date of passage; P.A. 78-329 specified applicability to firms and corporations. Discussion of constitutionality of Sunday closing laws or Blue Laws. 177 C. 304.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-303d. - Injunction.

Any of the following may petition the superior court for the judicial district in which the violation occurs to enjoin any violations of section 53-302a or section 53-303b: (a) Any person engaged in work, labor or business prohibited or regulated by section 53-302a; (b) the Attorney General, or (c) any city or town in which a violation occurs. As used in this section, the term “person” means an individual or a business, corporation, limited liability company, partnership, firm or other organization or group of persons. Persons entitled to injunctive relief include but are not limited to persons competing with the defendant. (P.A. 76-415, S. 4; 76-435, S. 81, 82; P.A. 78-329, S. 4; P.A. 82-472, S. 144, 183; P.A. 95-79, S. 179, 189.) History: P.A. 76-435 changed effective date of P.A. 76-415 from October 1, 1976, to date of passage; P.A. 78-329 entirely replaced previous section which read: “Any individual, aggrieved by a violation of sections 52-207, 53-300a, 53-302a or 53-303 to 53-303e, inclusive, may petition the court of common pleas in the county or judicial district in which the violation occurs to enjoin such violation”; P.A. 82-472 deleted obsolete reference to counties; P.A. 95-79 redefined “person” to include a limited liability company, effective May 31, 1995. Discussion of constitutionality of Sunday closing laws or Blue Laws. 177 C. 304.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-303e. - More than six days employment in calendar week prohibited. Employee remedies.

(a) No employer shall compel any employee engaged in any commercial occupation or in the work of any industrial process to work more than six days in any calendar week. An employee's refusal to work more than six days in any calendar week shall not constitute grounds for his dismissal. (b) Any employee, who believes that his discharge was in violation of subsection (a) of this section may appeal such discharge to the State Board of Mediation and Arbitration. If said board finds that the employee was discharged in violation of said subsection (a), it may order whatever remedy will make the employee whole, including but not limited to reinstatement to his former or a comparable position. (c) Any person who violates any provision of this section shall be fined not more than two hundred dollars. (P.A. 76-415, S. 5; 76-435, S. 81, 82; P.A. 13-140, S. 17.) History: P.A. 76-435 changed effective date of P.A. 76-415 from October 1, 1976, to date of passage; P.A. 13-140 deleted former Subsec. (b) re employers requiring employees to work on the Sabbath, redesignated existing Subsec. (c) as Subsec. (b), deleted former Subsec. (d) re employers inquiring about applicants' observation of the Sabbath, redesignated existing Subsec. (e) as Subsec. (c), and made

conforming changes, effective June 18, 2013. Discussion of constitutionality of Sunday closing laws or Blue Laws. 177 C. 304. Former Subsec. (b) did not pass the “clear secular purpose” test of establishment clause scrutiny; decision that former Subsec. (b) is violative of establishment clause does not extend to other provisions of statute. 191 C. 336. Cited. 229 C. 312.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-303f. - Lease provisions requiring Sunday openings prohibited.

Section 53-303f is repealed. (P.A. 78-329, S. 5; P.A. 79-415, S. 2.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-304. - Nonsupport. Support orders and agreements. Administration of oaths by family relations counselors and support enforcement officers.

(a) Any person who neglects or refuses to furnish reasonably necessary support to the person's spouse, child under the age of eighteen or parent under the age of sixty-five shall be deemed guilty of nonsupport and shall be imprisoned not more than one year, unless the person shows to the court before which the trial is had that, owing to physical incapacity or other good cause, the person is unable to furnish such support. The court may suspend the execution of any community correctional center sentence imposed, upon any terms or conditions that it deems just, may suspend the execution of the balance of any such sentence in a like manner, and, in addition to any other sentence or in lieu thereof, may order that the person convicted shall pay to the Commissioner of Administrative Services directly or through Support Enforcement Services of the Superior Court, such support, in such amount as the court may find commensurate with the necessities of the case and the ability of such person, for such period as the court shall determine. Any such order of support may, at any time thereafter, be set aside or altered by the court for cause shown. Failure of any defendant to make any payment may be punished as contempt of court and, in addition thereto or in lieu thereof, the court may order the issuance of a wage withholding in the same manner as is provided in section 17b-745, which withholding order shall have the same precedence as is provided in section 52-362. The amounts withheld under such withholding order shall be remitted to the Department of Administrative Services by the person or corporation to whom the withholding order is presented at such intervals as such withholding order directs. (b) Any person who violates any provision of this section may be prosecuted before any court of this state in the same manner as if such offense had been committed within the territorial jurisdiction of such court. (c) A written agreement to support or any modification of an agreement to support filed with said court or the assistant clerk of the Family Support Magistrate Division shall have the same force and effect as an order of support by the Superior Court and shall be enforceable in the same manner as is provided herein for orders of support issued by the court. (d) Family relations counselors and support enforcement officers employed by the Judicial Department may administer oaths in all affidavits, statements, complaints and reports made to or by such family relations counselors and support enforcement officers in the performance of their duties. (1949 Rev., S. 8586; 1955, S. 3295d; 1957, P.A. 158; 1959, P.A. 115, S. 4; 308; 1963, P.A. 497; 1967, P.A. 746, S. 6; 1969, P.A. 297; 1971, P.A. 290; 1972, P.A. 127, S. 76; P.A. 74-183, S. 122, 291; P.A. 76-436, S. 512, 681; P.A. 78-331, S. 33, 58; P.A. 80-56, S. 1, 2; P.A. 83-295, S. 18; P.A. 86-359, S. 37, 44; P.A. 90-213, S. 43, 56; P.A. 93-396, S. 11; P.A. 00-68, S. 6; P.A. 01-91, S. 27; P.A. 02-132, S. 28; P.A. 04-257, S. 82; P.A. 21-15, S. 146.) History: 1959 acts provided bond may be executed to state treasurer and that provisions of Sec. 17-323a shall apply to this section; 1963 act amended Subsec. (a) to provide person shall be deemed guilty of nonsupport instead of a felony, deleted 1959 provision re section 17-323a and requirements re execution of bond when sentence suspended, provided for payment through family relations division of circuit court, provisions in Subsec. (a) authorizing court to set aside or alter support order, empowering court to act upon defendant's failure to make payments and defining “child” and added Subsec. (c) re force and effect of agreements to support made with family relations division of circuit court; 1967 act limited support obligation for children and parents to those under twenty-one and sixty-five, respectively; 1969 act substituted “community correctional center” for “jail”; 1971 act changed wording of Subsec. (c), re modifications of agreements, for clarity and deleted requirement that circuit court judge must approve agreements made between family relations division and relative after “examination of such relative in court or in chambers” for provisions to apply; 1972 act changed applicable age of children from 21 to 18 reflecting changed age of majority; P.A. 74-183 replaced family relations division with family relations office and circuit court with court of common pleas, reflecting reorganization of judicial system, effective December 31, 1974; P.A. 76-436 replaced court of common pleas with superior court, reflecting transfer of all trial jurisdiction to superior court, effective July 1, 1978; P.A. 78-331 substituted “spouse” for “wife”, removing unnecessary distinctions as to sex; P.A. 80-56 added Subsec. (d) empowering family relations officers to administer oaths; P.A. 83-295 amended Subsecs. (a) and (c) by replacing “family relations office” with “family services unit or support enforcement services unit” and amended Subsec. (d) by replacing “family relations officers and assistant family relations officers” with “family relations caseworkers and support enforcement officers”; P.A. 86-359 amended Subsec. (c) by changing “family services unit or support enforcement services unit” to “family division” and adding “or the assistant clerk of the family support magistrate division”; P.A. 90-213 changed office to which payments are to be made from the family services unit to the commissioner of administrative services or through the support enforcement division and changed family services unit or support enforcement services unit to the bureau of collection services in Subsec. (a), in Subsec. (c) changed family division to support enforcement division and made technical change in Subsec. (d); P.A. 93-396 made technical changes, substituting references to withholdings for references to executions; P.A. 00-68 amended Subsec. (a) to substitute “Department of Administrative Services” for “bureau of collection services” and make technical changes for purposes of gender neutrality; P.A. 01-91 changed “the Support Enforcement Division” to “Support Enforcement Services” in Subsecs. (a) and (d); P.A. 02-132

amended Subsec. (d) by replacing “family relations caseworkers” with “family relations counselors”, deleting references to “Family Division”, “Support Enforcement Services” and “the Superior Court”, adding provision re employed by the Judicial Department and making a technical change; P.A. 04-257 made technical changes in Subsec. (a), effective June 14, 2004; P.A. 21-15 deleted provision defining “child” for purposes of the section, effective January 1, 2022. See Sec. 46b-215 re obligation of relatives to furnish support. See Sec. 46b-219 re child's freedom from obligation to support a parent who had earlier deserted the child. See Sec. 51-348a re prosecution for nonsupport in geographical area of Superior Court. Generally. 41 C. 433. Adultery of wife sufficient defense. 57 C. 539; 100 C. 731. What facts justify wife in leaving husband; burden of proof. 91 C. 6. Venue of action is ordinarily place of husband's residence, since wife's residence follows that of her husband. 93 C. 363. Payments set forth in bond for support must be met even though wife has not been furnished help by town to whom bond was given; husband's duty is to support wife at his residence but not elsewhere. 94 C. 247. Information in words of statute sufficient; measure of support varies with circumstances of parties. 99 C. 119; 100 C. 730. When wife's misconduct will relieve husband of this duty. *Id.*, 731. Unjustifiable abandonment suspends duty; facts held to warrant conclusion of unjustifiable abandonment. 107 C. 108. Recognizance is a sufficient bond within statute; taking it directly to city instead of to treasurer does not invalidate it. 110 C. 171. Former statute cited. *Id.*, 479. Wife must have adequate justification, in declining to live with husband, to entitle her to separate support; justification is a question for each case on its own circumstances. 124 C. 382. Provision for prosecution in any court of state, held constitutional. 129 C. 570. Husband entitled to show wife's conduct has forfeited any claim by her for support by him. 142 C. 377. Former statute cited. 152 C. 471. Once a child reaches age 18, parents no longer have legal duty re support. 168 C. 144. Cited. 196 C. 403; 216 C. 85; 234 C. 194. Cited. 4 CS 144; 5 CS 225; 13 CS 268. While wife necessarily benefits, the purpose of statute is to protect the public purse. 14 CS 128. Cited. 15 CS 177. Existence of section is not grounds for denying relief in an equitable action for support. 16 CS 68. Cited. 34 CS 281; *Id.*, 284; 35 CS 130, 133. If husband and wife mutually assent to separate, husband not relieved of responsibility to support. 2 Conn. Cir. Ct. 218. Where, in a case under statute, defendant claims he was indigent so the court should have appointed counsel to him, but the court could not question him as to his earnings, it is incumbent on him to persuade the court that he was entitled to appointed counsel. 3 Conn. Cir. Ct. 624, 636. Legislative history discussed; crime of nonsupport does not require guilty or criminal intent. 4 Conn. Cir. Ct. 544. Defendant could not himself move to modify support order made upon his written agreement to contribute to support of his three minor children after he had been charged with crime of nonsupport. 6 Conn. Cir. Ct. 24.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-305. - Bond on appeal.

If the accused appeals, such court, in addition to requiring a recognizance or appearance bond, may order such accused to give a bond conditioned for his furnishing support pending the determination of such appeal. (1949 Rev., S. 8587; 1967, P.A. 656, S. 55.) History: 1967 act deleted obsolete references to bonds under Sec. 53-304.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-306. - Failure to comply with terms or make payment.

If any person convicted under section 53-304 fails to comply fully with the terms and conditions imposed under the provisions of said section or to make any payment required by any bond given pursuant to an appeal under section 53-305, the suspension of the execution of any community correctional center sentence imposed may be revoked and such person may be committed, and any such action shall not affect the validity of any such bond. (1949 Rev., S. 8588; 1967, P.A. 656, S. 56; 1969, P.A. 297.) History: 1967 act deleted obsolete references to bond under section 53-304 and added provisions re bond given under section 53-305; 1969 act substituted “community correctional center” for “jail”.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-307. - Jurisdiction.

Section 53-307 is repealed. (1949 Rev., S. 8589; 1959, P.A. 28, S. 204.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-308. - Forfeited bonds in nonsupport cases.

When any bond or recognizance conditioned for the appearance of any person accused in any information or complaint charging a violation of any of the provisions of section 53-304 becomes forfeited or whenever any person convicted under the provisions of said section gives a bond and fails to comply with the provisions of the same, the court before which such information or complaint is pending or in which such conviction was had, upon collection or settlement of such forfeited bond or recognizance, may order the avails or any portion thereof to be paid to the spouse or for the support of the children or both, in such manner and installments as such court may find reasonable, or may order the avails or any portion thereof to be paid to the selectmen of the town, Support Enforcement Services of the Superior Court, or the Commissioner of Administrative Services, who shall administer the same for the benefit of the spouse or children or both, as they or he may find reasonable. (1949 Rev., S. 8590; 1959, P.A. 28, S. 136; 1967, P.A. 138; 1969, P.A. 447, S. 4; 730, S. 14; 1971, P.A. 171; P.A. 74-183, S. 123, 291; P.A. 76-436, S. 513, 681; P.A. 77-614, S. 70, 610; P.A. 78-331, S. 34, 58; P.A. 93-396, S. 12; P.A. 01-91, S. 28.) History: 1959 act deleted references to trial justices which were abolished; 1967 act deleted reference to giving a bond under section 53-304; 1969 acts replaced welfare commissioner with

commissioner of finance and control; 1971 act authorized payments to family relations division of circuit court; P.A. 74-183 replaced family relations division of circuit court with family relations office of court of common pleas, reflecting reorganization of judicial system, effective December 31, 1974; P.A. 76-436 replaced court of common pleas with superior court, reflecting transfer of all jurisdiction to superior court, effective July 1, 1978; P.A. 77-614 replaced commissioner of finance and control with commissioner of administrative services; P.A. 78-331 substituted “spouse” for “wife” eliminating unnecessary distinction based on sex; P.A. 93-396 replaced reference to family relations office with support enforcement division; P.A. 01-91 changed “the Support Enforcement Division” to “Support Enforcement Services”.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-309 to 53-311. - Abandonment. Combination to increase price of necessities. Issuing currency; bills of credit.

Sections 53-309 to 53-311, inclusive, are repealed. (1949 Rev., S. 8591, 8611, 8612; 1949, S. 3296d; 1969, P.A. 828, S. 214; 1971, P.A. 608, S. 22.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-311a. - Distribution of unsolicited credit cards, charge plates.

(a) No person, company, partnership or corporation shall engage in the practice of mailing or the distribution in any form of any credit card, charge plate or any like instrument or device to any other person, firm or corporation unless such other person, firm or corporation has previously made a request therefor in writing or verbally. (b) Any person, company, partnership or corporation which violates the provisions of subsection (a) of this section shall be fined not more than one hundred dollars for each card, plate, instrument or device so mailed or distributed. (c) The provisions of this section shall not apply to the renewal of any credit card, charge plate or like instrument or device unless the recipient has previously indicated in writing his intention that such renewal not be effected nor shall it apply to the replacement of any such instrument or device by the issuer thereof during the period such instrument or device is in effect. (1969, P.A. 136, S. 1.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-312. - False statements of the value of stocks, bonds and other property.

Section 53-312 is repealed. (1949 Rev., S. 8613; 1969, P.A. 591, S. 3.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-313. - “Bucket shop”; definition.

A bucket shop, within the meaning of this section and section 53-314, is defined to be an office, store or other place wherein the proprietor or keeper thereof, either in his or its own behalf, or as the agent or correspondent of any other person, corporation, association or copartnership within or without the state, conducts the business of making or offering to make contracts, agreements, trades or transactions respecting the purchase or sale or purchase and sale of any stocks, grain, provisions or other commodity or personal property, wherein both parties thereto, or such proprietor or keeper, contemplates or intends that such contracts, agreements, trades or transactions shall be or may be closed, adjusted or settled according to, or upon the basis of, the public market quotations of prices made on any board of trade or exchange upon which the commodities or securities referred to in such contracts, agreements, trades or transactions are dealt in, and without a bona fide transaction on such board of trade or exchange; or wherein both parties, or such keeper or proprietor, contemplate or intend that such contracts, agreements, trades or transactions shall be, or may be deemed, closed or terminated when the public market quotations of prices made on such board of trade or exchange for the articles or securities named in such contracts, agreements, trades or transactions reach a certain figure; also, any office, store or other place in which the keeper or proprietor thereof, either in his or its own behalf, or as an agent as aforesaid, makes or offers to make, whether such offer is accepted or not, contracts, trades or transactions with others for the purchase or sale of any such commodity, wherein the parties thereto do not contemplate the actual or bona fide receipt or delivery of such property, but contemplate a settlement thereof based upon differences in the price at which such property is claimed to be bought and sold. (1949 Rev., S. 8614.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-314. - Keeping bucket shop.

No corporation, association, copartnership or person shall keep or cause to be kept any bucket shop; and any person or corporation, whether acting individually, or as a member of, or an officer, agent or employee of, any corporation, association or copartnership, who or which keeps or assists in the keeping of any bucket shop shall, upon conviction thereof, be fined not less than five hundred and not more than one thousand dollars, or be imprisoned in a community correctional center until such fine is paid, provided such imprisonment shall not continue for more than one year; and any person or persons who are found guilty of a second offense under this section and sections 53-315 and 53-316 shall, in addition to the penalty hereinbefore prescribed, be imprisoned not less than sixty days nor more than one year, and any corporation convicted of such second offense shall be liable to forfeiture of its charter. The continuance of any such establishment after a first conviction shall be deemed a second offense. (1949 Rev., S. 8615; 1969, P.A. 297.) History: 1969 act substituted “community correctional center” for “jail”.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-315. - Keeping

bucket shop; accessory.

Any corporation, association, copartnership or person who communicates, receives, exhibits or displays, in any manner, any statements of quotations of the prices of any property mentioned in section 53-313, with a view to any transactions prohibited in section 53-314, shall be deemed an accessory, and, upon conviction thereof, shall be fined and punished the same as the principal, and as provided in section 53-314. (1949 Rev., S. 8616.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-316. - Information to be furnished to customers.

Each commission merchant, copartnership, association, corporation, person or broker engaged in the business of buying or selling or buying and selling stocks, grain, provisions or other commodities or personal property for any person, principal, customer or purchaser shall furnish, upon demand, to any customer or principal for whom such commission merchant, broker, copartnership, corporation, association or person has executed any order for the actual purchase or sale of the commodities hereinbefore mentioned, either for immediate or future delivery, a written statement containing the names of the parties from whom such property was bought or to whom it was sold, as the case may be, the time when, the place where and the price at which the same was either bought or sold; and the refusal of any such commission merchant, broker, copartnership, corporation or association to promptly furnish such statement, upon reasonable demand, shall be prima facie evidence that such property was sold or bought in violation of the provisions of section 53-314. (1949 Rev., S. 8617.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-317. - Fraudulent sale of kosher meat, meat products and other food.

Section 53-317 is repealed, effective July 1, 2016. (1949 Rev., S. 8618; P.A. 16-117, S. 7.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-318. - Sale, use or exposure of diseased horses and other animals.

Section 53-318 is repealed. (1949 Rev., S. 8619; P.A. 80-159.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-319. - Sale or shipment of diseased flesh.

(a) Carcasses of young calves, pigs, kids and lambs are unfit for human consumption and shall be condemned if (1) the meat has the appearance of being water-soaked, is loose, flabby, tears easily and can be perforated with the fingers; or (2) its color is grayish red; or (3) good muscular development as a whole is lacking, which condition is especially noticeable on the upper shank of the leg, where small amounts of serous infiltrates or small edematous patches are sometimes present between the muscles; or (4) the tissue which later develops as the fat capsule of the kidneys is edematous, dirty yellow or grayish red, tough and intermixed with islands of fat. (b) The possession of any such flesh dressed in a manner suitable for sale or use shall be deemed prima facie evidence of an intent to sell and a violation of the provisions of this section. All unborn and stillborn animals shall be condemned, and no hide or skin thereof shall be removed from the carcass within a room in which edible products are handled. Any person, firm or corporation which violates or causes to be violated any of the provisions of this section shall be fined not more than one hundred dollars or imprisoned not more than six months. (1949 Rev., S. 8620.) Meaning of "wilfully" under former statute. 76 C. 94.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-320. - Distribution of noxious seeds or poisons.

No person shall spread, distribute, sow, have in his possession or deliver to another, with malicious intent, any seeds of foul or noxious plants, or spread or distribute poisons upon the land or trees of another except for the purpose of spraying such trees. Any person who violates any of the provisions of this section shall be guilty of a class D felony. (1949 Rev., S. 8621; P.A. 13-258, S. 115.) History: P.A. 13-258 changed penalty from fine of not more than \$1,000 or imprisonment of not more than 5 years to a class D felony.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-321. - Sale of thistle seed in grass seed.

Any person who vends any grass seed, in which he knows there is any seed of the Canada thistle, shall be fined not more than ten dollars. (1949 Rev., S. 8622.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-322. - Sale of clams by the barrel or bushel.

Any person who sells clams usually known as quahogs, cherry stones or little necks by the barrel or bushel, unless such barrel contains not less than two hundred forty pounds or such bushel contains not less than eighty pounds net delivered, shall be fined not more than twenty-five dollars. (1949 Rev., S. 8629; 1957, P.A. 342.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-323. - Coercion in placing of insurance on real or personal property. Payment for inspection of damaged property. Time limit for inspection.

No person, firm or corporation selling real or personal property or engaged in the business of financing the purchase of real or personal property or of lending money on the security of real or personal property shall require, as a condition to such sale, financing or lending, or as a condition to the renewal or extension of any such loan or to the performance of any other act in connection with such sale, financing or lending, that the purchaser or borrower, or the purchaser's or borrower's successors, shall negotiate through a particular insurance company, or insurance producer, any policy of insurance or renewal thereof. No person, firm or corporation named as a loss payee or having an interest under any mortgagee provision of any insurance policy issued in connection with the sale of real or personal property or the financing of the purchase of real or personal property, shall require as a condition to releasing or endorsing any claim settlement payment that the property insured be inspected by such loss payee or mortgagee or its designee, unless it is inspected or approved at such loss payee's or mortgagee's own effort and expense. If such inspection is required, it shall be completed, with respect to personal property, within two days, excluding Saturdays, Sundays and legal holidays, of notification of the availability of such property and, with respect to real property, within thirty days, excluding Saturdays, Sundays, and legal holidays, of such notification. If any loss payee chooses to inspect any personal property pursuant to this section, such loss payee or the designee of such loss payee shall be authorized to endorse at the time of such inspection any such claim settlement payment. If an agreement is reached concerning the amount of the settlement at the time of such inspection, such loss payee or designee shall endorse at that time any such claim settlement payment. Any person, firm or corporation, whether as principal, agent, officer or director, for the person or itself, or for another person, firm or corporation, violating the provisions of this section shall be fined not more than one hundred dollars. (1949, S. 3300d; 1957, P.A. 531; 1967, P.A. 27; P.A. 75-586; P.A. 85-328; P.A. 87-67; P.A. 01-113, S. 40, 42.) History: 1967 act deleted unnecessary reference to insurance or renewal of insurance "insuring such property"; P.A. 75-586 added provisions re inspection of damaged property; P.A. 85-328 added provision re authorization of loss payee or designee to endorse claim settlement payment if loss payee chooses to inspect property; P.A. 87-67 specified that a loss payee or designee shall be authorized to endorse "at the time of such inspection" and added provision requiring endorsement of the claim settlement payment at the time of inspection if an agreement is reached concerning the settlement amount at that time; P.A. 01-113 substituted "insurance producer" for "insurance agent or broker" and made technical changes for purposes of gender neutrality, effective September 1, 2002.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-324. - Articles purporting to be made of gold to be marked.

Any article represented to be of gold, which is made for sale or offered for sale, or held in possession with intent to sell, by any dealer, shall bear upon it, plainly stamped, the figures indicating the exact number of twenty-fourth parts of pure gold or proportion of gold that such article contains. Any person who violates any of the provisions of this section shall be fined not more than one thousand dollars or imprisoned not more than one year or both. (1949 Rev., S. 8623.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-325. - Articles made of gold or alloy; false representations.

Any manufacturer or dealer who makes for sale, sells or offers to sell or dispose of, or has in his possession with intent to sell or dispose of, any article constructed in part of gold or any alloy or imitation thereof, having thereon, or on any box, package, cover, wrapper or other thing enclosing or encasing such article or articles for sale, any stamp, brand, engraving, printed label, trademark, imprint or other mark, indicating or designed or intended to indicate that the gold, alloy or imitation thereof in such article or articles is different from or better than the actual kind and quality of such gold, alloy or imitation thereof, shall be fined not more than one thousand dollars or imprisoned not more than one year or both. (1949 Rev., S. 8624.) Statute does not apply to sales in another state. 80 C. 510; 81 C. 114.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-326. - Sterling silver defined. Penalty.

Any manufacturer or dealer who makes for sale, sells or offers to sell or dispose of, or has in his possession with intent to sell or dispose of, any article constructed in part of silver, or any alloy or imitation thereof, having thereon, or on any box, package, cover, wrapper or other thing enclosing or encasing such article for sale, any stamp, brand, engraving, printed label, trademark, imprint or other mark, containing the word "sterling" or the words "sterling silver", referring or designed or intended to refer to the silver or alloy or imitation thereof, which contains less than nine hundred and twenty-five one-thousandths thereof of pure silver, shall be fined not more than one thousand dollars or imprisoned not more than one year or both. (1949 Rev., S. 8625.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-327. - Coin silver defined. Penalty.

Any manufacturer or dealer who makes for sale, sells or offers to sell or dispose of, or has in his possession with intent to sell or dispose of, any article constructed in part of silver, or any alloy or imitation thereof, having thereon, or on any box, package, cover, wrapper or other thing enclosing or encasing such article for sale, any stamp, brand, engraving, printed label, trademark, imprint or

other mark containing the word “coin” or the words “coin silver”, referring or designed or intended to refer to the silver or alloy or imitation thereof in such article, when such silver, alloy or imitation contains less than nine-tenths thereof of pure silver, shall be fined not more than one thousand dollars or imprisoned not more than one year or both. (1949 Rev., S. 8626.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-328. - Manufacture and sale of gold and silver articles.

Any manufacturer of or dealer in articles constructed in part of gold or silver or any alloy or imitation thereof, upon payment of a fee of ten dollars, may file in the office of the Secretary of the State a bond executed by himself as principal, with sufficient surety, which bond shall be approved by the secretary, in the sum of five thousand dollars, conditioned that such manufacturer or dealer shall not violate any of the provisions of sections 53-324 to 53-327, inclusive. If it appears to the court before whom any person is prosecuted for the violation of any of the provisions of said sections that the article of merchandise concerning which the charge is brought was not made or altered in any way by the defendant and that it was acquired by him in good faith as an article of the standard of purity prescribed in said sections and without knowledge or information on his part to the contrary, such prosecution shall be dismissed and the defendant discharged, provided the person from whom the defendant acquired the article is within the jurisdiction of the court or has filed the bond provided for in this section and such bond was in full force and effect at the time of the sale by such defendant and at the time of the dismissal of such prosecution and provided such defendant shall furnish to such court an affidavit stating the name, residence and place of business of the person from whom such article was acquired by the defendant and the date and circumstances of its acquisition. Upon satisfactory proof by affidavit to the Attorney General of a violation, by any person giving bond as provided in this section, of the terms of such bond, the Attorney General shall declare the bond forfeited and forthwith proceed on behalf of the state to collect as damages the whole of the sum specified therein from the parties thereto. If, however, the violation of said sections by the principal in such bond occurred within the limits of this state, and such principal, at any time before the recovery of judgment upon such forfeiture, appears before any court having jurisdiction so that a criminal prosecution for the violation of any of the provisions of said sections may be commenced against him, such proceedings for the forfeiture and collection of such bond shall be discontinued. The court before which such action for the forfeiture and collection of such bond is pending shall have power in its discretion to chancery such bond. (1949 Rev., S. 8627; 1959, P.A. 28, S. 192.) History: 1959 act deleted reference to jurisdiction of magistrates.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-329. - Products of prison labor. Proceeds from sales credited to industrial fund.

No person, firm or corporation shall possess, use, distribute, exchange, sell or offer for sale in this state any goods, wares or merchandise manufactured, produced or mined wholly or in part by convicts or prisoners of this or any other state, except convicts or prisoners on parole or probation; provided nothing in this section shall be construed to forbid the sale of such goods to the state or any political subdivision thereof, or to any public institution owned and managed or controlled by the state or by any political subdivision thereof, when such goods are to be used or possessed solely by the state, such political subdivision thereof or such institution, or to any person, firm or corporation which may purchase such goods for its use or consumption but not for resale, when such purchase has been approved by the Commissioner of Administrative Services or to forbid sales under the provisions of section 18-46a. Nothing in this section shall be construed to forbid the sale of products or by-products of farming operations conducted for the dual purpose of keeping convicts or prisoners employed and of producing food for use in state institutions, such by-products to include but not be limited to bulls or bull calves or parts of carcasses thereof resulting from operations conducted to produce milk and cockerel chicks resulting from the incubation of eggs in egg-production activities. The proceeds from all sales resulting from such activities shall be paid to the Treasurer and credited to the industrial fund for the institutions of the Department of Correction created pursuant to section 18-88. Any person who violates any provision of this section shall be guilty of a class C misdemeanor. (1949 Rev., S. 8628; 1953, S. 3303d; 1963, P.A. 239, S. 2; P.A. 77-614, S. 70, 610; P.A. 84-236, S. 3; P.A. 85-150, S. 1, 2; 85-613, S. 78, 154; P.A. 12-80, S. 186.) History: 1963 act added reference to sales under Sec. 18-46b; P.A. 77-614 replaced commissioner of finance and control with commissioner of administrative services; P.A. 84-236 added provision requiring proceeds of sales to be paid to treasurer and credited to industrial fund for institutions of department of corrections created pursuant to Sec. 18-88; P.A. 85-150 added provision re sale of “products” of farming operations; P.A. 85-613 made technical change; P.A. 12-80 changed penalty from a fine of not more than \$1,000 or imprisonment of not more than 90 days or both to a class C misdemeanor. See Sec. 18-88 re industrial activities in correctional institutions.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-330. - Admission to public performances.

As used in this section, “places of public entertainment and amusement” means legitimate theaters, burlesque theaters, music halls, opera houses, concert halls, circuses and motion picture theaters. No person, agency, bureau, corporation or association, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public entertainment and amusement shall refuse to admit to any public performance held at such place any person over the age of eighteen years who presents a ticket of admission to the performance or shall eject or demand the departure of any such person from such place during the course of the performance, whether or not an offer is made to refund the purchase price or value of the ticket of admission presented by such person; but no provision of this section shall be construed to prevent the refusal of admission to or the ejection of any person

whose conduct or speech in such place is abusive or offensive or any person engaged in any activity which may tend to a breach of the peace. (1953, S. 3317d; 1972, P.A. 127, S. 77.) History: 1972 act amended section to reflect lowering of age of majority from 21 to 18.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-330a. - Access to public transportation and places of public accommodation for volunteer canine search and rescue teams.

(a) Any individual who is an active member of a volunteer canine search and rescue team, as defined in section 5-249, may travel on a train or on any other mode of public transportation, and may enter or visit any other place of public accommodation which caters or offers its services or facilities or goods to the general public, including, but not limited to, any public building, inn, restaurant, hotel, motel, tourist cabin, place of amusement, resort or any facility of any such public accommodation, accompanied by the dog in such team, and such individual may keep such dog with him or her at all times in any such public accommodation or facility thereof at no extra charge, provided such team is engaged in a search or rescue operation and such dog shall be in the direct custody of such individual and shall wear a harness or red or orange-colored identification. No such individual shall be charged any fee not applicable alike to all guests, provided the owner of such dog shall be liable for any damage done to the premises or facilities by such dog. (b) Any person who denies the rights afforded to active individual members of a volunteer canine search and rescue team under subsection (a) of this section shall be guilty of a class C misdemeanor, provided such individual member complies with the applicable provisions of subsection (a) of this section. (P.A. 04-241, S. 5.) See Sec. 46a-44 for like provisions re guide and assistance dogs.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-331. - Use of arsenic in embalming.

Any person who injects into the body of any deceased person, for the purpose of embalming the same, any fluid or substance containing arsenic in any form shall be fined not less than one hundred nor more than five hundred dollars. (1949 Rev., S. 8632.) See Sec. 20-216 re cases where medical examiner's permission is required prior to embalming.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-332. - Burials; proximity to dwelling.

Section 53-332 is repealed, effective October 1, 2012. (1949 Rev., S. 8633; 1963, P.A. 328; P.A. 77-614, S. 323, 610; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; P.A. 10-32, S. 150; P.A. 12-80, S. 193.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-333. - Depth of burial.

Section 53-333 is repealed. (1949 Rev., S. 8634; 1959, P.A. 302, S. 1.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-333a. - Depth of burial.

Section 53-333a is repealed, effective October 1, 2012. (1959, P.A. 302, S. 2; P.A. 12-80, S. 193.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-334. - Unlawful disinterment.

Any person who opens the grave or tomb where any corpse has been deposited, or removes any corpse from its place of sepulture, without the consent of the husband or wife or the near relatives of the deceased, or receives, conceals or secretes any corpse so removed, or assists in any surgical or anatomical experiments or demonstrations therewith or dissection thereof, knowing it to have been so removed, except as provided in section 19a-413, shall be guilty of a class D felony. (1949 Rev., S. 8635; 1969, P.A. 699, S. 30; P.A. 13-258, S. 116.) History: 1969 act added exception re Sec. 19-537; P.A. 13-258 changed penalty from fine of not more than \$2,000 and imprisonment of not more than 5 years to a class D felony. See Sec. 54-50 re reward for information regarding unlawful disinterment of corpse.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-335 to 53-340. - Malicious injury to property in cemeteries. Tramps. Wilful injury by tramps; carrying firearms. Officer may arrest without warrant. Exceptions. Vagrants and common drunkards.

Sections 53-335 to 53-340, inclusive, are repealed. (1949 Rev., S. 8636, 8640–8644; 1955, S. 3304d; 1959, P.A. 28, S. 137; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-340a. - Solicitation of clients, patients or customers for persons or entities providing legal or health care services.

(a) For the purposes of this section: (1) "Provider" means an attorney, a health care professional, as defined in section 19a-12a, a person who owns or operates a business or entity that provides legal or health care services, a person who, by such person's

representations, creates a reasonable belief that such person or such person's practice, business or entity can provide legal or health care services or a person employed by or acting on behalf of any of such persons; (2) "Public media" means telephone directories, professional directories, newspapers and other periodicals, radio, television, billboards and mailed or electronically transmitted written communications that do not involve in-person contact with a specific prospective client, patient or customer; and (3) "Runner" means an individual who, for a pecuniary benefit, procures or attempts to procure a client, patient or customer at the direction of, request of or in cooperation with a provider whose purpose is to seek to obtain benefits under an insurance contract or assert a claim against an insured or an insurance company for providing services to the client, patient or customer, or to obtain benefits under or assert a claim against a state or federal health care benefits program or prescription drug assistance program, except that "runner" does not include (A) an individual who procures or attempts to procure a client, patient or customer for a provider through public media, (B) an individual who refers a prospective client, patient or customer to a provider as otherwise authorized by law, (C) an individual who facilitates, presents or speaks at a meeting, program or seminar that is open to the public and at which information about a provider's services are discussed, or (D) an individual who is a bona fide employee of a provider who responds to an inquiry or request for information initiated by a prospective client, patient or customer. (b) An individual who knowingly acts as a runner or uses, solicits, directs, hires or employs another individual to act as a runner shall be fined not more than five thousand dollars or imprisoned not more than one year, or both. (c) The provisions of subsection (b) of this section shall not apply to the referral of individuals between attorneys, between health care professionals or between attorneys and health care professionals. (d) The provisions of this section shall be in addition to, and shall not be construed to limit or restrict, the provisions of sections 51-86, 51-87 and 51-87a. (P.A. 09-222, S. 1.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-341. - Use of words "physician", "surgeon", "medical doctor", "osteopath" or "doctor", or initials "M.D.", "D.O." or "Dr.". Exceptions. Penalties.

(a) Except as otherwise permitted by chapters 369 to 388, inclusive, and subsection (b) of this section, no person engaged in the practice of any branch of the art of healing the sick or injured or professing to be engaged in such practice, other than a person who is licensed to practice medicine under the provisions of chapter 370, may use or imply the use of the words "physician", "surgeon", "medical doctor", "osteopath" or "doctor", or the initials "M.D.", "D.O." or "Dr.", or any similar title or description of services, with the intent to represent, or in a manner that is likely to induce the belief that, the person (1) practices medicine within the state, (2) is licensed to practice medicine within the state, or (3) may diagnose or treat any injury, deformity, ailment or disease, actual or imaginary, of another person for compensation, gain or reward. (b) A person who holds the degree of doctor of medicine or doctor of osteopathy, but who is not licensed to practice medicine under the provisions of chapter 370, may use the initials "M.D." or "D.O." provided such initials are not used with the intent to represent, or in a manner that is likely to induce the belief that, the person (1) practices medicine within the state, (2) is licensed to practice medicine within the state, or (3) may diagnose or treat any injury, deformity, ailment or disease, actual or imaginary, of another person for compensation, gain or reward. (c) Any person who violates the provisions of this section or section 20-9, 20-12d or 20-12n shall be guilty of a class D felony. For the purposes of this section, each instance of patient contact or consultation that is in violation of chapter 370 shall constitute a separate offense. Failure to renew a license in a timely manner shall not constitute a violation of this section. (1949 Rev., S. 8646; P.A. 99-102, S. 50; P.A. 06-195, S. 58; P.A. 13-258, S. 117.) History: P.A. 99-102 deleted obsolete reference to osteopathy and made technical changes re gender neutrality; P.A. 06-195 deleted former provisions, added Subsec. (a) prohibiting use of terms "physician", "surgeon", "medical doctor", "osteopath" or "doctor", or initials "M.D.", "D.O." or "Dr.", by persons not licensed to practice medicine under chapter 370, added Subsec. (b) re limited exception for unlicensed persons who hold degree of doctor of medicine or doctor of osteopathy and added Subsec. (c) re penalties for violations, effective June 7, 2006; P.A. 13-258 amended Subsec. (c) to change penalty from fine of not more than \$500 or imprisonment of not more than 5 years to a class D felony and make a technical change.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-341a. - Sale of badge or shield of specific governmental official or employee.

No person, firm or corporation may sell or offer for sale a badge or shield that identifies the wearer as holding a specific office, title or position with a state or local government or the federal government unless the purchaser presents valid identification that indicates the purchaser holds such office, title or position at the time of such sale. Any person, firm or corporation that violates the provisions of this section shall be guilty of a class B misdemeanor. (P.A. 97-123, S. 1.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-341b. - Sale or delivery of body armor restricted.

(a) No person, firm or corporation shall sell or deliver body armor to another person unless the transferee (1) meets in person with the transferor to accomplish the sale or delivery, and (2) possesses a permit or certificate issued under the provisions of section 29-28, 29-36f, 29-37p or 29-38n. (b) The provisions of subsection (a) of this section shall not apply to the sale or delivery of body armor to (1) a sworn member or authorized official of an organized local police department, the Division of State Police within the Department of Emergency Services and Public Protection, the Division of Criminal Justice, the Department of Correction, the Board of Pardons and Paroles or the Department of Motor Vehicles, (2) an authorized official of a municipality or the Department of Administrative Services that purchases body armor on behalf of an organized local police department, the Division of State Police

within the Department of Emergency Services and Public Protection, the Division of Criminal Justice, the Department of Correction, the Board of Pardons and Paroles or the Department of Motor Vehicles, (3) a judicial marshal or probation officer or an authorized official of the Judicial Branch who purchases body armor on behalf of a probation officer or a judicial marshal, (4) a member of the National Guard or the armed forces reserve, (5) a federal firearms licensee, or (6) an employee of an emergency medical service organization, as defined in section 53a-3. (c) As used in this section, "body armor" means any item designed to provide bullet penetration resistance and to be worn on or under clothing on the body, like a vest or other article of clothing. (d) Any person, firm or corporation that violates the provisions of this section shall be guilty of a class B misdemeanor. (P.A. 98-127, S. 2; June Sp. Sess. P.A. 05-3, S. 82; P.A. 06-119, S. 2; P.A. 11-51, S. 134; 11-213, S. 49; P.A. 14-207, S. 7; P.A. 23-53, S. 35.) History: June Sp. Sess. P.A. 05-3 amended Subsec. (b) to exempt a sale or delivery of body armor to a sworn member or authorized official of the Division of Criminal Justice, to an authorized official of a municipality or the Department of Administrative Services who purchases body armor on behalf of the Division of Criminal Justice or to an authorized official of the judicial branch who purchases body armor on behalf of a probation officer, and to make technical changes, effective July 1, 2005; P.A. 06-119 amended Subsec. (b) to insert Subdiv. designators, exempt in Subdiv. (1) the sale or delivery of body armor to a sworn member or authorized official of Department of Correction or Board of Pardons and Paroles and exempt in Subdiv. (2) the sale or delivery of body armor to an authorized official of Department of Administrative Services that purchases body armor on behalf of Department of Correction or Board of Pardons and Paroles, effective July 1, 2006; pursuant to P.A. 11-51, "Department of Public Safety" was changed editorially by the Revisors to "Department of Emergency Services and Public Protection" in Subsec. (b), effective July 1, 2011; P.A. 11-213 amended Subsec. (b)(1) and (2) to add references to Department of Motor Vehicles, effective July 1, 2011; P.A. 14-207 amended Subsec. (b)(3) to add "or a judicial marshal"; P.A. 23-53 amended Subsec. (a) by designating existing provision re meeting in person with transferor as Subdiv. (1) and adding Subdiv. (2) re possession of permit or certificate, amended Subsec. (b) by adding judicial marshal or probation officer in Subdiv. (3) and adding Subdiv. (5) re federal firearms licensee and Subdiv. (6) re employee of an emergency medical services organization and redefined "body armor" in Subsec. (c).

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-341c. - Unauthorized taking or transmission by first responders of images of crime or accident victims.

Any peace officer or firefighter, as those terms are defined in section 53a-3, or any ambulance driver, emergency medical responder, emergency medical technician or paramedic, as those terms are defined in section 19a-175, who responds to a request to provide medical or other assistance to a person and, other than in the performance of his or her duties, knowingly (1) takes a photographic or digital image of such person without the consent of such person or a member of such person's immediate family, or (2) transmits, disseminates or otherwise makes available to a third person a photographic or digital image of such person without the consent of such person or a member of such person's immediate family, shall be fined not more than two thousand dollars or imprisoned not more than one year, or both. (P.A. 11-47, S. 1.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-342 and 53-343. - Attendance of children at places of amusement. Unauthorized credit to minor student.

Sections 53-342 and 53-343 are repealed. (1949 Rev., S. 8677, 8678; 1967, P.A. 287; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-343a. - Presence of persons under twenty-one years of age in class III gaming facilities prohibited. Wagering and misrepresentation of age by such persons prohibited.

(a) For the purposes of this section: (1) "Gaming facility" means any room in which class III gaming, as legally authorized pursuant to a tribal-state compact governing the conduct of gaming activities on Indian lands or federal procedures issued by the Secretary of the Interior, is conducted, but does not include a room limited to the playing of bazaar games; (2) "Class III gaming" has the same meaning as provided in the Indian Gaming Regulatory Act, 25 USC 2703; and (3) "Alcoholic liquor" has the same meaning as provided in section 30-1. (b) No person under the minimum age for the purchase of alcoholic liquor under the provisions of chapter 545 shall be present in any gaming facility, except that, unless otherwise prohibited by law, a person over the age of majority may be employed in a gaming facility if such person has obtained any license required by the state for such employment and such employment does not include handling or serving alcoholic liquor. Any person under such minimum age for the purchase of alcoholic liquor who violates the provisions of this subsection shall be fined not more than one hundred dollars. (c) Any person under the minimum age for the purchase of alcoholic liquor under the provisions of chapter 545 who is present in any gaming facility and directly or indirectly places a wager in such gaming facility shall be guilty of a class A misdemeanor. (d) Any person under the minimum age for the purchase of alcoholic liquor under the provisions of chapter 545 who, for the purpose of gaining access to a gaming facility, (1) misrepresents such person's age, or (2) uses or exhibits (A) a forged, counterfeit or altered government-issued identity card, passport or motor vehicle operator's license, or (B) a government-issued identity card, passport or motor vehicle operator's license belonging to any other person, shall be fined not less than one hundred dollars or more than five hundred dollars or imprisoned not more than thirty days, or both. (e) Nothing in this section shall be construed to prohibit minors from receiving lottery tickets or chances in lawfully operated games of chance as gifts. (P.A. 03-114, S. 2; P.A. 04-257, S. 85.) History: P.A. 04-257 made a technical change in Subsec. (d), effective June 14, 2004. See Sec. 12-576 re presence of minors at facilities where gambling activity authorized by state law takes place.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-344. - Sale or delivery of cigarettes or tobacco products to persons under age twenty-one. Misrepresentation of age. Presentation of driver's license or identity card to establish age. Transaction scans. Affirmative defense.

(a) As used in this section: (1) "Cardholder" means any person who presents a driver's license or an identity card to a seller or seller's agent or employee, to purchase or receive tobacco from such seller or seller's agent or employee; (2) "Cigarette" has the same meaning as provided in subsection (b) of section 12-285; (3) "Identity card" means an identification card issued in accordance with the provisions of section 1-1h; (4) "Sale" has the same meaning as provided in section 53-344b; (5) "Give" or "giving" has the same meaning as provided in section 53-344b; (6) "Deliver" or "delivering" has the same meaning as provided in section 53-344b; (7) "Seller" means any person engaged in the sale, giving or delivering of cigarettes or tobacco products; (8) "Tobacco products" has the same meaning as provided in section 12-330a; (9) "Transaction scan" means the process by which a seller or seller's agent or employee checks, by means of a transaction scan device, the validity of a driver's license or an identity card; and (10) "Transaction scan device" means any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's license or an identity card. (b) Any person who sells, gives or delivers to any person under twenty-one years of age cigarettes or a tobacco product shall be fined not more than three hundred dollars for the first offense, not more than seven hundred fifty dollars for a second offense on or before twenty-four months after the date of the first offense and not more than one thousand dollars for each subsequent offense on or before twenty-four months after the date of the first offense. The provisions of this subsection shall not apply to a person under twenty-one years of age who is delivering or accepting delivery of cigarettes or a tobacco product (1) in such person's capacity as an employee, or (2) as part of a scientific study being conducted by an organization for the purpose of medical research to further efforts in cigarette and tobacco product use prevention and cessation, provided such medical research has been approved by the organization's institutional review board, as defined in section 21a-408. (c) Any person under twenty-one years of age who misrepresents such person's age to purchase cigarettes or a tobacco product shall be fined not more than fifty dollars for the first offense and not less than fifty dollars or more than one hundred dollars for each subsequent offense. (d) (1) A seller or seller's agent or employee shall request that each person intending to purchase cigarettes or a tobacco product present a driver's license or identity card to establish that such person is twenty-one years of age or older. (2) A seller or seller's agent or employee may perform a transaction scan to check the validity of a driver's license or identity card presented by a cardholder as a condition for selling, giving away or otherwise distributing cigarettes or a tobacco product to the cardholder. (3) If the information deciphered by the transaction scan performed under subdivision (2) of this subsection fails to match the information printed on the driver's license or identity card presented by the cardholder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the seller nor any seller's agent or employee shall sell, give away or otherwise distribute any cigarettes or a tobacco product to the cardholder. (4) Subdivision (2) of this subsection does not preclude a seller or seller's agent or employee from using a transaction scan device to check the validity of a document other than a driver's license or an identity card, if the document includes a bar code or magnetic strip that may be scanned by the device, as a condition for selling, giving away or otherwise distributing cigarettes or a tobacco product to the person presenting the document. (e) (1) No seller or seller's agent or employee shall electronically or mechanically record or maintain any information derived from a transaction scan, except the following: (A) The name and date of birth of the person listed on the driver's license or identity card presented by a cardholder; and (B) the expiration date and identification number of the driver's license or identity card presented by a cardholder. (2) No seller or seller's agent or employee shall use a transaction scan device for a purpose other than the purposes specified in subsection (e) of section 53-344b, subsection (d) of this section or subsection (c) of section 30-86. (3) No seller or seller's agent or employee shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including, but not limited to, selling or otherwise disseminating that information for any marketing, advertising or promotional activities, but a seller or seller's agent or employee may release that information pursuant to a court order. (4) Nothing in subsection (d) of this section or this subsection relieves a seller or seller's agent or employee of any responsibility to comply with any other applicable state or federal laws or rules governing the sale, giving away or other distribution of cigarettes or tobacco products. (5) Any person who violates this subsection shall be subject to a civil penalty of not more than one thousand dollars. (f) (1) In any prosecution of a seller or seller's agent or employee for a violation of subsection (b) of this section, it shall be an affirmative defense that all of the following occurred: (A) A cardholder attempting to purchase or receive cigarettes or a tobacco product presented a driver's license or an identity card; (B) a transaction scan of the driver's license or identity card that the cardholder presented indicated that the license or card was valid and indicated that the cardholder was at least twenty-one years of age; and (C) the cigarettes or a tobacco product was sold, given away or otherwise distributed to the cardholder in reasonable reliance upon the identification presented and the completed transaction scan. (2) In determining whether a seller or seller's agent or employee has proven the affirmative defense provided by subdivision (1) of this subsection, the trier of fact in such prosecution shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or seller's agent or employee to exercise reasonable diligence and that the use of a transaction scan device does not excuse a seller or seller's agent or employee from exercising such reasonable diligence to determine the following: (A) Whether a person to whom the seller or seller's agent or employee sells, gives away or otherwise distributes cigarettes or a tobacco product is twenty-one years of age or older; and (B) whether the description and picture appearing on the driver's license or identity card presented by a cardholder is that of the cardholder. (1949 Rev., S. 8679; P.A. 87-374, S. 2, 3; P.A. 92-66, S. 4; P.A. 96-240, S. 8, 10; June Sp. Sess. P.A. 98-1, S. 36, 121; P.A. 01-92, S. 2; P.A. 03-19, S. 124; P.A. 08-184, S. 62; P.A. 14-76, S. 5; P.A. 17-146, S. 37; P.A. 19-13, S. 14; P.A. 22-118, S. 198; P.A. 23-195, S. 11.) History: P.A. 87-374 raised applicable age from 16 to 18; P.A. 92-66 amended Subsec.

(a) to increase fine from \$25 to \$50 and added Subsec. (b) to add fine for minors who purchase tobacco products; P.A. 96-240 amended Subsec. (a) to increase the fine for a first offense and to provide increased fines for a second and subsequent offenses and to specify that minors may handle tobacco in course of their duties as employees, effective June 6, 1996; June Sp. Sess. P.A. 98-1 made a technical change in Subsec. (b), effective June 24, 1998; P.A. 01-92 added new Subsec. (a) re definitions, designated existing Subsecs. (a) and (b) as Subsecs. (b) and (c) and made technical changes therein for purposes of gender neutrality, added new Subsec. (d) re use of a transaction scan device, added new Subsec. (e) re prohibited acts and added new Subsec. (f) re affirmative defense; P.A. 03-19 made a technical change in Subsec. (c), effective May 12, 2003; P.A. 08-184 amended Subsec. (c) by prohibiting persons under eighteen from possessing tobacco in any form in any public place and by defining “public place”; P.A. 14-76 amended Subsec. (e)(2) to add reference to Sec. 53-344b(e); P.A. 17-146 amended Subsec. (b) by replacing “minor” with “person”, replacing references to 18 month period with references to 24 month period, adding provision re person delivering or accepting delivery of tobacco as part of scientific study for purpose of medical research, and making technical and conforming changes; P.A. 19-13 amended Subsec. (a) by adding new Subdiv. (2) defining “cigarette”, redesignating existing Subdiv. (2) as Subdiv. (3), adding new Subdivs. (4) to (8) defining “sale”, “give” or “giving”, “deliver” or “delivering”, “seller”, and “tobacco products”, respectively, and redesignating existing Subdivs. (3) and (4) as Subdivs. (9) and (10), amended Subsec. (b) by replacing “eighteen” with “twenty-one”, increasing fine for first offense from \$200 to \$300, increasing fine for second offense from \$350 to \$750 and increasing fine for each subsequent offense from \$500 to \$1,000, amended Subsec. (c) by replacing “eighteen” with “twenty-one”, deleting references to purchasing and possessing, and deleting definition of “public place”, amended Subsec. (f) by adding provision re indication that cardholder is at least age 21 in Subdiv. (1)(B) and replacing “eighteen” with “twenty-one” in Subdiv. (2), added references to cigarettes, replaced references to tobacco with references to tobacco product, and made technical changes; P.A. 22-118 amended Subsec. (d) by adding new Subdiv. (1) re presentation of driver's license or identity card to establish age, redesignating existing Subdivs. (1) and (2) as new Subdivs. (2) and (3), and made technical and conforming changes, effective July 1, 2022; P.A. 23-195 amended Subsec. (f)(2) by making a technical change.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-344a. - Sale of cigarettes or tobacco products. Proof of age.

Each retailer of cigarettes or tobacco products or agent, employee or representative of such retailer shall require a person who is purchasing or attempting to purchase cigarettes or tobacco products, who appears to be under the age of thirty, to exhibit proper proof of age. If a person fails to provide such proof of age, such retailer or agent, employee or representative shall not sell cigarettes or tobacco products to the person. As used in this section, “proper proof” means a motor vehicle operator's license, a valid passport or an identity card issued in accordance with the provisions of section 1-1h. (P.A. 92-66, S. 5; P.A. 19-13, S. 15.) History: P.A. 19-13 added references to agent and representative and replaced “whose age is in question” with “who appears to be under the age of thirty”.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-344b. - Sale or delivery of electronic nicotine delivery systems or vapor products to persons under twenty-one years of age. Misrepresentation of age by persons under twenty-one years of age. Transaction scans. Affirmative defense.

(a) As used in this section: (1) “Electronic nicotine delivery system” has the same meaning as provided in section 21a-415; (2) “Cardholder” means any person who presents a driver's license or an identity card to a seller or seller's agent or employee, to purchase or receive an electronic nicotine delivery system or vapor product from such seller or seller's agent or employee; (3) “Identity card” means an identification card issued in accordance with the provisions of section 1-1h; (4) “Transaction scan” means the process by which a seller or seller's agent or employee checks, by means of a transaction scan device, the validity of a driver's license or an identity card; (5) “Transaction scan device” means any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's license or an identity card; (6) “Sale” or “sell” means an act done intentionally by any person, whether done as principal, proprietor, agent, servant or employee, of transferring, or offering or attempting to transfer, for consideration, an electronic nicotine delivery system or vapor product, including bartering or exchanging, or offering to barter or exchange, an electronic nicotine delivery system or vapor product; (7) “Give” or “giving” means an act done intentionally by any person, whether done as principal, proprietor, agent, servant or employee, of transferring, or offering or attempting to transfer, without consideration, an electronic nicotine delivery system or vapor product; (8) “Deliver” or “delivering” means an act done intentionally by any person, whether as principal, proprietor, agent, servant or employee, of transferring, or offering or attempting to transfer, physical possession or control of an electronic nicotine delivery system or vapor product; (9) “Vapor product” has the same meaning as provided in section 21a-415; and (10) “Seller” means any person who sells, gives or delivers an electronic nicotine delivery system or vapor product. (b) Any person who sells, gives or delivers to any person under twenty-one years of age an electronic nicotine delivery system or vapor product in any form shall be fined not more than three hundred dollars for the first offense, not more than seven hundred fifty dollars for a second offense on or before twenty-four months after the date of the first offense and not more than one thousand dollars for each subsequent offense on or before twenty-four months after the date of the first offense. The provisions of this subsection shall not apply to a person under twenty-one years of age who is delivering or accepting delivery of an electronic nicotine delivery system or vapor product (1) in such person's capacity as an employee, or (2) as part of a scientific study being conducted by an organization for the purpose of medical research to further efforts in tobacco use prevention and cessation, provided such medical research has

been approved by the organization's institutional review board, as defined in section 21a-408. (c) Any person under twenty-one years of age who misrepresents such person's age to purchase an electronic nicotine delivery system or vapor product in any form shall be fined not more than fifty dollars for the first offense and not less than fifty dollars or more than one hundred dollars for each subsequent offense. (d) (1) A seller or seller's agent or employee may perform a transaction scan to check the validity of a driver's license or identity card presented by a cardholder as a condition for selling, giving or otherwise delivering an electronic nicotine delivery system or vapor product to the cardholder. (2) If the information deciphered by the transaction scan performed under subdivision (1) of this subsection fails to match the information printed on the driver's license or identity card presented by the cardholder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the seller nor any seller's agent or employee shall sell, give or otherwise deliver any electronic nicotine delivery system or vapor product to the cardholder. (3) Subdivision (1) of this subsection does not preclude a seller or seller's agent or employee from using a transaction scan device to check the validity of a document other than a driver's license or an identity card, if the document includes a bar code or magnetic strip that may be scanned by the device, as a condition for selling, giving or otherwise delivering an electronic nicotine delivery system or vapor product to the person presenting the document. (e) (1) No seller or seller's agent or employee shall electronically or mechanically record or maintain any information derived from a transaction scan, except the following: (A) The name and date of birth of the person listed on the driver's license or identity card presented by a cardholder; and (B) the expiration date and identification number of the driver's license or identity card presented by a cardholder. (2) No seller or seller's agent or employee shall use a transaction scan device for a purpose other than the purposes specified in subsection (d) of this section, subsection (d) of section 53-344 or subsection (c) of section 30-86. (3) No seller or seller's agent or employee shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including, but not limited to, selling or otherwise disseminating that information for any marketing, advertising or promotional activities, but a seller or seller's agent or employee may release that information pursuant to a court order. (4) Nothing in subsection (d) of this section or this subsection relieves a seller or seller's agent or employee of any responsibility to comply with any other applicable state or federal laws or rules governing selling, giving or otherwise delivering electronic nicotine delivery systems or vapor products. (5) Any person who violates this subsection shall be subject to a civil penalty of not more than one thousand dollars. (f) (1) In any prosecution of a seller or seller's agent or employee for a violation of subsection (b) of this section, it shall be an affirmative defense that all of the following occurred: (A) A cardholder attempting to purchase or receive an electronic nicotine delivery system or vapor product presented a driver's license or an identity card; (B) a transaction scan of the driver's license or identity card that the cardholder presented indicated that the license or card was valid and indicated that the cardholder was at least twenty-one years of age; and (C) the electronic nicotine delivery system or vapor product was sold, given or otherwise delivered to the cardholder in reasonable reliance upon the identification presented and the completed transaction scan. (2) In determining whether a seller or seller's agent or employee has proven the affirmative defense provided by subdivision (1) of this section, the trier of fact in such prosecution shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or seller's agent or employee to exercise reasonable diligence and that the use of a transaction scan device does not excuse a seller or seller's agent or employee from exercising such reasonable diligence to determine the following: (A) Whether a person to whom the seller or seller's agent or employee sells, gives or otherwise delivers an electronic nicotine delivery system or vapor product is twenty-one years of age or older; and (B) whether the description and picture appearing on the driver's license or identity card presented by a cardholder is that of the cardholder. (g) Each seller of electronic nicotine delivery systems or vapor products or such seller's agent or employee shall require a person who is purchasing or attempting to purchase an electronic nicotine delivery system or vapor product and appears to be under the age of thirty to exhibit proper proof of age. If a person fails to provide such proof of age, such seller or seller's agent or employee shall not sell an electronic nicotine delivery system or vapor product to the person. As used in this subsection, "proper proof" means a motor vehicle operator's license, a valid passport or an identity card issued in accordance with the provisions of section 1-1h. (P.A. 14-76, S. 1; P.A. 15-244, S. 108; P.A. 17-146, S. 38; P.A. 19-13, S. 16.) History: P.A. 15-244 amended Subsec. (a) to add references to Secs. 21a-415 and 21a-415a, redefine "electronic nicotine delivery system" by adding reference to electronic cigarette liquid in Subdiv. (1), and add Subdiv. (10) defining "electronic cigarette liquid", effective January 1, 2016; P.A. 17-146 amended Subsec. (b) by replacing "minor" with "person", replacing references to 18 month period with references to 24 month period, adding provision re person delivering or accepting delivery of an electronic nicotine delivery system or vapor product as part of scientific study for purpose of medical research, and making technical and conforming changes; P.A. 19-13 amended Subsec. (a) by deleting references to Secs. 21a-415 and 21a-415a, redefining "electronic nicotine delivery system" in Subdiv. (1), redefining "vapor product" in Subdiv. (9), deleting former Subdiv. (10) defining "electronic cigarette liquid", and adding new Subdiv. (10) defining "seller", amended Subsec. (b) by replacing "eighteen" with "twenty-one", increasing fine for first offense from \$200 to \$300, increasing fine for second offense from \$350 to \$750, and increasing fine for subsequent offense from \$500 to \$1,000, amended Subsec. (c) by replacing "eighteen" with "twenty-one", deleting references to purchases and possession, and deleting definition of "public place", amended Subsec. (f) by adding provision re indication that cardholder was at least age 21 in Subdiv. (1)(B), replacing "eighteen" with "twenty-one" in Subdiv. (2)(A), amended Subsec. (g) by replacing " , whose age is in question," with "and appears to be under the age of thirty", and made technical changes.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-345. - Soliciting for philanthropic purposes.

Section 53-345 is repealed. (1949 Rev., S. 8606; 1953, S. 3301d; 1959, P.A. 659; 1963, P.A. 551, S. 15.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 946 - Offenses Against Public Policy Section 53-345a. - Nitrous oxide containers; sale to or purchase by minors prohibited. Proof of age.

(a) Any person who sells, gives or delivers to any minor under eighteen years of age any container exclusively containing nitrous oxide, unless the minor is delivering or accepting delivery in his capacity as an employee, shall be fined not more than two hundred dollars for the first offense, not more than three hundred fifty dollars for a second offense within an eighteen-month period and not more than five hundred dollars for each subsequent offense within an eighteen-month period. (b) Any person under eighteen years of age who purchases or misrepresents his age to purchase any container exclusively containing nitrous oxide shall be fined not more than fifty dollars for the first offense and not less than fifty dollars nor more than one hundred dollars for each subsequent offense. (c) Each retailer of containers exclusively containing nitrous oxide or employee of such retailer shall require a person who is purchasing or attempting to purchase a container exclusively containing nitrous oxide, whose age is in question, to exhibit proper proof of age. If a person fails to provide such proof of age, such retailer or employee shall not sell any container exclusively containing nitrous oxide to the person. As used in this section, "proper proof" means a motor vehicle operator's license, a valid passport or an identity card issued in accordance with the provisions of section 1-1h. (P.A. 98-17.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 947 - Forgery and Counterfeiting Section 53-346 and 53-347. - Forgery. Forging or counterfeiting stamps or labels.

Sections 53-346 and 53-347 are repealed. (1949 Rev., S. 8684, 8685; 1963, P.A. 51, S. 14; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 947 - Forgery and Counterfeiting Section 53-347a. - Prohibited acts relative to stamps, labels, trademarks, service marks, collective marks and certification marks.

(a) Any person who uses, forges or counterfeits the individual stamp or label of any mechanic or manufacturer, with intent to defraud another, or vends or offers to vend any goods having any such forged or counterfeited stamp or label thereon, knowing it to be forged or counterfeited, without disclosing the fact to the purchaser, shall be guilty of a class D felony, except that such person shall be fined not more than two hundred fifty thousand dollars. (b) Any person who, fraudulently and with intent to deceive, affixes any mark recorded under chapter 621a or any imitation thereof calculated to deceive, to any goods, receptacle or package similar in descriptive properties to those to which such mark is appropriated; or who, fraudulently and with intent to deceive, places, in any receptacle or package to which is lawfully affixed a recorded mark, goods other than those which such mark is designed and appropriated to protect; or who, fraudulently and with intent to deceive, deals in or keeps for sale any goods with a mark fraudulently affixed as above described in this section, or any goods contained in any package or receptacle having a lawful mark, which are not such goods as such mark was designed and appropriated to protect, shall be guilty of a class D felony, except that such person shall be fined not more than two hundred fifty thousand dollars. (c) Any person, firm, partnership, corporation, association, union or other organization (1) who wilfully and knowingly counterfeits or imitates, or offers for sale or otherwise utters or circulates any counterfeit or imitation of a mark recorded under chapter 622a; or (2) who uses or displays a genuine mark recorded under said chapter in a manner not authorized by the registrant and knowing that such use or display is not so authorized; or (3) who in any way uses the name or mark, whether recorded under said chapter or not, of any individual, firm, partnership, corporation, association, union or other organization, in and about the sale of goods or otherwise not being authorized to use the same and knowing that such use is unauthorized, shall be guilty of a class D felony, except that such person, firm, partnership, corporation, association, union or organization shall be fined not more than two hundred fifty thousand dollars. In all cases where such association, union or other organization is not incorporated, complaint may be made by any officer or member of such association, union or organization on behalf of such union, association or organization. (1963, P.A. 51, S. 13; 1967, P.A. 689, S. 11; P.A. 95-258; P.A. 13-258, S. 118.) History: 1967 act added Subsec. (c); P.A. 95-258 amended Subsec. (a) to increase the maximum term of imprisonment from six months to five years and the maximum fine from \$100 to \$250,000, amended Subsec. (b) to increase the maximum fine from \$500 to \$250,000 and the maximum term of imprisonment from 30 days to five years and amended Subsec. (c) to delete the minimum fine of \$100, increase the maximum fine from \$200 to \$250,000, delete the minimum term of imprisonment of three months and increase the maximum term of imprisonment from one year to five years (Revisor's note: In Subsec. (c) the phrase "in behalf of ..." was replaced editorially by the Revisors with "on behalf of ..." for consistency with customary statutory usage and grammatical accuracy); P.A. 13-258 replaced provisions re imprisonment of not more than 5 years with provisions re class D felony. Former statute: Cited. 23 CS 42. History discussed; counterfeit and forgery mean imitation; "use" means use of a label of a manufacturer on any goods with intent to defraud; not only the limitation of merchandise under a spurious label is prohibited, but also the sale of genuine merchandise under the guise of authentic origin; "use" includes causing the acts to be done; it is not necessary to prove actual damages to the manufacturer; under the vending portion of statute, proof of a completed transaction or full performance of a contract is not essential. 24 CS 129.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 947 - Forgery and Counterfeiting Section 53-348 to 53-353. - Counterfeiting, generally.

Sections 53-348 to 53-353, inclusive, are repealed. (1949 Rev., S. 8686-8691; 1961, P.A. 517, S. 114; 1963, P.A. 652, S. 10; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 948 - Frauds and False Pretenses Section 53-354 to 53-364. - Embezzlement by public or corporation officer or fiduciary. Embezzlement, generally. Obtaining valuable thing or service by false pretenses. Fraudulent issue of checks or drafts. Procuring property or credit by false statement. Fraudulent warehouse receipts. Defrauding of public community by officer.

Sections 53-354 to 53-364, inclusive, are repealed. (1949 Rev., S. 8692-8702; 1959, P.A. 28, S. 204; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 948 - Frauds and False Pretenses Section 53-366 and 53-367. - Diversion from state of benefit of labor of employees. Unlawful removal of vessel by master.

Sections 53-366 and 53-367 are repealed. (1949 Rev., S. 8704, 8705; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 948 - Frauds and False Pretenses Section 53-368. - Falsely certifying as to administration of oath.

Any person authorized by the laws of this state to administer oaths and affirmations, who falsely certifies that an oath or affirmation has been administered by him to any person in any matter where an oath or affirmation is by law required or falsely certifies that any affidavit, deposition or written statement of any kind required by law to be made upon oath or affirmation has been sworn or affirmed to before him by the person making such affidavit, deposition or written statement in any case where the same is required by law to be made, shall be guilty of a class E felony. (1949 Rev., S. 8706; P.A. 13-258, S. 31.) History: P.A. 13-258 changed penalty from fine of not more than \$1,000 or imprisonment of not more than 3 years to a class E felony. See Sec. 1-24 re officers empowered to administer oaths. Statute not void for vagueness; it is sufficiently explicit to guide persons of ordinary intelligence; "false" imports requirement of specific intent to deceive. 175 C. 279. Cited. 5 CA 616.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 948 - Frauds and False Pretenses Section 53-369. - False pretenses as to pedigree of animal.

Any person who, by any false pretense, device or representation, obtains from any club, association, society or company for improving the breed of cattle, horses, sheep, swine or other domestic animals the registration of any animal in the herd register or other register of any such club, association, society or company or the transfer of any such registration or who knowingly gives a false pedigree of any such animal shall be imprisoned not more than one year or fined not more than five hundred dollars or both. The person who wrongfully obtains a registration or the transfer of a registration, as aforesaid, may be tried therefor either in the venue where the false pretense, device or representation was made or practiced or where such registration or transfer was made. (1949 Rev., S. 8709.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 948 - Frauds and False Pretenses Section 53-370. - Fraudulent sale of liquid fuels or lubricating oils.

No person, firm or corporation, or any member or employee thereof, shall store, expose for sale or sell any liquid fuels, lubricating oils, greases or similar products in such manner as to deceive as to identity, nature or quality; or use any container for storage with the trademark or symbol of any manufacturer or distributor except that of the manufacturer or distributor of the product contained therein; or imitate the design, trademark or symbol of any manufacturer on any container, buildings or equipment with intent to deceive purchasers as to the nature, source or quality of the commodity sold; or mix, blend or compound any of such products of one manufacturer or distributor with that of another and sell the same as the product of either, provided any owner may sell such compound under his own trademark; or aid, assist or abet any person in the violation of the above provisions by depositing or delivering such products in any container other than that of the manufacturer or distributor of such product. Any person who violates any of the provisions of this section shall be guilty of a class D misdemeanor. (1949 Rev., S. 8710; P.A. 12-80, S. 108.) History: P.A. 12-80 replaced penalty of a fine of not more than \$200 or imprisonment of not more than 30 days or both with a class D misdemeanor.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 948 - Frauds and False Pretenses Section 53-371 to 53-376. - Defrauding keeper of hotel, restaurant or boarding house. Evasion of fares. Fraudulent issue and use of transfer ticket upon public conveyance. False statement by hirer of horse; by hirer of boat. Conversion of money by court officer.

Sections 53-371 to 53-376, inclusive, are repealed. (1949 Rev., S. 8712-8717; 1967, P.A. 656, S. 57; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 948 - Frauds and False Pretenses Section 53-377. - Fraudulent uses of badges or insignia.

Any person who copies, imitates or simulates the insignia, flag, ribbon, badge, rosette, seal, button or emblem of any society, association, labor union or incorporated club, registered under the provisions of section 35-18c, or of any society, association, labor union or incorporated club which has been in existence continuously since May 23, 1898, or any person who wears the button, badge or insignia of the Grand Army of the Republic, the American Legion or Italian American War Veterans of the United States, Incorporated, or the insignia, rosette, badge or other indicia of membership of any fraternal or beneficial order or society or of any historical, naval or military organization or uses the same to obtain aid or assistance, or uses the name of any such society,

organization or order or the title of any of its officers or its rituals or ceremonies unless such person is entitled to do so under the constitution, bylaws or rules and regulations of such order or society, or falsely claims to be a member thereof, shall be fined not more than five hundred dollars. (1949 Rev., S. 8718; 1961, P.A. 240; P.A. 74-338, S. 43, 94.) History: 1961 act added Italian American War Veterans of the United States, Incorporated; P.A. 74-338 substituted reference to Sec. 35-18c for reference to Sec. 35-14. See Sec. 53-341a re sale of badge or shield of governmental official or employee.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 948 - Frauds and False Pretenses Section 53-378. - Wearing of armed forces uniform. False representation of award of armed forces decoration, medal, badge, ribbon, button or rosette.

(a) Any person, other than an officer or enlisted man or woman of the armed forces, as defined in section 27-103, or any reserve component thereof, or of the state, as defined in section 27-2, or a member of a school or college military or naval organization, organized, uniformed and drilling as such, or a resident of any veterans' or soldiers' home, or a police officer, who, at any time, wears the uniform, or any part of the uniform, of any of said armed forces, reserve components or organizations, within the state, shall be fined not less than five hundred dollars or more than one thousand dollars or imprisoned not more than six months, or both, provided nothing in this section shall be construed as prohibiting any person having been honorably discharged from any of said armed forces, reserve components or organizations from wearing the person's uniform in accordance with the laws of the United States or the state and the regulations governing any of said armed forces, reserve components or organizations, or any person taking part in any play, opera, theater or other entertainment from wearing such uniform while actually engaged in such entertainment. (b) Any person who, with the intent to obtain money, property or other tangible benefit, falsely represents himself or herself, orally or in writing, to have been awarded any decoration or medal authorized by the United States Congress for the armed forces, as defined in section 27-103, or any of the service medals or badges awarded to the members of such armed forces, or the ribbon, button or rosette of any such decoration, medal or badge, or any colorable imitation thereof, shall be fined not less than five hundred dollars or more than one thousand dollars or imprisoned not more than six months, or both. (1949 Rev., S. 8719; 1951, S. 3318d; 1957, P.A. 163, S. 46; P.A. 07-128, S. 1; P.A. 14-56, S. 1.) History: P.A. 07-128 designated existing provisions as Subsec. (a) and amended same to increase penalty range from \$100 to \$500 to \$500 to \$1,000, substitute "armed forces, reserve components or organizations" for "units or services" and make technical changes, and added Subsec. (b) re false oral or written representation of being awarded any decoration, medal, badge, ribbon, button or rosette of the armed forces; P.A. 14-56 amended Subsec. (b) to add "with the intent to obtain money, property or other tangible benefit," re false representation. See Sec. 53a-130a re impersonation of police officer.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 948 - Frauds and False Pretenses Section 53-378a. - Solicitation of contributions for veterans' charitable organization with intent to defraud.

(a) No person, firm or corporation that holds itself out as a representative of a veterans' charitable organization shall, with intent to defraud, solicit a contribution for such veterans' charitable organization that inures or is intended to inure to the benefit of any person, firm or corporation other than such veterans' charitable organization. For the purposes of this section, "veterans' charitable organization" means any person, firm or corporation that is or purports to be established for any benevolent, educational, philanthropic, humane, scientific, patriotic, social welfare or advocacy purpose relating to or on behalf of veterans, and "veteran" has the same meaning as provided in subsection (a) of section 27-103. (b) Any person, firm or corporation that violates any provision of subsection (a) of this section shall be guilty of a class C misdemeanor. (P.A. 12-195, S. 2.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 948 - Frauds and False Pretenses Section 53-379. - False representations to dispensaries.

Section 53-379 is repealed. (1949 Rev., S. 8720; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 948 - Frauds and False Pretenses Section 53-379a. - Residential mortgage fraud. Penalties. Definitions.

(a) A person commits residential mortgage fraud when, for financial gain and with the intent to defraud, such person: (1) Knowingly makes any material written misstatement, misrepresentation or omission during the mortgage lending process with the intention that a mortgage lender, mortgage correspondent lender or mortgage broker, as defined in section 36a-485, a borrower or any other person that is involved in the mortgage lending process will rely on such written misstatement, misrepresentation or omission; (2) knowingly uses or facilitates the use or attempts to use or facilitate the use of any written misstatement, misrepresentation or omission during the mortgage lending process with the intention that a mortgage lender, mortgage correspondent lender, as defined in section 36a-485, borrower or any other person that is involved in the mortgage lending process relies on it; (3) receives or attempts to receive proceeds or any other funds in connection with a residential mortgage closing that the person knew or should have known resulted from an act or acts constituting residential mortgage fraud; or (4) conspires with or solicits another to engage in an act or acts constituting residential mortgage fraud. (b) (1) A person who commits a single act of residential mortgage fraud is guilty of a class D felony. (2) A person who commits two or more acts of residential mortgage fraud is guilty of a class C felony. (3) For purposes of this section, (A) "person" means (i) a mortgage broker, mortgage lender, mortgage correspondent lender, mortgage loan originator, loan processor or underwriter, as such terms are defined in section 36a-485, or (ii) any other individual who is a mortgagor on more than three individual mortgage loans or who purchases or sells more than three residential properties in a

consecutive twelve-month period; (B) “mortgage lending process” means the process through which an individual seeks or obtains a residential mortgage loan, including solicitation, application, origination, negotiation of terms, underwriting, signing, closing and funding of a residential mortgage loan and services provided incident to such mortgage loan, including the appraisal of the residential property; and (C) “residential property” means “residential property” as defined in section 36a-485. (c) It shall be sufficient in any prosecution for residential mortgage fraud to show that the party accused did the act with the intent to deceive or defraud. It shall be unnecessary to show that any particular person was harmed financially in the transaction or that the person to whom the deliberate misstatement, misrepresentation or omission was made relied upon the misstatement, misrepresentation or omission. For purposes of this section, the residential mortgage fraud is committed: (1) In the county in which the residential real property for which the mortgage loan is being sought is located; (2) in the county in which any act was performed in furtherance of residential mortgage fraud; (3) in any county in which any person alleged to have engaged in an act that constitute residential mortgage fraud had control or possession of any proceeds of such residential mortgage fraud; (4) if a closing occurred, in any county in which the closing occurred; or (5) in any county in which a document containing a deliberate misstatement, misrepresentation or omission is filed with an official registrar. (P.A. 09-207, S. 1; 09-209, S. 42; P.A. 11-216, S. 48.) History: P.A. 09-209 amended Subsec. (b)(3)(A)(ii) by changing “individual who makes” to “individual who is a mortgagor on”; P.A. 11-216 amended Subsec. (b)(3)(A) to redefine “person” by adding references to loan processor or underwriter and making technical changes.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 948 - Frauds and False Pretenses Section 53-379b. - Judgment liens in residential mortgage fraud. Restitution.

(a) All real and personal property of every kind used or intended for use in the course of, derived from or realized through an act of residential mortgage fraud may be subject to a judgment lien in favor of the state to secure any fine levied against a person convicted of mortgage fraud. Such judgment lien shall comply with the provisions of section 52-380a or 52-355a and shall be subordinate to any security interest in the property recorded prior to the date on which such lien is recorded. (b) In addition to the penalty prescribed under section 53-379a, courts may order restitution to any person that has suffered a financial loss due to any act or acts constituting residential mortgage fraud. (c) In the absence of fraud, bad faith or malice, a person shall not be subject to an action for civil liability for filing reports or furnishing other information regarding suspected residential mortgage fraud under section 53-379a to a regulatory or law enforcement agency. (P.A. 09-207, S. 2.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949 - Crimes Involving Credit Cards, Scanning Devices or Reencoders Section 53-380 to 53-388. - Credit card crimes.

Sections 53-380 to 53-388, inclusive, are repealed. (1969, P.A. 750, S. 1-9; 1971, P.A. 871, S. 129.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949 - Crimes Involving Credit Cards, Scanning Devices or Reencoders Section 53-388a. - Unlawful use or possession of scanning device or reencoder. Civil action by Attorney General. Penalties.

(a) As used in this section: (1) “Scanning device” means a scanner, reader or any other electronic device that is used to access, read, scan, obtain, memorize or temporarily or permanently store information encoded on a computer chip or a magnetic strip or stripe of a payment card. (2) “Reencoder” means an electronic device that places encoded information from a computer chip or a magnetic strip or stripe of a payment card onto a computer chip or a magnetic strip or stripe of a different payment card or any electronic medium that allows an authorized transaction to occur. (3) “Payment card” means a credit card, charge card, debit card or any other card that is issued to an authorized card user and that allows the user to obtain, purchase or receive goods, services, money or anything else of value from a merchant. (4) “Merchant” means a person who receives, from an authorized user of a payment card or from someone the person reasonably believes to be such an authorized user, a payment card or information from a payment card or what the person reasonably believes to be a payment card or information from a payment card, as an instrument for obtaining, purchasing or receiving goods, services, money or anything else of value from the person. (b) No person shall use a scanning device to access, read, obtain, memorize or temporarily or permanently store information encoded on a computer chip or a magnetic strip or stripe of a payment card without the permission of the authorized user of the payment card and with the intent to defraud the authorized user, the issuer of the authorized user's payment card or a merchant. (c) No person shall use a reencoder to place information encoded on a computer chip or a magnetic strip or stripe of a payment card onto a computer chip or a magnetic strip or stripe of a different card without the permission of the authorized user of the card from which the information is being reencoded and with the intent to defraud the authorized user, the issuer of the authorized user's payment card or a merchant. (d) The Attorney General may institute a civil proceeding in Superior Court against any person who violates subsection (b) or (c) of this section. (e) Any person who violates the provisions of subsection (b) or (c) of this section shall be fined not more than ten thousand dollars and imprisoned not less than one year or more than ten years, or both. (f) No person shall possess a scanning device or reencoder under circumstances manifesting an intent to use the same in the commission of a violation of subsection (b) or (c) of this section. (g) Any person who violates subsection (f) of this section shall be guilty of a class A misdemeanor. (P.A. 06-60, S. 1.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949a - Extortionate Credit Transactions Section 53-389. - Definitions.

(a) As used in this chapter: (1) "To extend credit" means to make or renew any loans, or to enter into any agreement, tacit or express, whereby the repayment or satisfaction of any debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or will be deferred; (2) "Creditor", with reference to any given extension of credit, refers to any person making such extension of credit, or to any person claiming by, under or through such person; (3) "Debtor", with reference to any given extension of credit, refers to any person to whom such extension of credit is made, or to any person who guarantees the repayment of that extension of credit, or in any manner undertakes to indemnify the creditor against loss resulting from the failure of any person to whom that extension of credit is made to repay the same; (4) "Repayment" of any extension of credit includes the repayment, satisfaction or discharge, in whole or in part, of any debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with such extension of credit; (5) "To collect an extension of credit" means to induce in any way any person to make repayment thereof; (6) An "extortionate extension of credit" is any extension of credit with respect to which it is the understanding of the creditor and the debtor, at the time such extension of credit is made, that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation or property of any person; (7) An "extortionate means" is any means which involves the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation or property of any person. (b) State law, including conflict of laws rules, governing the enforceability through civil judicial processes of repayment of any extension of credit or the performance of any promise given in consideration thereof, shall be judicially noticed. This subsection shall not impair any authority which any court would otherwise have to take judicial notice of any matter of state law. (1971, P.A. 239, S. 1; May 25 Sp. Sess. P.A. 94-1, S. 97, 130.) History: May 25 Sp. Sess. P.A. 94-1 made technical change, effective July 1, 1994.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949a - Extortionate Credit Transactions Section 53-390. - Extortionate extension of credit. Conspiracy.

(a) Any person who makes any extortionate extension of credit, or conspires to do so, shall be guilty of a class B felony. (b) In any prosecution under this section, if it is shown that all of the following factors were present in connection with the extension of credit in question, there is prima facie evidence that the extension of credit was extortionate; but this subsection is nonexclusive and in no way limits the effect or applicability of subsection (a): (1) The repayment of the extension of credit, or the performance of any promise given in consideration thereof, would be unenforceable, through civil judicial processes against the debtor (A) in the jurisdiction within which the debtor, if a natural person, resided or (B) in every jurisdiction within which the debtor, if other than a natural person, was incorporated or qualified to do business at the time the extension of credit was made; (2) the extension of credit was made at a rate of interest in excess of the rate permitted under title 37 calculated according to the actuarial method of allocating payments made on a debt between principal and interest, pursuant to which a payment is applied first to the accumulated interest and the balance is applied to the unpaid principal; (3) at the time the extension of credit was made, the debtor reasonably believed that either (A) one or more extensions of credit by the creditor had been collected or attempted to be collected by extortionate means, or the nonrepayment thereof had been punished by extortionate means; or (B) the creditor had a reputation for the use of extortionate means to collect extensions of credit or to punish the nonrepayment thereof; (4) upon the making of the extension of credit, the total of the extensions of credit by the creditor to the debtor then outstanding, including any unpaid interest or similar charges, exceeded ten dollars. (c) In any prosecution under this section, if evidence has been introduced tending to show the existence of any of the circumstances described in subdivision (1) or (2) of subsection (b), and direct evidence of the actual belief of the debtor as to the creditor's collection practices is not available, then, for the purpose of showing the understanding of the debtor and the creditor at the time the extension of credit was made, the court may, in its discretion, allow evidence to be introduced tending to show the reputation as to collection practices of the creditor in any community of which the debtor was a member at the time of the extension. (1971, P.A. 239, S. 2.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949a - Extortionate Credit Transactions Section 53-391. - Advances of money or property to be used in extortionate extension of credit.

Any person who wilfully advances money or property, whether as a gift, as a loan, as an investment, pursuant to a partnership or profit sharing agreement, or otherwise, to any person, with reasonable grounds to believe that it is the intention of such person to use the money or property so advanced directly or indirectly for the purpose of making extortionate extensions of credit, shall be guilty of a class B felony and fined not more than ten thousand dollars or an amount not exceeding twice the value of the money or property so advanced, whichever is greater, or shall be imprisoned not more than twenty years, or both. (1971, P.A. 239, S. 3.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949a - Extortionate Credit Transactions Section 53-392. - Participation or conspiracy in use of extortionate means. Evidence.

(a) Any person who knowingly participates in any way, or conspires to do so, in the use of any extortionate means (1) to collect or attempt to collect any extension of credit, or (2) to punish any person for the nonrepayment thereof, shall be guilty of a class B felony. (b) In any prosecution under this section, for the purpose of showing an implicit threat as a means of collection, evidence may be introduced tending to show that one or more extensions of credit by the creditor were, to the knowledge of the person against whom the implicit threat was alleged to have been made, collected or attempted to be collected by extortionate means or that the nonrepayment thereof was punished by extortionate means. (c) In any prosecution under this section, if evidence has been introduced tending to show the existence, at the time the extension of credit was made, of the circumstances described in subdivision

(b)(1) or (b)(2) of section 53-390, and direct evidence of the actual belief of the debtor as to the creditor's collection practices is not available, then, for the purpose of showing that words or other means of communication, shown to have been employed as a means of collection, in fact carried an express or implicit threat, the court may in its discretion allow evidence to be introduced tending to show the reputation of the defendant in any community of which the person against whom the alleged threat was made was a member at the time of the collection or attempt at collection. (1971, P.A. 239, S. 4.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949b - Academic Crimes Section 53-392a. - Definitions.

As used in this chapter: "Person" means any individual, partnership, corporation, limited liability company or association; "assignment" means any specific written, recorded, pictorial, artistic or other academic task that is intended for submission to any university, college, academy, school or other educational institution which is chartered, incorporated, licensed, registered or supervised by this state, in fulfillment of the requirements of a degree, diploma, certificate or course of study at any such educational institution; and "prepare" means to create, write or in any way produce in whole or substantial part a term paper, thesis, dissertation, essay, report or other written, recorded, pictorial, artistic or other assignment for a fee. (P.A. 73-581, S. 1; P.A. 95-79, S. 180, 189.) History: P.A. 95-79 redefined "person" to include a limited liability company, effective May 31, 1995.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949b - Academic Crimes Section 53-392b. - Preparation of assignments for students attending educational institutions prohibited.

(a) No person shall prepare, offer to prepare, cause to be prepared, sell or offer for sale any term paper, thesis, dissertation, essay, report or other written, recorded, pictorial, artistic or other assignment knowing, or under the circumstances having reason to know, that said assignment is intended for submission either in whole or substantial part under the name of a student other than the author of the term paper, thesis, dissertation, essay, report or other written, recorded, pictorial, artistic or other assignment in fulfillment of the requirements for a degree, diploma, certificate or course of study at any university, college, academy, school or other educational institution which is chartered, incorporated, licensed, registered or supervised by this state. (b) Nothing contained in this chapter shall prevent any person from providing tutorial assistance, research material, information or other assistance to persons enrolled in a university, college, academy, school or other educational institution which is chartered, incorporated, licensed, registered or supervised by this state, which is not intended for submission directly or in substantial part as an assignment under the student's name to such educational institution in fulfillment of the requirements for a degree, diploma, certificate or course of study or to prevent any person from rendering for a fee services which include the typing, research, assembling, transcription, reproduction or editing of a manuscript or other assignment which he has not prepared at the request of or on behalf of the purchaser. (P.A. 73-581, S. 2, 3.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949b - Academic Crimes Section 53-392c. - Excepted actions.

Nothing contained in this chapter shall prevent any person from selling or offering for sale a publication or other written material which shall have been registered under the United States laws of copyright, provided the owner of such copyright shall have given his authorization or approval for such sale and provided such publication or other written material shall not be intended for submission as a dissertation, thesis, term paper, essay, report or other written assignment to an educational institution within the state of Connecticut in fulfillment of the requirements for a degree, diploma, certificate or course of study. (P.A. 73-581, S. 4.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949b - Academic Crimes Section 53-392d. - Enforcement by the Attorney General.

Whenever the Attorney General, or his deputy, has reason to believe that any person has violated any of the provisions of this chapter, he may bring an action in the superior court for the judicial district of Hartford to enjoin the continuance of such violation; and, if it appears to the satisfaction of the court that the defendant has, in fact, violated this chapter, an injunction may be issued enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby. In connection with any such proposed application, the Attorney General may conduct an investigation, subpoena witnesses and documents deemed by him necessary to the conduct of such investigation and, in the event of noncompliance with any such subpoena, may apply to the superior court for the judicial district of Hartford, which may issue an order requiring such compliance. (P.A. 73-581, S. 6; P.A. 76-436, S. 278, 681; P.A. 80-483, S. 172, 186; P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6.) History: P.A. 76-436 replaced court of common pleas with superior court, reflecting transfer of all trial jurisdiction to superior court, effective July 1, 1978; P.A. 80-483 substituted "judicial district of Hartford-New Britain" for "Hartford county"; P.A. 88-230 replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949b - Academic Crimes Section 53-392e. - Unlawful preparation of academic assignments: Class B misdemeanor.

Any person who violates any provision of this chapter shall be guilty of a class B misdemeanor. Any court of competent jurisdiction

may grant such further relief as is necessary to enforce the provisions of this chapter, including the issuance of an injunction. (P.A. 73-581, S. 5.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949c - Corrupt Organizations and Racketeering Activity Act Section 53-393. - Short title: Corrupt Organizations and Racketeering Activity Act.

This chapter shall be known as the “Corrupt Organizations and Racketeering Activity Act” and may be cited as “CORA”. (P.A. 82-343, S. 1.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949c - Corrupt Organizations and Racketeering Activity Act Section 53-394. - Definitions.

(a) “Racketeering activity” means to commit, to attempt to commit, to conspire to commit, or to intentionally aid, solicit, coerce or intimidate another person to commit any crime which, at the time of its commission, was a felony chargeable by indictment or information under the following provisions of the general statutes then applicable: (1) Sections 53-278a to 53-278f, inclusive, relating to gambling activity; (2) chapter 949a, relating to extortionate credit transactions; (3) chapter 952, part IV, relating to homicide; (4) chapter 952, part V, relating to assault, except assault with a motor vehicle as defined in section 53a-60d; (5) sections 53a-85 to 53a-88, inclusive, relating to prostitution; (6) chapter 952, part VII, relating to kidnapping; (7) chapter 952, part VIII, relating to burglary, arson and related offenses; (8) chapter 952, part IX, relating to larceny, robbery and related offenses; (9) chapter 952, part X, relating to forgery and related offenses; (10) chapter 952, part XI, relating to bribery and related offenses; (11) chapter 952, part XX, relating to obscenity and related offenses; (12) chapter 952, part XIX, relating to coercion; (13) sections 53-202, 53-206, 53a-211 and 53a-212, relating to weapons and firearms; (14) section 53-80a, relating to the manufacture of bombs; (15) sections 36b-2 to 36b-34, inclusive, relating to securities fraud and related offenses; (16) sections 21a-277, 21a-278, 21a-278b and 21a-279, relating to drugs; (17) section 22a-131a, relating to hazardous waste; (18) chapter 952, part XXIII, relating to money laundering; (19) section 53a-192a, relating to trafficking in persons; or (20) subsection (b) of section 12-304 or section 12-308, relating to cigarettes, or subsection (c) of section 12-330f or subsection (b) of section 12-330j, relating to tobacco products. (b) “Unlawful debt” means any money or other thing of value constituting principal or interest of a debt that is incurred or contracted: (1) In violation of any of the following provisions of law: (A) Sections 53-278a to 53-278f, inclusive, relating to gambling activity; (B) chapter 663, relating to interest violations; or (2) In gambling activity in violation of federal law or in the business of lending money at a rate usurious under state or federal law. (c) “Enterprise” means any individual, sole proprietorship, corporation, business trust, union chartered under the laws of this state or other legal entity, or any unchartered union, association or group of individuals associated in fact although not a legal entity, and includes illicit as well as licit enterprises and governmental, as well as other entities. In determining whether any unchartered union, association or group of individuals exists, factors which may be considered as evidence of association include, but are not limited to: (1) A common name or identifying sign, symbols or colors and (2) rules of behavior for individual members. (d) “Person” includes any individual or entity, governmental, business or other, capable of holding a legal or beneficial interest in property. (e) “Pattern of racketeering activity” means engaging in at least two incidents of racketeering activity that have the same or similar purposes, results, participants, victims or methods of commission or otherwise are interrelated by distinguishing characteristics, including a nexus to the same enterprise, and are not isolated incidents, provided the latter or last of such incidents occurred after October 1, 1982, and within five years after a prior incident of racketeering activity. (f) “State’s attorney” means the Chief State’s Attorney, a deputy chief state’s attorney, any state’s attorney or any assistant state’s attorney. (g) “Property” includes any property, real or personal, or any interest therein or any beneficial interest of whatever kind. (P.A. 82-343, S. 2; P.A. 84-138, S. 1; P.A. 91-36; July Sp. Sess. P.A. 94-2, S. 8; P.A. 06-43, S. 2; P.A. 09-193, S. 1; June Sp. Sess. P.A. 15-5, S. 128; P.A. 17-147, S. 41; P.A. 18-25, S. 8; June Sp. Sess. P.A. 21-1, S. 156.) History: P.A. 84-138 amended Subsec. (a) by replacing alphabetic Subdiv. indicators with numeric Subdiv. indicators and adding Subdiv. (17) re Sec. 22a-131a; P.A. 91-36 added Subsec. (a)(18) re chapter 952, part XXIII; July Sp. Sess. P.A. 94-2 redefined “enterprise” to add provision re factors that may be considered as evidence of association when determining whether any unchartered union, association or group of individuals exists; P.A. 06-43 added Subsec. (a)(19) re Sec. 53a-192a, effective July 1, 2006; P.A. 09-193 amended Subsec. (a) to redefine “racketeering activity” by replacing “sections 36b-2 to 36b-33, inclusive, relating to securities” with “sections 36b-2 to 36b-34, inclusive, relating to securities fraud and related offenses” in Subdiv. (15); June Sp. Sess. P.A. 15-5 amended Subsec. (a) by adding Subdiv. (20) re Sec. 12-304(b)(1) or Sec. 12-308 relating to cigarettes, effective June 30, 2015; P.A. 17-147 amended Subsec. (a)(20) by adding reference to Sec. 12-330f(c) or 12-330j(b) relating to tobacco products, effective July 1, 2017; P.A. 18-25 amended Subsec. (a)(20) by deleting “subdivision (1) of” re Sec. 12-304(b), effective July 1, 2018; June Sp. Sess. P.A. 21-1 amended Subsec. (a)(16) by adding reference to Sec. 21a-278b, effective July 1, 2021. Cited. 206 C. 421. A partnership qualifies as an enterprise under the category of other chartered legal entities; although defendant viewed relationship as a partnership, it constituted an unchartered enterprise, or association in fact, under Subsec. (c). 297 C. 66.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949c - Corrupt Organizations and Racketeering Activity Act Section 53-395. - Prohibited activities.

(a) It is unlawful for any person who has knowingly received any proceeds derived, directly or indirectly, from a pattern of racketeering activity or through the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of such proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest or equity

in, real property or in the establishment or operation of any enterprise. (b) It is unlawful for any person, through a pattern of racketeering activity or through the collection of an unlawful debt, to receive anything of value or to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property. (c) It is unlawful for any person employed by, or associated with, any enterprise to knowingly conduct or participate in, directly or indirectly, such enterprise through a pattern of racketeering activity or through the collection of an unlawful debt. (d) Speech, conduct or association to the extent protected by article first of the Constitution of the state or the first amendment to the United States Constitution shall not be considered unlawful under this section. (P.A. 82-343, S. 3; P.A. 94-211.) History: P.A. 94-211 added Subsec. (d) re speech, conduct or association protected by the state or federal constitution. Cited. 206 C. 421; 229 C. 479; 238 C. 692. Cited. 28 CA 306; 43 CA 555. Subsec. (b): Subsec. requires proof of an enterprise; under Subsec., an unchartered association in fact enterprise does not require proof of an ascertainable structure separate from that inherent in the pattern of racketeering activity with which defendant is charged. 297 C. 66. Subsec. (c): Proof of two separate cocaine sales did not establish that defendant and his two confederates operated as a continuing unit pursuant to an overall scheme in which they depended on each other for the accomplishment of a common, mutually beneficial purpose. 156 CA 256; judgment affirmed in part, see 325 C. 272.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949c - Corrupt Organizations and Racketeering Activity Act Section 53-396. - Charging of incidents of racketeering activity. Sentencing on separately charged offense.

(a) In any information charging a violation of this chapter, the state shall allege the existence of a pattern of racketeering activity based upon at least two incidents of racketeering activity, which shall be specified in such information. The state may, where otherwise permitted by law, individually charge in separate counts of the same information or by indictment any offense notwithstanding that such offense may also constitute an incident of racketeering activity specified in the count charging a violation of this chapter. Any information charging a violation of this chapter shall also indicate whether, and to what extent, the state alleges that any property of the defendant is subject to forfeiture under this chapter. (b) In any prosecution under this chapter the court or the jury, as the case may be, shall indicate by special verdict the particular incidents of racketeering activity that it finds to have been proved by the state beyond a reasonable doubt. (c) In any prosecution under this chapter, the court shall impose a separate sentence on any separately charged offense of which the defendant has been found guilty notwithstanding that the offense also constitutes an incident of racketeering activity under that portion of the information charging a violation of this chapter. Any term of imprisonment imposed on the separately charged offense shall, in the discretion of the court, run either concurrently or consecutively with respect to the sentence imposed on the count charging a violation of this chapter, as provided in section 53a-27, except, in the case in which such separately charged offense constitutes a violation of section 53-202, 53-206, 53a-211 or 53a-212, such sentences shall run consecutively. (P.A. 82-343, S. 4; July Sp. Sess. P.A. 94-2, S. 9.) History: July Sp. Sess. P.A. 94-2 amended Subsec. (c) to add exception requiring consecutive sentences when the separately charged offense constitutes a violation of Sec. 53-202, 53-206, 53a-211 or 53a-212. Cited. 229 C. 479. The special verdict provision does not require that the jury's finding as to the existence of an enterprise to be based solely on the evidence concerning the predicate incidents of racketeering activity specified in the special verdict that the jury has found to constitute the pattern of racketeering; the jury and a reviewing court may consider the entire record in determining whether the state has proven the existence of an enterprise. 325 C. 272.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949c - Corrupt Organizations and Racketeering Activity Act Section 53-397. - Penalty. Forfeiture of property. Disposition of seized property. Appointment of receiver.

(a) A person who violates any provision of this chapter shall be imprisoned for a definite term of not less than one year nor more than twenty years or may be fined not more than twenty-five thousand dollars, or both, and shall forfeit to the state: (1) Any property he has acquired, maintained or used in violation of this chapter, including profits derived therefrom and the appreciated value thereof, or, where applicable, the proceeds from the sale thereof; and (2) any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over any enterprise which he has established, operated, controlled, conducted or participated in the conduct of, in violation of this chapter. (b) (1) Upon conviction of a person under this chapter the court or the jury, as the case may be, before which the defendant was tried shall determine the extent to which any property of such person is subject to forfeiture under this chapter and shall hear evidence thereon. Upon a determination thereof, the court shall render a judgment of forfeiture and authorize the Chief State's Attorney to seize in the name of the state all property subject to forfeiture under this chapter upon such terms or conditions, relating only to such matters as the time and method of such seizure, as the court shall deem proper. (2) If a property right is not exercisable or transferable for value by the state, it shall expire, and shall not revert to the convicted person. (3) If the court or the jury, as the case may be, concludes that property previously owned by the defendant would have been subject to forfeiture under this chapter but for the fact that it was transferred by the defendant prior to any judgment of forfeiture with the intention of preventing its forfeiture under this chapter, the court may set aside such transfer. The court may also render any other appropriate order reasonably necessary to protect the rights of any innocent party to any such transfer. (4) The court shall order the Chief State's Attorney to convert into cash all such property seized under this chapter that is not yet cash as soon as commercially feasible, and shall make provision for the rights of any innocent person or entity, governmental, business or other, that are superior to that of the state and that are then known to the court or the state's attorney or state's attorneys involved in the case. In lieu of ordering the sale of any such property, the court may (A) if it finds that the property can be used by a state governmental agency, order the property to be delivered to such agency for such use, (B) order the property to be sold or transferred to any innocent person or entity or (C) order any equitable relief with respect to the disposition of such

property as it deems appropriate. (5) (A) To facilitate such disposition, the court may, upon motion of the Chief State's Attorney or his designee, or on its own motion, appoint one or more receivers, who shall be vested with the right of immediate possession and control of such property forfeited to the state as is designated by the court. Any such receiver shall have and exercise all powers of ownership that are reasonable and necessary for the purpose of converting into cash the property in his possession, and shall: (i) Before assuming to act as such, file with the clerk of the court by which he was appointed, a bond with such surety or sureties, and for such an amount as such court or judge may order and approve, payable to the state and conditioned upon the faithful performance of his official duties; (ii) comply with any order of the court by which he was appointed, including orders relating to the method of transfer and sale of any property in his possession and orders directing him to file reports with the court; (iii) sign, swear to and file a final report with the court and the Chief State's Attorney upon the disposition of all property in his possession, which report shall include a full and detailed account of his actions as such receiver and a statement of the services he has rendered in connection with his appointment, and such report shall be accompanied by a motion seeking the court's acceptance and approval thereof; (iv) deposit with the clerk of the court at the time the final report is filed the net proceeds received by him during the pendency of his appointment from the disposition of any property in his possession together with all interest accrued thereon. (B) Upon the faithful completion of his duties and the court's acceptance and approval of his final report, the receiver shall be compensated by the court from the proceeds of the sale of the property placed under his control by the payment of a sum that the court determines is fair and reasonable. (C) Any receiver appointed under this subdivision shall act as a fiduciary of the state. He may be removed at any time, at the pleasure of the court by which he was appointed or, if such court is not in session, by a judge thereof; and if such receiver is removed, declines to act, or dies, the court that appointed him, or, if such court is not in session, a judge thereof, may fill the vacancy. (6) Any money forfeited to the state under this chapter and the proceeds from the sale of any property forfeited to the state under this chapter shall be deposited in the General Fund. (7) At any time either before or after a judgment of forfeiture under this chapter, the Chief State's Attorney shall have the authority to compromise or otherwise remit or mitigate in whole or in part any claim or potential claim of the state arising under this chapter. (8) Nothing in this chapter shall in any way diminish the right of the state to exercise any of the powers conferred upon it or its agents regarding seized property under part III of chapter 959 and section 54-33g. (P.A. 82-343, S. 5; P.A. 84-138, S. 2.) History: P.A. 84-138 amended Subsec. (a) to provide for the forfeiture of property "used" in violation of this chapter. Cited. 206 C. 421; 229 C. 479.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949c - Corrupt Organizations and Racketeering Activity Act Section 53-398. - Court orders.

(a) At any time in any prosecution under this chapter, the Superior Court shall have jurisdiction to render and may render the following orders: (1) An order prohibiting the defendant from transferring, depleting or otherwise alienating or diminishing any property of his which there is probable cause to believe is subject to forfeiture under this chapter; (2) An order appointing a receiver, in accordance with chapter 920 and the rules of court relating thereto which are not inconsistent with this chapter, over such property which there is probable cause to believe is subject to forfeiture under this chapter. Such receiver shall have all powers and obligations, subject to the supervision of the court, that exist under the statutes, the common law and the rules of court relating thereto, which are not inconsistent with this chapter, and shall be compensated with funds appropriated to the Judicial Department in an amount that the court determines is reasonable; (3) An order permitting the defendant to transfer or deplete any property of his which there is probable cause to believe is subject to forfeiture under this chapter upon the posting by such defendant of such security as is equal to the value of the property described therein, which security shall be subject to forfeiture under this chapter to the extent that the property to which it relates otherwise would have been subject to forfeiture; (4) Any other order, consistent with due process of law, that the court deems to be reasonable and necessary to protect the rights of any innocent person or entity or to effectuate the purposes of this chapter. (b) Nothing in this section shall be construed as affecting the right of the defendant to receive any net income or profits resulting from the use and ownership of such property belonging to him for which there is probable cause to believe is subject to forfeiture under this chapter until a final judgment of forfeiture is rendered. (P.A. 82-343, S. 6.) Cited. 206 C. 421; 224 C. 29; 229 C. 479.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949c - Corrupt Organizations and Racketeering Activity Act Section 53-399. - Lien notice. Lien in favor of state.

(a) At the commencement of or during any prosecution under this chapter, any state's attorney or his designee may file or cause to be filed in the official records of any town clerk or other appropriate official within this state or in the official records of any other state a CORA lien notice. No filing fee shall be required for the filing of such notice in this state. (b) The CORA lien notice shall be signed by a state's attorney and shall set out the following information: (1) The name of the defendant; the notice may include any aliases or fictitious names under which the defendant may be known and may also name any corporation, partnership or other entity that is either controlled by or entirely owned by the defendant; (2) To the extent then known by such state's attorney, the present residence and business address of the defendant; (3) A statement that a prosecution under this chapter has been commenced against the defendant, the name of the judicial district in which such case is pending, the name of the case, and, to the extent then known by such state's attorney, the docket number of the proceeding; (4) A statement that the notice is being filed pursuant to this chapter; (5) The name of the state's attorney who is bringing the proceeding and the address of his office; and (6) A description of the appropriate property of the defendant which the state's attorney has probable cause to believe is subject to forfeiture under this chapter. (c) A CORA lien notice shall apply only to one person and, to the extent applicable, to any associated aliases, fictitious

names or other names, including names of corporations, partnerships or other entities as provided in subdivision (1) of subsection (b) of this section. (d) The state's attorney shall, as soon as practicable after the filing of each CORA lien notice, furnish to the defendant either a copy of the recorded notice or a copy of the notice with a notation thereon of the office or offices in which the notice has been recorded. The failure of the state's attorney to so furnish a copy of the notice under this subsection shall not invalidate or otherwise affect the notice. (e) The filing of a CORA lien notice creates, from the time of its filing, a lien in favor of the state on the property therein described of the defendant named in the notice as provided in subdivision (1) of subsection (b) of this section. (f) The lien shall commence and attach as of the time of filing of the CORA lien notice and shall continue thereafter until expiration, termination or discharge pursuant to section 53-400. The lien created in favor of the state shall be superior and prior to the interest of any other person in the property acquired subsequent to the filing of the notice. (g) The filing of a CORA lien notice shall not affect the use to which the property to which it pertains may be put or the right of the defendant to receive any avails, rents or other proceeds resulting from the use and ownership but not the sale of such property, unless and until a judgment of forfeiture is rendered. (P.A. 82-343, S. 7.) Cited. 206 C. 421; 229 C. 479.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949c - Corrupt Organizations and Racketeering Activity Act Section 53-400. - Duration of lien notice. Release, discharge or modification of lien notice.

(a) A CORA lien notice shall be effective during the pendency of any criminal prosecution commenced under this chapter and all appellate proceedings related thereto; provided that where a judgment of forfeiture is rendered a CORA lien notice shall be effective until the recording or filing of such judgment pursuant to section 53-402. (b) The state's attorney filing the CORA lien notice may release in whole or in part any CORA lien notice or may release any specific property from the CORA lien notice upon such terms and conditions as he may determine. Any release of a CORA lien notice executed by the state's attorney shall be filed in the official records in which the CORA lien notice to which it relates has been filed. No charge or fee shall be imposed for the filing of any release of a CORA lien notice in this state. (c) At any time after a CORA lien notice has been filed by a state's attorney or his designee pursuant to this chapter, the defendant or any state's attorney may, by motion to the court in which such action is pending, seek a discharge or modification of such notice. (1) The clerk shall, upon the filing of such motion, immediately set a date for hearing, which date shall be not less than five nor more than ten days after the motion has been filed, and shall notify the parties thereof. At the hearing, the court shall determine whether there is probable cause to believe (A) that any property owned by the defendant is covered by the CORA lien notice; and if so, (B) that such property or any additional property not yet covered by such notice but sought by the state to be included therein is subject to forfeiture under this chapter. The state shall bear the burden of proof at such hearing and may present to the court affidavits, testimony under oath, or other evidence that would establish such probable cause. The defendant may appear and be heard on the issue. If the court concludes that, based on the evidence, there is no probable cause to believe that any property or a portion thereof, which is covered by the CORA lien notice is subject to forfeiture under this chapter, it shall discharge the CORA lien notice or shall modify such notice so that it applies only to the property which there is probable cause to believe is subject to forfeiture under this chapter. (2) At the hearing set forth in subdivision (1) of this subsection, the court may release from the CORA lien notice any property, upon the posting by the defendant of such security as is equal to the value of the property owned by such defendant. (3) The court shall release from the CORA lien notice any specific property if a sale of the property is pending and the filing of the notice prevents the sale of the property; provided, the proceeds resulting from the sale of the property shall be deposited with the clerk of the court, subject to the further order of the court. (4) The proceeds of any sale transacted pursuant to subdivision (3) of this subsection and any security posted pursuant to subdivision (2) of this subsection shall be subject to forfeiture under this chapter to the extent that the property to which they relate otherwise would have been subject to forfeiture. (P.A. 82-343, S. 8.) Cited. 206 C. 421; 229 C. 479.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949c - Corrupt Organizations and Racketeering Activity Act Section 53-401. - Appeal of orders. Stay of execution. Filing of orders.

(a) Any order rendered as provided in section 53-398 or 53-400 shall be deemed a final judgment for the purpose of appeal, which, notwithstanding section 54-96, may be taken by the state or the defendant. (b) No appeal shall be taken from such order except within seven days thereof. The effect of such order shall be automatically stayed for such seven-day period. If an appeal is taken within such seven-day period, the party taking such appeal may, within such period, file an application with the clerk of the court in which such order was issued requesting a stay of execution of such order pending such appeal, which application shall set forth the reasons for such request. A copy of such application shall be sent to the adverse party by the applicant. Upon the filing of such application, the effect of such order shall be further stayed until a decision is rendered thereon. A hearing on such application shall be held promptly. Where an appeal is taken by the defendant, such order shall be stayed if the defendant posts a bond, as provided in subsection (c) of this section. (c) At the hearing on such application, the court shall: (1) Upon motion of a defendant who is taking the appeal, set an amount of bond with surety for the stay of such order as provided in subsection (b) of this section, which amount shall be as much as the court deems sufficient to protect the state's interest in the matter; (2) grant the stay; (3) deny the stay; or (4) condition the granting of the stay upon the giving of such bond by the defendant. (d) The clerk of the court shall file a certified copy of any order of the court discharging or modifying a CORA lien notice on the official records wherein the CORA lien notice to which it relates is filed as soon as the time for taking an appeal from such order has elapsed or, if an appeal is taken and an application for a stay of such order is filed, as soon as a decision granting or denying such stay has been rendered. Such order shall be accompanied by a notation of the court's decision on any application for a stay relating thereto. Such filing may be accomplished

by mailing a certified copy of such order to the office wherein such official records are kept, with return receipt requested. Such order of the court shall be effective upon the filing of it on such official records. No charge or fee shall be imposed for the filing of any such order in this state. (e) No appeal taken pursuant to this section shall stay the underlying criminal prosecution under this chapter. (P.A. 82-343, S. 9.) Cited. 206 C. 421; 229 C. 479.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949c - Corrupt Organizations and Racketeering Activity Act Section 53-402. - Judgment of conviction and forfeiture. Title of the state to forfeited property.

(a) Upon the entry of a final judgment of conviction and forfeiture in any criminal prosecution under this chapter from which the defendant does not appeal within the period of time permitted by law, the court shall direct the clerk to record or cause to be recorded such judgment in the official records wherein a CORA lien notice relating to such case has been filed or, in the event no such CORA lien notice has been filed, in the official records of the town clerk or other appropriate official of the town in which property that is the subject of the judgment is located or in the office of the Secretary of the State, where appropriate. (b) If the defendant appeals the judgment of conviction and forfeiture during such period the judgment shall not be so recorded by the clerk unless and until all appellate proceedings relating to the conviction have concluded and the judgment has been affirmed. During the pendency of any such appellate proceedings the state may move for the appointment of a receiver pursuant to section 53-398 if one has not already been appointed pursuant to said section. After a judgment of conviction and forfeiture has been rendered by the court under this chapter such receiver shall hold and record any net income or profits resulting from the use and ownership of the property committed to his charge. Upon the conclusion of all appellate proceedings relating to the conviction under this chapter and an affirmance of the final judgment rendered, the clerk shall record the judgment of conviction and forfeiture in the appropriate records as provided in subsection (a) of this section and all net income or profits held by the receiver shall be deemed to be part of the property forfeited to the state by the defendant. (c) The title of the state to the forfeited property shall, in the case of real property or a beneficial interest, relate back to the date on which a CORA lien notice covering such property or interest was filed in the appropriate official records, and if no CORA lien notice has been filed, shall vest, in the case of real property, on the date such judgment is recorded pursuant to this section, and in the case of a beneficial interest, on the date such judgment is recorded or, where appropriate, filed with the clerk of the court. In the case of personal property, the title of the state shall relate back to the date a CORA lien notice covering such property was filed in the appropriate official records, and if no CORA lien notice has been filed, shall vest on the date such judgment is filed with the clerk of the court. (P.A. 82-343, S. 10.) Cited. 206 C. 421; 229 C. 479.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949c - Corrupt Organizations and Racketeering Activity Act Section 53-403. - Limitation on prosecutions. Severability.

(a) Notwithstanding any other provision of law, a criminal prosecution under this chapter may be commenced at any time within five years after the conduct in violation of a provision of this chapter terminates. (b) The determination by any court of competent jurisdiction that any portion of this chapter or the application thereof to any person or circumstance violates any provision of the state or federal Constitutions or is otherwise invalid shall not affect the enforceability of any other provision of this chapter which may be given effect without the invalid portion or application. (P.A. 82-343, S. 11.) Cited. 229 C. 479.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949d - Communications Consumer Privacy Act Section 53-420. - Short title: Communications Consumer Privacy Act.

This chapter shall be cited as the "Communications Consumer Privacy Act". (P.A. 84-304, S. 1.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949d - Communications Consumer Privacy Act Section 53-421. - Definitions.

As used in this chapter, "communications company" means any person or organization which owns, controls, operates or manages any company which provides information or entertainment electronically to a household, including but not limited to a cable or community antenna television system. (P.A. 84-304, S. 2.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949d - Communications Consumer Privacy Act Section 53-422. - Prohibited activities. Penalty. Recovery of damages.

(a) It shall be unlawful for a communications company to: (1) Install and use any equipment which would allow a communications company to visually observe or listen to what is occurring in the household of an individual subscriber without the knowledge or permission of the subscriber. (2) Provide any person or public or private organization with a list containing the name of a subscriber, unless (A) the communications company gives notice thereof to the subscriber and (B) the subscriber does not object to the disclosure of his name to such person or organization, or (C) such person or public or private organization is acting as an agent, servant or employee of the communications company. (3) Disclose the television viewing habits of any individual subscriber without the consent of the subscriber. (4) Install or maintain a home-protection scanning device in a dwelling as part of a communication service without the express written consent of the occupant. (b) Any communications company which violates any provision of this section shall be fined not more than ten thousand dollars for each violation. Any person who has been injured by a violation of this section shall have the right of action against any communications company which has committed the violation to

recover damages for such injury. If the court awards damages, the plaintiff shall be awarded costs. (P.A. 84-304, S. 3.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949e - Health Insurance Fraud Act Section 53-440. - Short title: "Health Insurance Fraud Act".

Sections 53-440 to 53-443, inclusive, shall be known and may be cited as the "Health Insurance Fraud Act". (P.A. 87-481, S. 1; P.A. 93-430, S. 1.) History: P.A. 93-430 changed title of the act from "the Health Care False Claims Act" to "the Health Insurance Fraud Act".

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949e - Health Insurance Fraud Act Section 53-441. - Definitions.

As used in sections 53-440 to 53-443, inclusive: (a) "Statement" includes but is not limited to any notice, statement, invoice, account, bill for services, explanation of services, medical opinion, test result, computer generated document, electronic transmission or other evidence of loss, injury or expense; (b) "Person" means any individual, corporation, limited liability company, partnership, association or any other legal entity; (c) "Insurer" means any insurance company, health care center, corporation, Lloyd's insurer, fraternal benefit society or any other legal entity authorized to provide health care benefits in this state, including benefits provided under health insurance, disability insurance, workers' compensation and automobile insurance or any person, partnership, association or legal entity which is self-insured and provides health care benefits to its employees or governmental entity which provides medical benefits to Medicare or Medicaid recipients. (P.A. 87-481, S. 2; P.A. 93-430, S. 2; P.A. 95-79, S. 181, 189.) History: P.A. 93-430 amended the definition of "statement" to include "electronic transmission" and changed the definition of "health care insurer" to "insurer" and included health care centers and governmental entities providing medical benefits to Medicare and Medicaid recipients and added reference to the benefits provided under health insurance, disability insurance, workers' compensation and automobile insurance to the definition of "insurer"; P.A. 95-79 redefined "person" to include a limited liability company, effective May 31, 1995.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949e - Health Insurance Fraud Act Section 53-442. - Health insurance fraud.

A person is guilty of health insurance fraud when he, with the intent to defraud or deceive any insurer, (1) presents or causes to be presented to any insurer or any agent thereof any written or oral statement as part of or in support of an application for any policy of insurance or claim for payment or other benefit from a plan providing health care benefits, whether for himself, a family member or a third party, knowing that such statement contains any false, incomplete, deceptive or misleading information concerning any fact or thing material to such claim or application, or omits information concerning any fact or thing material to such claim or application, or (2) assists, abets, solicits or conspires with another to prepare or present any written or oral statement to any insurer or any agent thereof, in connection with, or in support of, an application for any policy of insurance or claim for payment or other benefit from a plan providing health care benefits knowing that such statement contains any false, deceptive or misleading information concerning any fact or thing material to such application or claim. For purposes of this section, "misleading information" includes but is not limited to falsely representing that goods or services were medically necessary in accordance with professionally accepted standards. (P.A. 87-481, S. 3; P.A. 93-430, S. 3.) History: P.A. 93-430 deleted references to "health care insurer" and substituted "insurer" in lieu thereof, included a reference to application for "policy of insurance" in lieu of "application" and added a provision re assisting, abetting, soliciting or conspiring to defraud an insurer or any agent thereof. Cited. 44 CA 294.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949e - Health Insurance Fraud Act Section 53-443. - Penalty. Order of restitution. Attorneys' fees and investigation costs included in restitution.

Any person who violates any provision of sections 53-440 to 53-443, inclusive, shall be subject to the penalties for larceny under sections 53a-122 to 53a-125b, inclusive. Each act shall be considered a separate offense. In addition to any fine or term of imprisonment imposed, including any order of probation, any such person shall make restitution to an aggrieved insurer, including reasonable attorneys' fees and investigation costs. (P.A. 87-481, S. 4; P.A. 93-430, S. 4.) History: P.A. 93-430 specified that each act of fraud constitutes a separate offense and included reasonable attorneys' fees and investigation costs in the restitution order. Cited. 44 CA 294.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949e - Health Insurance Fraud Act Section 53-444. - Cause of action, when.

Any insurer, as defined in subsection (c) of section 53-441, that is aggrieved as a result of an act of insurance fraud may institute an action against the perpetrator of such fraud to recover all damages resulting from the fraud. (P.A. 93-430, S. 5.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949e - Health Insurance Fraud Act Section 53-445. - Knowledge of health insurance fraud, report to Insurance Commissioner. Independent investigation conducted. Subject to civil liability, when.

(a) Any person, including an insurer, as defined in subsection (c) of section 53-441, who has knowledge of or has reason to believe

that health insurance fraud, as defined in section 53-442, has occurred, shall provide notice and any information, evidence and documentation in the person's or its possession relative to the suspected fraud to the Insurance Commissioner. (b) The commissioner shall review and investigate any reports of or information received by any person regarding insurance fraud; he shall conduct an independent investigation of the suspected insurance fraud; and when he reasonably believes that a violation has occurred, he shall refer such investigation to the appropriate state agency for criminal prosecution, civil enforcement or disciplinary action. During the commissioner's investigation and prior to the referral of such investigation, the investigation and record thereof shall be confidential. (c) Any person, including an insurer, as defined in subsection (c) of section 53-441, or a not-for-profit organization established to detect and prevent insurance fraud or his or its agents or employees may disclose otherwise personal or privileged information as defined in section 38a-976, orally or in writing to another person concerning any alleged, suspected or anticipated insurance fraud as defined in section 53-442, when such disclosure is limited to that which is reasonably necessary to detect, investigate or prevent criminal activity, fraud, material misrepresentation or material nondisclosure. (d) No person shall be subject to liability for libel, slander or any other civil liability in connection with the filing of reports or documents, or furnishing orally or in writing information concerning any suspected, anticipated or alleged insurance fraud, when the reports, documents or information are provided or received in accordance with the provisions of subsection (a) or (c) of this section or in accordance with an order issued by a court of competent jurisdiction to provide testimony or evidence, unless such person disclosed false information with malice or wilful intent to injure any person. (P.A. 93-430, S. 7, 9; P.A. 00-211, S. 5.) History: P.A. 93-430 effective October 1, 1994 (Revisor's note: In subsections (a) and (c) the words "their possession" and "their agents" were changed editorially by the Revisors to "his or its possession" and "his or its agents" respectively, for grammatical correctness); P.A. 00-211 amended Subsec. (a) to require notice and evidence in a person's possession relative to suspected fraud to be provided to the Insurance Commissioner, and made a technical change for purposes of gender neutrality.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949f - Videotape Rental and Privacy Section 53-450. - Confidentiality of videotape rental information. Cause of action. Penalty.

(a) All personally identifiable information contained in the circulation records of any person renting videotape cassettes shall be confidential. (b) Any person who has been injured by a violation of this section shall have a right of action against any person renting videotape cassettes who has committed the violation to recover damages for such injury. (c) Any person who violates any provisions of this section shall be fined not more than five hundred dollars. (P.A. 88-205, S. 1-3.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949g - Computer Crimes Section 53-451. - Computer crimes.

(a) Definitions. As used in sections 53-451 to 53-453, inclusive, unless the context clearly requires otherwise: (1) "Computer" means an electronic, magnetic or optical device or group of devices that, pursuant to a computer program, human instruction or permanent instructions contained in the device or group of devices, can automatically perform computer operations with or on computer data and can communicate the results to another computer or to a person. "Computer" includes any connected or directly related device, equipment or facility that enables the computer to store, retrieve or communicate computer programs, computer data or the results of computer operations to or from a person, another computer or another device. (2) "Computer data" means any representation of information, knowledge, facts, concepts or instructions that is being prepared or has been prepared and is intended to be processed, is being processed or has been processed in a computer or computer network. "Computer data" may be in any form, whether readable only by a computer or only by a human or by either, including, but not limited to, computer printouts, magnetic storage media, punched cards or stored internally in the memory of the computer. (3) "Computer network" means a set of related, remotely connected devices and any communications facilities including more than one computer with the capability to transmit data among them through the communications facilities. (4) "Computer operation" means arithmetic, logical, monitoring, storage or retrieval functions and any combination thereof, and includes, but is not limited to, communication with, storage of data to or retrieval of data from any device or human hand manipulation of electronic or magnetic impulses. A "computer operation" for a particular computer may also be any function for which that computer was generally designed. (5) "Computer program" means an ordered set of data representing coded instructions or statements that, when executed by a computer, causes the computer to perform one or more computer operations. (6) "Computer services" means computer time or services including data processing services, Internet services, electronic mail services, electronic message services or information or data stored in connection therewith. (7) "Computer software" means a set of computer programs, procedures and associated documentation concerned with computer data or with the operation of a computer, computer program or computer network. (8) "Electronic mail service provider" means any person who (A) is an intermediary in sending or receiving electronic mail, and (B) provides to end-users of electronic mail services the ability to send or receive electronic mail. (9) "Financial instrument" includes, but is not limited to, any check, draft, warrant, money order, note, certificate of deposit, letter of credit, bill of exchange, credit or debit card, transaction authorization mechanism, marketable security or any computerized representation thereof. (10) "Owner" means an owner or lessee of a computer or a computer network, or an owner, lessee or licensee of computer data, computer programs or computer software. (11) "Person" means a natural person, corporation, limited liability company, trust, partnership, incorporated or unincorporated association and any other legal or governmental entity, including any state or municipal entity or public official. (12) "Property" means: (A) Real property; (B) computers and computer networks; (C) financial instruments, computer data, computer programs, computer software and all other personal property regardless of whether they are: (i) Tangible or intangible; (ii) in a format readable by humans or by a computer; (iii) in transit between computers or within a computer network or between any devices which comprise a computer; or (iv) located

on any paper or in any device on which it is stored by a computer or by a human; and (D) computer services. (13) A person “uses” a computer or computer network when such person: (A) Attempts to cause or causes a computer or computer network to perform or to stop performing computer operations; (B) Attempts to cause or causes the withholding or denial of the use of a computer, computer network, computer program, computer data or computer software to another user; or (C) Attempts to cause or causes another person to put false information into a computer. (14) A person is “without authority” when such person (A) has no right or permission of the owner to use a computer or such person uses a computer in a manner exceeding such right or permission, or (B) uses a computer, a computer network or the computer services of an electronic mail service provider to transmit unsolicited bulk electronic mail in contravention of the authority granted by or in violation of the policies set by the electronic mail service provider. Transmission of electronic mail from an organization to its members shall not be deemed to be unsolicited bulk electronic mail. (b) Unauthorized use of a computer or computer network. It shall be unlawful for any person to use a computer or computer network without authority and with the intent to: (1) Temporarily or permanently remove, halt or otherwise disable any computer data, computer programs or computer software from a computer or computer network; (2) Cause a computer to malfunction, regardless of how long the malfunction persists; (3) Alter or erase any computer data, computer programs or computer software; (4) Effect the creation or alteration of a financial instrument or of an electronic transfer of funds; (5) Cause physical injury to the property of another; (6) Make or cause to be made an unauthorized copy, in any form, including, but not limited to, any printed or electronic form of computer data, computer programs or computer software residing in, communicated by or produced by a computer or computer network; or (7) Falsify or forge electronic mail transmission information or other routing information in any manner in connection with the transmission of unsolicited bulk electronic mail through or into the computer network of an electronic mail service provider or its subscribers. (c) Unlawful sale or distribution of software designed to facilitate falsification of electronic mail transmission or routing information. It shall be unlawful for any person to knowingly sell, give or otherwise distribute or possess with the intent to sell, give or distribute software that: (1) Is primarily designed or produced for the purpose of facilitating or enabling the falsification of electronic mail transmission information or other routing information; (2) has only limited commercially significant purpose or use other than to facilitate or enable the falsification of electronic mail transmission information or other routing information; or (3) is marketed by that person or another acting in concert with that person with that person's knowledge for use in facilitating or enabling the falsification of electronic mail transmission information or other routing information. (d) Criminal penalty. Any person who violates any provision of this section shall be guilty of a class B misdemeanor, except that if such person's reckless disregard for the consequences of such person's actions causes damage to the property of another person in an amount exceeding two thousand five hundred dollars, such person shall be guilty of a class A misdemeanor, and if such person's malicious actions cause damage to the property of another person in an amount exceeding two thousand five hundred dollars, such person shall be guilty of a class D felony. (e) Nonapplicability to provisions in certain contracts and licenses. Nothing in this section shall be construed to interfere with or prohibit terms or conditions in a contract or license related to computers, computer data, computer networks, computer operations, computer programs, computer services or computer software or to create any liability by reason of terms or conditions adopted by, or technical measures implemented by, a Connecticut-based electronic mail service provider to prevent the transmission of unsolicited electronic mail in violation of this section. (P.A. 99-160, S. 1.) See Sec. 52-570c re unsolicited electronic mail. See Sec. 53a-250 et seq. re computer-related offenses. See Sec. 53a-301 re computer crime in furtherance of terrorist purposes.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949g - Computer Crimes Section 53-452. - Civil actions. Recovery of attorney's fees and costs. Damages. Statute of limitations.

(a) Any person whose property or person is injured by reason of a violation of any provision of section 53-451 may bring a civil action in the Superior Court to enjoin further violations and to recover the actual damages sustained by reason of such violation and the costs of the civil action. Without limiting the generality of the term, “damages” includes loss of profits. (b) If the injury arises from the transmission of unsolicited bulk electronic mail, the injured person, other than an electronic mail service provider, may also recover reasonable attorneys' fees and costs, and may elect, in lieu of actual damages, to recover the lesser of ten dollars for each and every unsolicited bulk electronic mail message transmitted in violation of section 53-451 or twenty-five thousand dollars per day for each day of violation. The injured person shall not have a cause of action against the electronic mail service provider that merely transmits the unsolicited bulk electronic mail over its computer network. (c) If the injury arises from the transmission of unsolicited bulk electronic mail, an injured electronic mail service provider may also recover reasonable attorneys' fees and costs and may elect, in lieu of actual damages, to recover the greater of ten dollars for each and every unsolicited bulk electronic mail message transmitted in violation of section 53-451 or twenty-five thousand dollars per day. (d) At the request of any party to an action brought pursuant to this section, the court may, in its discretion, conduct all legal proceedings in such a way as to protect the secrecy and security of the computer, computer network, computer data, computer program and computer software involved in order to prevent any possible recurrence of the same or a similar act by another person and to protect any trade secrets of any party. (e) The provisions of this section shall not be construed to limit any person's right to pursue any additional civil remedy otherwise allowed by law. (f) A civil action under this section shall not be commenced but within two years from the date of the act complained of. In actions alleging injury arising from the transmission of unsolicited bulk electronic mail, personal jurisdiction may be exercised pursuant to section 52-59b. (P.A. 99-160, S. 2.) See Sec. 52-570b re civil action for computer-related offenses.

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949g - Computer Crimes Section 53-453. - Civil enforcement by Attorney General.

The Attorney General, acting on behalf of the state of Connecticut, may bring an action in the superior court for the judicial district in which a violation of any provision of section 53-451 occurs to enforce the provisions of said section. In any such action, the Attorney General may obtain, for the benefit of persons adversely affected by the violations of section 53-451, any relief to which such persons may be entitled. The Attorney General may combine such action with any other action within the Attorney General's power to maintain, including an action under chapter 735a. Nothing in this section shall limit the right of a person adversely affected by violations of the law from bringing a private cause of action under section 53-452 or any other law that may entitle such person to relief. (P.A. 99-160, S. 3.)

2024 Connecticut General Statutes Title 53 - Crimes Chapter 949g - Computer Crimes Section 53-454. - Misrepresentation as on-line Internet business. Civil enforcement by Attorney General or aggrieved person. Damages. Exclusions. Penalty.

(a) For purposes of this section: (1) "Electronic mail message" means a message sent to a unique destination that consists of a unique user name or mailbox and a reference to an Internet domain, whether or not displayed, to which such message can be sent or delivered. (2) "Identifying information" means specific details that can be used to access a person's financial accounts or to obtain goods or services, including, but not limited to, such person's Social Security number, driver's license number, bank account number, credit or debit card number, personal identification number, automated or electronic signature, unique biometric data or account password. (b) No person shall, by means of an Internet web page, electronic mail message or otherwise using the Internet, solicit, request or take any action to induce another person to provide identifying information by representing that the person, either directly or by implication, is an on-line Internet business, without the authority or approval of such on-line Internet business. (c) The Attorney General or any person aggrieved by a violation of subsection (b) of this section may file a civil action in Superior Court to enforce the provisions of this section and to enjoin further violations of this section. The Attorney General or such aggrieved person may recover actual damages or twenty-five thousand dollars, whichever is greater, for each violation of subsection (b) of this section. (d) In a civil action under subsection (c) of this section, the court may increase the damage award to an amount equal to not more than three times the award provided in said subsection (c) if the court determines that the defendant has engaged in a pattern and practice of violating subsection (b) of this section. (e) An interactive computer service provider shall not be held liable or found in violation of this section for identifying, removing or disabling access to an Internet web page or other on-line location that such provider believes in good faith is being used to engage in a violation of this section. (f) A violation of subsection (b) of this section shall be a class D felony. Multiple violations resulting from a single action or act shall constitute one violation for the purposes of this subsection. (P.A. 06-50, S. 1.)

Title: title-53a

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 950 - Penal Code: General Provisions Section 53a-1. - Short title: Penal Code.

This title shall be known as the "Penal Code". (1969, P.A. 828, S. 1.) Cited. 171 C. 524.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 950 - Penal Code: General Provisions Section 53a-2. - Application and scope.

The provisions of this title shall apply to any offense defined in this title or the general statutes, unless otherwise expressly provided or unless the context otherwise requires, and committed on or after October 1, 1971, and to any defense to prosecution for such an offense. (1969, P.A. 828, S. 2.) Cited. 192 C. 154; 201 C. 505; 207 C. 456; 211 C. 258; 228 C. 758. Cited. 2 CA 204; 11 CA 665; 29 CA 591.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 950 - Penal Code: General Provisions Section 53a-3. - Definitions.

Except where different meanings are expressly specified, the following terms have the following meanings when used in this title: (1) "Person" means a human being, and, where appropriate, a public or private corporation, a limited liability company, an unincorporated association, a partnership, a government or a governmental instrumentality; (2) "Possess" means to have physical possession or otherwise to exercise dominion or control over tangible property; (3) "Physical injury" means impairment of physical condition or pain; (4) "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ; (5) "Deadly physical force" means physical force which can be reasonably expected to cause death or serious physical injury; (6) "Deadly weapon" means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles. The definition of "deadly weapon" in this subdivision shall be deemed not to apply to section 29-38 or 53-206; (7) "Dangerous instrument" means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" as that term is defined in this section and includes a dog that has been commanded to attack, except a dog owned by a law enforcement agency of the state or any political subdivision thereof or of the federal government when such dog is in the performance of its duties under the direct supervision, care and control of an assigned law enforcement officer; (8) "Vehicle" means a "motor vehicle" as defined in section 14-1, a snowmobile, any aircraft, or any vessel equipped for propulsion by

mechanical means or sail; (9) "Peace officer" means a member of the Division of State Police within the Department of Emergency Services and Public Protection or an organized local police department, a chief inspector or inspector in the Division of Criminal Justice, a state marshal while exercising authority granted under any provision of the general statutes, a judicial marshal in the performance of the duties of a judicial marshal, a conservation officer or special conservation officer, as defined in section 26-5, a constable who performs criminal law enforcement duties, a special policeman appointed under section 29-18, 29-18a, 29-18b or 29-19, an adult probation officer, an official of the Department of Correction authorized by the Commissioner of Correction to make arrests in a correctional institution or facility, any investigator in the investigations unit of the office of the State Treasurer, an inspector of motor vehicles in the Department of Motor Vehicles, who is certified under the provisions of sections 7-294a to 7-294e, inclusive, a United States marshal or deputy marshal, any special agent of the federal government authorized to enforce the provisions of Title 21 of the United States Code, or a member of a law enforcement unit of the Mashantucket Pequot Tribe or the Mohegan Tribe of Indians of Connecticut created and governed by a memorandum of agreement under section 47-65c who is certified as a police officer by the Police Officer Standards and Training Council pursuant to sections 7-294a to 7-294e, inclusive; (10) "Firefighter" means any agent of a municipality whose duty it is to protect life and property therein as a member of a duly constituted fire department whether professional or volunteer; (11) A person acts "intentionally" with respect to a result or to conduct described by a statute defining an offense when his conscious objective is to cause such result or to engage in such conduct; (12) A person acts "knowingly" with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists; (13) A person acts "recklessly" with respect to a result or to a circumstance described by a statute defining an offense when he is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that disregarding it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation; (14) A person acts with "criminal negligence" with respect to a result or to a circumstance described by a statute defining an offense when he fails to perceive a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation; (15) "Machine gun" means a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged from a magazine with one continuous pull of the trigger and includes a submachine gun; (16) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger; (17) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger; (18) "Pistol" or "revolver" means any firearm having a barrel less than twelve inches; (19) "Firearm" means any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded from which a shot may be discharged; (20) "Electronic defense weapon" means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, including a stun gun or other conductive energy device; (21) "Martial arts weapon" means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star; (22) "Employee of an emergency medical service organization" means an ambulance driver, emergency medical technician or paramedic as defined in section 19a-175; (23) "Railroad property" means all tangible property owned, leased or operated by a railroad carrier including, but not limited to, a right-of-way, track, roadbed, bridge, yard, shop, station, tunnel, viaduct, trestle, depot, warehouse, terminal or any other structure or appurtenance or equipment owned, leased or used in the operation of a railroad carrier including a train, locomotive, engine, railroad car, signals or safety device or work equipment or rolling stock; (24) "Serious firearm offense" means a violation of section 29-36, 29-36a or 53-202w, possession of a stolen firearm or a firearm that is altered in a manner that renders the firearm unlawful, or any crime of which an essential element is that the person discharged, used or was armed with and threatened the use of a firearm; and (25) "Serious firearm offender" means a person who has (A) two convictions for a serious firearm offense, (B) a conviction for a serious firearm offense and was previously convicted of a violation of section 29-36, 29-36a, subdivision (1) of subsection (a) of section 53a-217 or subdivision (1) of subsection (a) of section 53a-217c, or (C) a conviction for a serious firearm offense and was previously convicted of two or more additional felony offenses. (1969, P.A. 828, S. 3; 1971, P.A. 871, S. 1; 1972, P.A. 188, S. 3; P.A. 73-295; 73-639, S. 1; P.A. 74-180; 74-186, S. 8, 129; P.A. 75-283; 75-380, S. 1; P.A. 76-111, S. 9; P.A. 77-604, S. 38, 84; 77-614, S. 486, 610; P.A. 80-308; 80-394, S. 8, 13; P.A. 85-602, S. 3, 4; P.A. 86-280, S. 2; 86-287, S. 2; P.A. 90-157, S. 1; P.A. 91-171, S. 1; May 25 Sp. Sess. P.A. 94-1, S. 98, 130; P.A. 95-79, S. 182, 189; 95-277, S. 13, 19; P.A. 96-243, S. 7, 16; P.A. 00-99, S. 5, 154; 00-149, S. 1; P.A. 01-84, S. 9, 26; P.A. 02-132, S. 29; P.A. 07-123, S. 6; P.A. 11-51, S. 134; P.A. 13-170, S. 3; P.A. 15-211, S. 18; P.A. 19-108, S. 1; P.A. 21-31, S. 4; P.A. 22-117, S. 8; P.A. 23-53, S. 36.) History: 1971 act included snowmobiles in definition of "vehicle" and added definitions of "peace officer" and "fireman"; 1972 act redefined "peace officer" to include special policemen appointed under Sec. 29-18; P.A. 73-295 added reference to special policemen appointed under Sec. 29-18a in definition of "peace officer"; P.A. 73-639 specified that weapons "whether loaded or unloaded" are deadly weapons; P.A. 74-180 amended definition of "deadly weapon" to specify its inapplicability to Secs. 29-38 and 53-206; P.A. 74-186 replaced county detectives with detectives in division of criminal justice in definition of "peace officer", county government having been abolished; P.A. 75-283 included special policemen appointed under Sec. 29-19 in definition of "peace officer"; P.A. 75-380 added Subdivs. (15) to (19) defining "machine gun", "rifle", "shotgun", "pistol" or "revolver" and "firearm"; P.A. 76-111 substituted chief inspectors and inspectors for detectives in definition of "peace officer"; P.A. 77-604 made technical

grammatical correction in Subdiv. (9); P.A. 77-614 made state police department a division within the department of public safety, effective January 1, 1979, amending Subdiv. (9) accordingly; P.A. 80-308 included adult probation officers appointed under Sec. 54-104 in definition of “peace officer”; P.A. 80-394 included special deputy sheriffs in definition of “peace officer”; P.A. 85-602 redefined “peace officer” to include investigators in the investigations unit of the state treasurer's office; P.A. 86-280 defined “martial arts weapon”; P.A. 86-287 reiterated definition of “martial arts weapon” and defined “electronic defense weapon”; P.A. 90-157 added Subdiv. (22) defining “employee of an emergency medical service organization”; P.A. 91-171 included special agents of the federal government authorized to enforce the provisions of Title 21 of the United States Code in definition of “peace officer”; May 25 Sp. Sess. P.A. 94-1 amended Subdiv. (9) by making technical change, effective July 1, 1994; P.A. 95-79 redefined “person” to include a limited liability company, effective May 31, 1995; P.A. 95-277 redefined “peace officer”, to include investigators in the office of the State Treasurer rather than Workers' Compensation Commission investigators, effective June 29, 1995; P.A. 96-243 amended Subdiv. (7) to include certain dogs in the definition of “dangerous instrument”, effective June 6, 1996; P.A. 00-99 amended Subdiv. (9) by deleting reference to sheriff, deputy sheriff and special deputy sheriff and adding provision re state marshal exercising statutory authority and judicial marshal in performance of duties, effective December 1, 2000; P.A. 00-149 added Subdiv. (23) defining “railroad property”; P.A. 01-84 amended Subdiv. (10) to replace “Fireman” with “Firefighter”, effective July 1, 2001; P.A. 02-132 amended Subdiv. (9) by deleting provision re appointment under Sec. 54-104; P.A. 07-123 redefined “electronic defense weapon” in Subdiv. (20) to include “a stun gun or other conductive energy device”; pursuant to P.A. 11-51, “Department of Public Safety” was changed editorially by the Revisors to “Department of Emergency Services and Public Protection” in Subdiv. (9), effective July 1, 2011; P.A. 13-170 redefined “peace officer” in Subdiv. (9) to include member of law enforcement unit of Mashantucket Pequot Tribe or Mohegan Tribe of Indians of Connecticut under certain conditions, effective June 25, 2013; P.A. 15-211 amended Subdiv. (9) by redefining “peace officer” to include United States marshal or deputy marshal, effective June 30, 2015; P.A. 19-108 redefined “peace officer” in Subdiv. (9); P.A. 21-31 redefined “electronic defense weapon” in Subdiv. (20) to delete requirement that the weapon not be capable of inflicting death or serious physical injury, effective July 1, 2021; P.A. 22-117 redefined “peace officer” in Subdiv. (9), effective May 27, 2022; P.A. 23-53 added Subdiv. (24) defining “serious firearm offense” and Subdiv. (25) defining “serious firearm offender”.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 951 - Penal Code: Statutory Construction; Principles of Criminal Liability Section 53a-10. - Defense.

(a) In any prosecution in which the criminal liability of the defendant is based upon the conduct of another person under section 53a-8, it shall be a defense that the defendant terminated his complicity prior to the commission of the offense under circumstances: (1) Wholly depriving it of effectiveness in the commission of the offense, and (2) manifesting a complete and voluntary renunciation of his criminal purpose. (b) For purposes of this section, renunciation of criminal purpose is not voluntary if it is motivated, in whole or in part, by circumstances, not present or apparent at the inception of the actor's course of conduct, which increase the probability of detection or apprehension or which make more difficult the accomplishment of the criminal purpose. Renunciation is not complete if it is motivated by a decision to postpone the criminal conduct until a more advantageous time or to transfer the criminal effort to another but similar objective or victim. (1969, P.A. 828, S. 10; 1971, P.A. 871, S. 3.) History: 1971 act deleted word “affirmative” modifying “defense” in Subsec. (a). Cited. 176 C. 451. Defendant is entitled, as matter of law, to a theory of defense instruction when evidence under section is before jury. 178 C. 704. Cited. 204 C. 240; 209 C. 75; 225 C. 270; 242 C. 409. Cited. 22 CA 216; 40 CA 526.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 951 - Penal Code: Statutory Construction; Principles of Criminal Liability Section 53a-11. - Criminal liability of individual for conduct in name of or on behalf of corporation or limited liability company.

A person shall be criminally liable for conduct constituting an offense which such person performs or causes to be performed in the name of or on behalf of a corporation or limited liability company to the same extent as if such conduct were performed in such person's own name or on such person's behalf. (1969, P.A. 828, S. 11; P.A. 00-11; P.A. 10-32, S. 151.) History: P.A. 00-11 included conduct performed in the name of or in behalf of a limited liability company and made technical changes for purposes of gender neutrality; P.A. 10-32 made technical changes, effective May 10, 2010. Cited. 209 C. 75; 242 C. 345.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 951 - Penal Code: Statutory Construction; Principles of Criminal Liability Section 53a-12. - Defenses; burden of proof.

(a) When a defense other than an affirmative defense, is raised at a trial, the state shall have the burden of disproving such defense beyond a reasonable doubt. (b) When a defense declared to be an affirmative defense is raised at a trial, the defendant shall have the burden of establishing such defense by a preponderance of the evidence. (1969, P.A. 828, S. 12.) Cited. 186 C. 414; 191 C. 659; 196 C. 519. Instructing jury that it was the state's burden to prove intent beyond a reasonable doubt did not adequately inform jury that it was the state's burden to disprove duress beyond a reasonable doubt. 199 C. 273. Cited. 204 C. 240; 209 C. 75; Id., 733; 218 C. 349; 219 C. 314; 225 C. 450; 227 C. 456; 228 C. 281; 230 C. 183; 236 C. 342. Cited. 6 CA 701; 8 CA 667; 10 CA 697; 11 CA 665; 14 CA 511; 17 CA 200; Id., 502; judgment reversed, see 213 C. 579. Cited. 34 CS 612. Statute does not become constitutionally vulnerable by reason of imposing on defendants the burden of establishing affirmative defenses. 35 CS 555. Subsec. (a): Cited. 186 C. 654; 188 C. 237; Id., 653; 194 C. 376; 203 C. 212; 209 C. 322; 210 C. 110; 220 C. 602; 228 C. 335; 231 C. 484; 232 C. 537; 233

C. 1; 234 C. 381. Cited. 3 CA 289; 5 CA 338; 10 CA 643, 647; 11 CA 102; 17 CA 97; 20 CA 75; 24 CA 556; Id., 624; 29 CA 262; 31 CA 140; 33 CA 782; 34 CA 368, see also 233 C. 517; 46 CA 216. Cited. 38 CS 619. Subsec. (b): Cited. 182 C. 388; 193 C. 695; 207 C. 374; 209 C. 733; 214 C. 540; 217 C. 648; 227 C. 456; 228 C. 281; 229 C. 328; 230 C. 351; 233 C. 403; 236 C. 189; Id., 342; 242 C. 93. Legislature not required to expressly declare an exception to culpability to be an affirmative defense for it to operate as an affirmative defense; statute does not prohibit judicially recognized affirmative defenses. 254 C. 107. Cited. 12 CA 32; 14 CA 511; 20 CA 342; 24 CA 678; Id., 670; 28 CA 91. Held unconstitutional insofar as it places a burden of proof on the defense. 33 CS 28.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 951 - Penal Code: Statutory Construction; Principles of Criminal Liability Section 53a-13. - Lack of capacity due to mental disease or defect as affirmative defense.

(a) In any prosecution for an offense, it shall be an affirmative defense that the defendant, at the time the defendant committed the proscribed act or acts, lacked substantial capacity, as a result of mental disease or defect, either to appreciate the wrongfulness of his conduct or to control his conduct within the requirements of the law. (b) (1) It shall not be a defense under this section if such mental disease or defect was proximately caused by the voluntary ingestion, inhalation or injection of intoxicating liquor or any drug or substance, or any combination thereof, unless such drug was prescribed for the defendant by a prescribing practitioner, as defined in section 20-571, and was used in accordance with the directions of such prescription. (2) No defendant may claim as a defense under this section that such mental disease or defect was based solely on the discovery of, knowledge about or potential disclosure of the victim's actual or perceived sex, sexual orientation or gender identity or expression, including under circumstances in which the victim made an unwanted, nonforcible, romantic or sexual advance toward the defendant, or if the defendant and victim dated or had a romantic relationship. (c) As used in this section, (1) the terms mental disease or defect do not include (A) an abnormality manifested only by repeated criminal or otherwise antisocial conduct, or (B) pathological or compulsive gambling, and (2) "gender identity or expression" means gender identity or expression, as defined in section 53a-181i. (1969, P.A. 828, S. 13; P.A. 79-49; P.A. 81-301, S. 1; P.A. 83-486, S. 1; P.A. 95-264, S. 64; P.A. 19-27, S. 1; July Sp. Sess. P.A. 20-4, S. 11; P.A. 21-192, S. 12; P.A. 23-19, S. 16.) History: P.A. 79-49 clarified section by adding provisions concerning effect of use of drugs, intoxicating liquors or combinations of them on defense plea; P.A. 81-301 replaced the provision that "it shall be a defense that the defendant" lacked substantial capacity with "a defendant may be found guilty but not criminally responsible if" he lacked substantial capacity due to mental disease or defect, and replaced "It shall not be a defense under this section" with "A finding of criminal responsibility shall not be barred"; P.A. 83-486 divided section into Subsecs., amended Subsec. (a) by replacing "a defendant may be found guilty but not criminally responsible if" with "it shall be an affirmative defense that the defendant", and rephrasing parts of said Subsec., amended Subsec. (b) by replacing "A finding of criminal responsibility shall not be barred" with "It shall not be a defense under this section" and amended Subsec. (c) by providing that mental disease or defect does not include "pathological or compulsive gambling"; P.A. 95-264 amended Subsec. (b) to change "licensed" practitioner to "prescribing" practitioner and referenced the definition section (Revisor's note: The reference in Subsec. (b) to "prescribing practitioner, as defined in subdivision (21) of ..." was corrected editorially by the Revisors to "prescribing practitioner, as defined in subdivision (22) of ..."); P.A. 19-27 amended Subsec. (a) by making a technical change, amended Subsec. (b) by designating existing provisions re mental disease or defect proximately caused by voluntary ingestion, inhalation or injection of intoxicating liquor or any drug or substance as Subdiv. (1), adding Subdiv. (2) re discovery or knowledge or potential disclosure of victim's actual or perceived sex, sexual orientation or gender identity or expression, and amended Subsec. (c) by designating existing provisions re terms mental disease or defect as new Subdiv. (1), redesignating existing Subdivs. (1) and (2) as Subparas. (A) and (B), and adding new Subdiv. (2) defining "gender identity or expression"; July Sp. Sess. P.A. 20-4 amended Subsec. (b)(1) by substituting reference to Sec. 20-571(24) for reference to Sec. 20-571(22), effective January 1, 2021; P.A. 21-192 amended Subsec. (b)(1) by substituting reference to Sec. 20-571(28) for reference to Sec. 20-571(24), effective July 13, 2021; P.A. 23-19 made a conforming change in Subsec. (b)(1), effective July 1, 2023.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 951 - Penal Code: Statutory Construction; Principles of Criminal Liability Section 53a-14. - Duress as defense.

In any prosecution for an offense, it shall be a defense that the defendant engaged in the proscribed conduct because he was coerced by the use or threatened imminent use of physical force upon him or a third person, which force or threatened force a person of reasonable firmness in his situation would have been unable to resist. The defense of duress as defined in this section shall not be available to a person who intentionally or recklessly places himself in a situation in which it is probable that he will be subjected to duress. (1969, P.A. 828, S. 14.) Defendant is entitled to a theory of defense instruction as matter of law when evidence under section is before jury. 178 C. 704. Duress as defense discussed. 184 C. 157. Instruction to jury that it was the state's burden to prove intent beyond a reasonable doubt did not adequately inform jury that it was the state's burden to disprove duress beyond a reasonable doubt. 199 C. 273. Cited. 201 C. 211; 204 C. 240; 209 C. 75. Trial court did not err in refusing to provide a jury instruction that would have allowed jury to factor defendant's age into his defense of duress, independent and regardless of how defendant's age relates to age of his coercers, so as to account for the differences in how adolescents evaluate risk; duress defense has both subjective and objective components; subjective component is that defendant actually must have been coerced into the criminal action; objective component requires that defendant have been coerced in circumstances under which a reasonable person in his situation would have been likewise unable to resist. 282 C. 281. Cited. 15 CA 34; 26 CA 367; 46 CA 486. Court did not err in

charging jury re statutory exception to defense of duress by failing to define the term “situation”; because “situation” is not defined in section, it is taken that the jury, as a matter of common knowledge, comprehends the term and, therefore, the trial court was not obligated to define it. 125 CA 125. Cited. 34 CS 612.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 951 - Penal Code: Statutory Construction; Principles of Criminal Liability Section 53a-15. - Entrapment as defense.

In any prosecution for an offense, it shall be a defense that the defendant engaged in the proscribed conduct because he was induced to do so by a public servant, or by a person acting in cooperation with a public servant, for the purpose of institution of criminal prosecution against the defendant, and that the defendant did not contemplate and would not otherwise have engaged in such conduct. (1969, P.A. 828, S. 15.) Cited. 173 C. 197; Id., 431. Defendant is entitled to a theory of defense instruction as a matter of law when evidence under section is before jury. 178 C. 704. Cited. 195 C. 70; 201 C. 211; 204 C. 240; 209 C. 75; 229 C. 60. Trial court did not err in refusing to instruct jury on defense of entrapment because there was no evidence presented that defendant was initially unwilling to commit a crime or that the actions of the officers actually implanted a criminal design in defendant's mind. 305 C. 330. Cited. 8 CA 158; 20 CA 395; 21 CA 326; 23 CA 392; 30 CA 470; 42 CA 751; 46 CA 486.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 951 - Penal Code: Statutory Construction; Principles of Criminal Liability Section 53a-16. - Justification as defense.

In any prosecution for an offense, justification, as defined in sections 53a-17 to 53a-23, inclusive, shall be a defense. Justification as a defense does not include provocation that resulted solely from the discovery of, knowledge about or potential disclosure of the victim's actual or perceived sex, sexual orientation or gender identity or expression, including under circumstances in which the victim made an unwanted, nonforcible, romantic or sexual advance toward the defendant, or if the defendant and victim dated or had a romantic relationship. As used in this section, “gender identity or expression” means gender identity or expression, as defined in section 53a-181i. (1969, P.A. 828, S. 16; P.A. 19-27, S. 2.) History: P.A. 19-27 added provisions re discovery, knowledge or potential disclosure of victim's actual or perceived sex, sexual orientation or gender identity or expression. Defendant is entitled to a theory of defense instruction as a matter of law when evidence under section is before jury. 178 C. 704. Cited. 188 C. 237; 204 C. 240; 209 C. 75. Cited. 3 CA 289; 8 CA 667; 10 CA 643; Id., 697; 11 CA 665; 17 CA 200; Id., 326; Id., 602; 18 CA 303; 24 CA 195; 31 CA 58; Id., 140; 45 CA 390. State did not fail to disprove defense of justification. 75 CA 80. Cited. 38 CS 619.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 951 - Penal Code: Statutory Construction; Principles of Criminal Liability Section 53a-16a. - Affirmative defense in certain situations involving firearms; exceptions.

In any prosecution for an offense under section 53a-55a, 53a-56a, 53a-60a, 53a-92a, 53a-94a, 53a-102a or 53a-103a, it shall be an affirmative defense that the pistol, revolver, rifle, shotgun, machine gun or other firearm was not a weapon from which a shot could be discharged, but it shall not be an affirmative defense to any prosecution under section 53a-55, 53a-56, 53a-60, 53a-92, 53a-94, 53a-102 or 53a-103. (P.A. 75-380, S. 2; P.A. 81-27, S. 4; P.A. 92-260, S. 1.) History: P.A. 81-27 removed references to prosecutions under repealed sections 53a-72, 53a-75 and 53a-78; P.A. 92-260 made technical changes. Defendant is entitled to a theory of defense instruction as a matter of law when evidence under section is before jury. 178 C. 704. Cited. 198 C. 190; 209 C. 75. Cited. 23 CA 615; 24 CA 195; 45 CA 390.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 951 - Penal Code: Statutory Construction; Principles of Criminal Liability Section 53a-16b. - Affirmative defense of coparticipant to offense with firearm.

In any prosecution for an offense under section 53a-55a, 53a-56a, 53a-60a, 53a-92a, 53a-94a, 53a-102a or 53a-103a in which the defendant was not the only participant, it shall be an affirmative defense that the defendant: (1) Was not armed with a pistol, revolver, machine gun, shotgun, rifle or other firearm, and (2) had no reasonable ground to believe that any other participant was armed with such a weapon. (P.A. 75-380, S. 13; P.A. 92-260, S. 2.) History: P.A. 92-260 made technical changes. Defendant is entitled to a theory of defense instruction as a matter of law where evidence under section is before jury. 178 C. 704. Cited. 209 C. 75. Cited. 23 CA 615; 24 CA 195; 45 CA 390.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 951 - Penal Code: Statutory Construction; Principles of Criminal Liability Section 53a-17. - Conduct required or authorized by law or judicial decree.

Unless inconsistent with any provision of this chapter defining justifiable use of physical force, or with any other provision of law, conduct which would otherwise constitute an offense is justifiable when such conduct is required or authorized by a provision of law or by a judicial decree, including but not limited to (1) laws defining duties and functions of public servants, (2) laws defining duties of private citizens to assist public servants in the performance of certain of their functions, (3) laws governing the execution of legal process, (4) laws governing the military services and the conduct of war, and (5) judgments and orders of courts. (1969, P.A. 828, S. 17.) Defendant is entitled to a theory of defense instruction as a matter of law when evidence under section is before jury. 178 C. 704. Cited. 197 C. 588; 204 C. 240; 209 C. 75; Id., 322. Evidence that defendant sought to introduce concerning a dispute over tribal leadership and defendant's alleged responsibilities as a tribal official was relevant to defendant's defense of justification under section and, therefore, was improperly excluded. 263 C. 602. Cited. 8 CA 667; 18 CA 303; 21 CA 138; 23 CA 615; 24 CA 195; 45

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 951 - Penal Code: Statutory Construction; Principles of Criminal Liability Section 53a-18. - Use of reasonable physical force or deadly physical force generally.

(a) The use of physical force upon another person which would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances: (1) A parent, guardian or other person entrusted with the care and supervision of a minor or an incompetent person, except a person entrusted with the care and supervision of a minor for school purposes as described in subdivision (6) of this section, may use reasonable physical force upon such minor or incompetent person when and to the extent that he or she reasonably believes such to be necessary to maintain discipline or to promote the welfare of such minor or incompetent person. (2) An authorized official of a correctional institution or facility may, in order to maintain order and discipline, use such physical force as is reasonable and authorized by the rules and regulations of the Department of Correction. (3) A person responsible for the maintenance of order in a common carrier of passengers, or a person acting under his or her direction, may use reasonable physical force when and to the extent that he or she reasonably believes such to be necessary to maintain order, but he or she may use deadly physical force only when he or she reasonably believes such to be necessary to prevent death or serious physical injury. (4) A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical injury upon himself or herself may use reasonable physical force upon such person to the extent that he or she reasonably believes such to be necessary to thwart such result. (5) A duly licensed physician or psychologist, or a person acting under his or her direction, may use reasonable physical force for the purpose of administering a recognized form of treatment which he or she reasonably believes to be adapted to promoting the physical or mental health of the patient, provided the treatment (A) is administered with the consent of the patient or, if the patient is a minor or an incompetent person, with the consent of his or her parent, guardian or other person entrusted with his or her care and supervision, or (B) is administered in an emergency when the physician or psychologist reasonably believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent. (6) A teacher or other person entrusted with the care and supervision of a minor for school purposes may use reasonable physical force upon such minor when and to the extent such teacher or other person reasonably believes such force to be necessary to (A) protect such teacher, other person or others from immediate physical injury, (B) obtain possession of a dangerous instrument or controlled substance, as defined in section 21a-240, upon or within the control of such minor, (C) protect property from physical damage, or (D) restrain such minor or remove such minor to another area, to maintain order. (b) No person is justified in using force upon another person which would otherwise constitute an offense based solely on the discovery of, knowledge about or potential disclosure of the victim's actual or perceived sex, sexual orientation or gender identity or expression, including under circumstances in which the victim made an unwanted, nonforcible, romantic or sexual advance toward the defendant, or if the defendant and victim dated or had a romantic relationship. (1969, P.A. 828, S. 18; 1971, P.A. 871, S. 4; P.A. 73-205, S. 6; P.A. 89-186, S. 1, 2; P.A. 90-43; P.A. 92-260, S. 3; P.A. 19-27, S. 3; P.A. 21-40, S. 52; P.A. 23-79, S. 50.) History: 1971 act specified that force used in Subdivs. (1), (3), (4) and (5) must be "reasonable" physical force; P.A. 73-205 deleted language specifically forbidding use of "deadly physical force" in Subdiv. (1); P.A. 89-186 added new Subdiv. (6) re the use of reasonable physical force by a teacher or other person entrusted with the care and supervision of a minor for school purposes and amended Subdiv. (1) accordingly; P.A. 90-43 applied provisions of Subdiv. (5) to psychologists; P.A. 92-260 amended Subdivs. (1), (3), (4) and (6) to make technical change by replacing "it is necessary" with "such to be necessary"; P.A. 19-27 designated existing provisions re circumstances under which use of physical force justifiable and not criminal as Subsec. (a) and amended same by making technical changes, and added Subsec. (b) re discovery, knowledge or potential disclosure of victim's actual or perceived sex, sexual orientation or gender identity or expression; P.A. 21-40 made a technical change in Subsec. (a)(6); P.A. 23-79 made technical and conforming changes in Subsec. (a)(6)(A) and (B), effective July 1, 2023.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 951 - Penal Code: Statutory Construction; Principles of Criminal Liability Section 53a-19. - Use of physical force in defense of person.

(a) Except as provided in subsections (b) and (c) of this section, a person is justified in using reasonable physical force upon another person to defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force, and he may use such degree of force which he reasonably believes to be necessary for such purpose; except that deadly physical force may not be used unless the actor reasonably believes that such other person is (1) using or about to use deadly physical force, or (2) inflicting or about to inflict great bodily harm. (b) Notwithstanding the provisions of subsection (a) of this section, a person is not justified in using deadly physical force upon another person if he or she knows that he or she can avoid the necessity of using such force with complete safety (1) by retreating, except that the actor shall not be required to retreat if he or she is in his or her dwelling, as defined in section 53a-100, or place of work and was not the initial aggressor, or if he or she is a peace officer or a private person assisting such peace officer at his or her direction, and acting pursuant to section 53a-22, or (2) by surrendering possession of property to a person asserting a claim of right thereto, or (3) by complying with a demand that he or she abstain from performing an act which he or she is not obliged to perform. (c) Notwithstanding the provisions of subsection (a) of this section, a person is not justified in using physical force when (1) with intent to cause physical injury or death to another person, he provokes the use of physical force by such other person, or (2) he is the initial aggressor, except that his use of physical force upon another person under such circumstances is justifiable if he withdraws from the encounter and effectively communicates to such other person his intent to do so, but such other person notwithstanding continues or threatens the use of physical force, or (3) the physical force involved was

the product of a combat by agreement not specifically authorized by law. (1969, P.A. 828, S. 19; 1971, P.A. 871, S. 5; P.A. 92-260, S. 4; P.A. 05-180, S. 1; P.A. 06-196, S. 184; P.A. 08-150, S. 49; P.A. 10-36, S. 15; P.A. 19-108, S. 3; P.A. 22-117, S. 9.) History: 1971 act specified that “reasonable” physical force is justified in Subsec. (a); P.A. 92-260 made technical changes; P.A. 05-180 amended Subsec. (b) to include a special policeman appointed under Sec. 29-18b within the purview of Subdiv. (1) and make technical changes for the purpose of gender neutrality; P.A. 06-196 made a technical change in Subsec. (b)(1), effective June 7, 2006; P.A. 08-150 amended Subsec. (b) to include Department of Motor Vehicles inspector appointed under Sec. 14-8 and certified pursuant to Sec. 7-294d within purview of Subdiv. (1); P.A. 10-36 amended Subsec. (b) to replace “Department of Motor Vehicles inspector appointed” with “motor vehicle inspector designated” and make technical changes, effective July 1, 2010; P.A. 19-108 amended Subsec. (b) to delete references to motor vehicle inspectors, and make technical changes; P.A. 22-117 amended Subsec. (b) to delete references to special policeman appointed under Sec. 29-18b, effective May 27, 2022. Cited. 166 C. 226. Defendant is entitled to a theory of defense instruction as a matter of law where evidence under section is before jury. 178 C. 704. Cited. 182 C. 66. Duty of retreat where aggressor is co-occupant of dwelling discussed. 185 C. 372. Cited. 188 C. 237; Id., 653; 194 C. 376; 196 C. 519; 198 C. 454; 199 C. 383; 200 C. 743; 203 C. 466; 204 C. 240; 206 C. 621; 207 C. 191; 209 C. 34; Id., 75; Id., 322. Determined failure to instruct jury that defense of self-defense was applicable to lesser included offense was harmless error; judgment of Appellate Court in 17 CA 502 reversed. 213 C. 579. Cited. Id., 593; 219 C. 295; 220 C. 602; 226 C. 917; 227 C. 518; 228 C. 335; Id., 851; 231 C. 484; 232 C. 537; 233 C. 1; Id., 517; 234 C. 381; 235 C. 274; 242 C. 211. Subjective-objective test under section applies only to defendant; subjectively, defendant must believe that the use of deadly force is necessary, and objectively, that belief must be reasonable. 264 C. 723. Cited. 1 CA 609; 5 CA 590; 7 CA 223; Id., 457; 8 CA 667; 10 CA 643; 13 CA 139; 15 CA 34; 16 CA 264; 17 CA 200; Id., 326; Id., 502; judgment reversed, see 213 C. 579; 19 CA 576; Id., 609; 20 CA 430; 23 CA 28; Id., 615; 24 CA 195; Id., 541; Id., 586; Id., 624; 25 CA 456; 27 CA 49; 28 CA 469; Id., 833; judgment reversed, see 227 C. 518; 29 CA 262; 30 CA 95; judgment reversed, see 228 C. 147; Id., 406; judgment reversed, see 228 C. 335; 31 CA 58; Id., 140; 32 CA 687; 33 CA 616; Id., 782; 34 CA 58; judgment reversed, see 232 C. 537; Id., 368, see also 233 C. 517; 36 CA 506; 39 CA 563; 40 CA 189; Id., 805; 41 CA 255; Id., 584; 42 CA 348; 43 CA 488; 44 CA 62; 45 CA 390; 46 CA 216. Sufficiency of jury instructions re duty to retreat discussed. 48 CA 755. Statute construed to apply to person who also is usually lodged in those premises at night. 54 CA 26. First person to use physical force is not necessarily the initial aggressor; initial aggressor is the person who acts first in a manner that creates reasonable belief in another person's mind that physical force is about to be used upon that other person. 99 CA 736. Defendant's testimony that he believed the victim was going after defendant's girlfriend after the victim threatened to kill her and the ample circumstantial evidence of a history of a violent and abusive relationship between the victim and defendant's girlfriend about which defendant was fully aware entitled him to a jury charge on the defense of others. 126 CA 597; judgment reversed, see 307 C. 823. Cited. 34 CS 612. Use of deadly force not justified when attack by assailants on third person had stopped and assailants were leaving. 35 CS 570. Cited. 38 CS 619; 43 CS 46. Subsec. (a): Cited. 186 C. 654; 187 C. 199; 225 C. 916. Not only must defendant's belief in the type of threat facing him have been reasonable, but the degree of force used in response must be evaluated for reasonableness as well. 256 C. 193. Under the subjective-objective test, state must disprove beyond a reasonable doubt that defendant subjectively held an objectively reasonable belief that use of deadly force was necessary to defend himself or others. 292 C. 656. Use of the terms “honest” and “sincere” in the jury instructions were an accurate statement of the law of self-defense regarding the subjective portion of the subjective-objective test and did not mislead the jury. 318 C. 621. Cited. 3 CA 289; 5 CA 338; 22 CA 521; 25 CA 456; 29 CA 754; 31 CA 385. The subjective-objective inquiry into defendant's belief regarding the necessary degree of force requires jury to make two separate affirmative determinations in order for defendant's claim of self-defense to succeed. 68 CA 19. In the case of self-defense, eyewitness testimony of prior specific acts of violence perpetrated on defendant by his or her victim are admissible to show defendant's state of mind at the time of the killing. Id., 828. State proved beyond a reasonable doubt that defendant was not justified in using deadly physical force. 75 CA 80. Where a particular jury instruction, when viewed in isolation, could have been construed as dictating a purely objective standard, it was held that the charge as a whole, adequately instructed jury as to both the subjective and objective aspects of the test involved in a self-defense analysis. Id., 500. Trial court improperly instructed jury on defendant's claim of self-defense by removing from its consideration the disputed factual issue of whether defendant used nondeadly force in self-defense; new trial ordered. 97 CA 679. Subsec. (b): Cited. 186 C. 654; 229 C. 916, see also 35 CA 520. Defendant's knowledge of ability to retreat is measured according to the subjective standard of defendant's actual knowledge; defendant accused of felony murder may not rely on a claim of self-defense. 254 C. 184. Subdiv. (1) allows state to rebut self-defense claim by showing that defendant could have retreated safely before using deadly force; it does not follow that defendant is statutorily or constitutionally entitled to use evidence of retreat after using deadly force to bolster self-defense claim without permitting jury to consider other possible reasons for the flight. 279 C. 414. Unlike the subjective-objective test in Subsec. (a), the duty to retreat under 2003 revision imposes only a subjective requirement that retreat in complete safety be available and that defendant know of it. 292 C. 656. Cited. 31 CA 385; 34 CA 610; 40 CA 624; 43 CA 488; 44 CA 62. Retreat exception applies to a dwelling, not to a superior right to being outside the dwelling. 47 CA 91. Jury instruction that included an objective standard regarding the statutory duty to retreat was improper. 187 CA 661. Subsec. (c): Cited. 221 C. 58. Subdiv. (2): Person who first uses physical force is not necessarily the initial aggressor under section; judgment of Appellate Court in 30 CA 406 reversed. 228 C. 335. There was no occasion for trial court to instruct the jury on initial aggressor doctrine under Subdiv. (2) when the state did not claim that defendant was the initial aggressor. 246 C. 268. Subdiv. (2): Language of Subdiv. is plain and unambiguous and provides that initial aggressor is justified in using physical force only if he withdraws and certain other conditions are satisfied, and Subdiv. does not provide, or suggest, that initial aggressor who uses nondeadly force is justified in

using deadly force to repel victim's unlawful escalation of force to the deadly level. 292 C. 734. Subdiv. (2): Although court used the word retreat in its jury instructions on the law of initial aggressor, rather than the word withdraw set forth in statute, such usage was not confusing or misleading. 299 C. 1. Subdiv. (3): Defendant is not disqualified as a matter of law under Subdiv. from asserting a claim of self-defense during a combat by agreement when one party unilaterally and dangerously escalates the equal and previously agreed upon terms of a fight; instruction charging the jury on combat by agreement did not misstate the law when such jury instruction required defendant to "actually know" rather than "actually and reasonably believe" that the victim had escalated the fight from the mere use of physical force to actual use or imminent use of deadly force. 318 C. 621. Subdiv. (1): Provocation element carries with it requirement that actor act with specific intent to elicit use of physical force by another. 19 CA 609. Cited. 22 CA 521; 35 CA 699. Jury could have reasonably concluded from evidence presented that defendant was not justified in using deadly force against the victim because he was the initial aggressor. 75 CA 80. Cited. 41 CS 525.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 951 - Penal Code: Statutory Construction; Principles of Criminal Liability Section 53a-20. - Use of physical force in defense of premises.

A person in possession or control of premises, or a person who is licensed or privileged to be in or upon such premises, is justified in using reasonable physical force upon another person when and to the extent that he reasonably believes such to be necessary to prevent or terminate the commission or attempted commission of a criminal trespass by such other person in or upon such premises; but he may use deadly physical force under such circumstances only (1) in defense of a person as prescribed in section 53a-19, or (2) when he reasonably believes such to be necessary to prevent an attempt by the trespasser to commit arson or any crime of violence, or (3) to the extent that he reasonably believes such to be necessary to prevent or terminate an unlawful entry by force into his dwelling as defined in section 53a-100, or place of work, and for the sole purpose of such prevention or termination. (1969, P.A. 828, S. 20; 1971, P.A. 871, S. 6; P.A. 73-639, S. 2; P.A. 92-260, S. 5.) History: 1971 act specified use of "reasonable" physical force; P.A. 73-639 allowed use of deadly physical force when necessary to prevent crime of violence and deleted language allowing use of deadly physical force "not earlier in time" than necessary to prevent or terminate unlawful entry in dwelling or workplace by force; P.A. 92-260 made technical changes by replacing "believes it is necessary" and "believes it necessary" with "believes such to be necessary". Defendant is entitled to a theory of defense instruction as a matter of law when evidence under section is before jury. 178 C. 704. Cited. 199 C. 383; 203 C. 466; 204 C. 240; 209 C. 75; 242 C. 211. Defendant's due process right to fair trial was violated when trial court failed to explicitly instruct jury that state bore burden of disproving defendant's defense of premises theory. 294 C. 399. The term "crime of violence" includes only those offenses that fall within the traditional common law definition of the term, such as arson and burglary, and do not necessarily involve the use of deadly force or infliction of great bodily harm. 314 C. 618. Cited. 2 CA 617; 8 CA 667; 23 CA 615; 24 CA 195; 45 CA 390. Common-law right referred to; unnecessary to decide whether Sec. 53a-23 creates an exception. 34 CS 531. Cited. 43 CS 46.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 951 - Penal Code: Statutory Construction; Principles of Criminal Liability Section 53a-21. - Use of physical force in defense of property.

A person is justified in using reasonable physical force upon another person when and to the extent that he reasonably believes such to be necessary to prevent an attempt by such other person to commit larceny or criminal mischief involving property, or when and to the extent he reasonably believes such to be necessary to regain property which he reasonably believes to have been acquired by larceny within a reasonable time prior to the use of such force; but he may use deadly physical force under such circumstances only in defense of person as prescribed in section 53a-19. (1969, P.A. 828, S. 21; 1971, P.A. 871, S. 7; P.A. 92-260, S. 6.) History: 1971 act specified use of "reasonable" physical force; P.A. 92-260 made technical changes by replacing "believes it necessary" with "believes such to be necessary". Defendant is entitled to a theory of defense instruction as a matter of law when evidence under section is before jury. 178 C. 704. Cited. 204 C. 240; 209 C. 75; 226 C. 601. Section does not bar defendant from claiming that he did not commit a larceny in order to defend against a robbery charge where larceny is an element of the robbery offense. 317 C. 338. Cited. 2 CA 617; judgment overruled in part, see 317 C. 338; 8 CA 667; judgment overruled in part, see 317 C. 338; 16 CA 455; 19 CA 445; 23 CA 615; 24 CA 195; 29 CA 283; judgment reversed, see 228 C. 795; 31 CA 58; 32 CA 687; 34 CA 368, see also 233 C. 517; 45 CA 390. Privilege to enter another's home to retrieve goods does not exist when defendant voluntarily gave his property to the victim. 116 CA 112. Section mandates that a defendant must use reasonable physical force upon another person to invoke defense of property; section is inapplicable to crimes involving the use of force against property. 187 CA 813; judgment affirmed on alternate grounds, see 335 C. 720. Cited. 34 CS 612.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 951 - Penal Code: Statutory Construction; Principles of Criminal Liability Section 53a-22. - Use of physical force in making arrest or preventing escape.

(a)(1) For purposes of this section, a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true would in law constitute an offense. If the believed facts or circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of physical force to make an arrest or to prevent an escape from custody. (2) A peace officer or an authorized official of the Department of Correction or the Board of Pardons and Paroles who is effecting an arrest pursuant to a warrant or preventing an escape from custody is justified in using the physical force prescribed in subsections (b), (c) and (d) of this section unless such warrant is invalid and is known by such officer to be invalid. (b) Except as provided in subsection (a) or (d) of this section, a peace officer or an authorized official of the

Department of Correction or the Board of Pardons and Paroles is justified in using physical force upon another person when and to the extent that he or she reasonably believes such use to be necessary to: (1) Effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape. (c) (1) Except as provided in subsection (d) of this section, a peace officer or an authorized official of the Department of Correction or the Board of Pardons and Paroles is justified in using deadly physical force upon another person for the purposes specified in subsection (b) of this section only when his or her actions are objectively reasonable under the given circumstances at that time, and: (A) He or she reasonably believes such use to be necessary to defend himself or herself or a third person from the use or imminent use of deadly physical force; or (B) He or she (i) has reasonably determined that there are no available reasonable alternatives to the use of deadly physical force, (ii) reasonably believes that the force employed creates no unreasonable risk of injury to a third party, and (iii) reasonably believes such use of force to be necessary to (I) effect an arrest of a person whom he or she reasonably believes has committed or attempted to commit a felony which involved the infliction of serious physical injury, and if, where feasible, he or she has given warning of his or her intent to use deadly physical force, or (II) prevent the escape from custody of a person whom he or she reasonably believes has committed a felony which involved the infliction of serious physical injury and who poses a significant threat of death or serious physical injury to others, and if, where feasible, he or she has given warning of his or her intent to use deadly physical force. (2) For purposes of evaluating whether actions of a peace officer or an authorized official of the Department of Correction or the Board of Pardons and Paroles are reasonable under subdivision (1) of this subsection, factors to be considered include, but are not limited to, whether (A) the person upon whom deadly physical force was used possessed or appeared to possess a deadly weapon, (B) the peace officer or an authorized official of the Department of Correction or the Board of Pardons and Paroles engaged in reasonable deescalation measures prior to using deadly physical force, and (C) any unreasonable conduct of the peace officer or an authorized official of the Department of Correction or the Board of Pardons and Paroles led to an increased risk of an occurrence of the situation that precipitated the use of such force. (d) A peace officer or an authorized official of the Department of Correction or the Board of Pardons and Paroles is justified in using a chokehold or other method of restraint applied to the neck area or that otherwise impedes the ability to breathe or restricts blood circulation to the brain of another person for the purposes specified in subsection (b) of this section only when he or she reasonably believes such use to be necessary to defend himself or herself from the use or imminent use of deadly physical force. (e) Except as provided in subsection (f) of this section, a person who has been directed by a peace officer or an authorized official of the Department of Correction or the Board of Pardons and Paroles to assist such peace officer or official to effect an arrest or to prevent an escape from custody is justified in using reasonable physical force when and to the extent that he or she reasonably believes such to be necessary to carry out such peace officer's or official's direction. (f) A person who has been directed to assist a peace officer or an authorized official of the Department of Correction or the Board of Pardons and Paroles under circumstances specified in subsection (e) of this section may use deadly physical force to effect an arrest or to prevent an escape from custody only when: (1) He or she reasonably believes such use to be necessary to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force; or (2) he or she is directed or authorized by such peace officer or official to use deadly physical force, unless he or she knows that the peace officer or official himself or herself is not authorized to use deadly physical force under the circumstances. (g) A private person acting on his or her own account is justified in using reasonable physical force upon another person when and to the extent that he or she reasonably believes such use to be necessary to effect an arrest or to prevent the escape from custody of an arrested person whom he or she reasonably believes to have committed an offense and who in fact has committed such offense; but he or she is not justified in using deadly physical force in such circumstances, except in defense of person as prescribed in section 53a-19. (h) In determining whether use of force by a peace officer who is a police officer, as defined in subsection (a) of section 29-6d, is justified pursuant to this section, the trier of fact may draw an unfavorable inference from a police officer's deliberate failure in violation of section 29-6d to record such use of physical force. (1969, P.A. 828, S. 23; 1971, P.A. 826; 871, S. 8; P.A. 86-231; 86-403, S. 87, 132; P.A. 92-260, S. 7; May Sp. Sess. P.A. 94-6, S. 23, 28; P.A. 04-257, S. 119; P.A. 05-108, S. 6; 05-180, S. 2; P.A. 08-150, S. 50; P.A. 10-36, S. 16; P.A. 19-90, S. 4; 19-108, S. 4; July Sp. Sess. P.A. 20-1, S. 29; P.A. 21-4, S. 1, 2; 21-33, S. 8; P.A. 22-117, S. 10.) History: 1971 acts applied provisions of Subsecs. (a) to (f) to authorized officials of department of correction and specified authority to use physical force to prevent escape from custody in Subsec. (a) and deleted former Subsec. (g) which had allowed peace officers employed in correctional facilities to use force to prevent a prisoner's escape and specified use of "reasonable" physical force; P.A. 86-231 amended Subsec. (c)(2) to add provision that the felony involve the infliction or threatened infliction of serious physical injury and that the officer or official give a warning if feasible of his intent to use deadly physical force; P.A. 86-403 made technical change in Subsec. (b); P.A. 92-260 made technical changes by replacing "believes it necessary", "believes that such is necessary" and "believes it is necessary" with "believes such to be necessary"; May Sp. Sess. P.A. 94-6 amended Subsecs. (a) to (e), inclusive, to add authorized officials of the Board of Parole, effective July 1, 1994; P.A. 04-257 amended Subsecs. (a) to (e), inclusive, to delete references to an authorized official of the Board of Parole, effective June 14, 2004; P.A. 05-108 amended Subsecs. (a) to (e), inclusive, to restore references to an authorized official of the Board of Pardons and Paroles, effective June 7, 2005; P.A. 05-180 amended Subsecs. (a) to (e), inclusive, to include a special policeman appointed under Sec. 29-18b within the purview of said Subsecs. and made technical changes for the purpose of gender neutrality throughout; P.A. 08-150 amended Subsecs. (a) to (e) to include Department of Motor Vehicles inspector appointed under Sec. 14-8 and certified pursuant to Sec. 7-294d within purview of said Subsecs.; P.A. 10-36 amended Subsecs. (a) to (e) to replace "Department of Motor Vehicles inspector appointed" with "motor

vehicle inspector designated” and make technical changes, effective July 1, 2010; P.A. 19-90 amended Subsec. (a)(2) by designating existing provision re effecting an arrest as Subpara. (A) and adding Subpara. (B) re preventing an escape; P.A. 19-108 deleted references to motor vehicle inspectors; July Sp. Sess. P.A. 20-1 amended Subsec. (a) by designating existing provisions as Subdivs. (1) and (2) and adding reference to Subsec. (d) in Subdiv. (2), amended Subsec. (b) by adding reference to Subsec. (d), amended Subsec. (c) by designating existing provisions as Subdiv. (1) and adding new Subpara. designators (A) and (B), adding exception re Subsec. (d) and provision re actions that are objectively reasonable under the circumstances, adding provision re exhaustion of reasonable alternatives, reasonable belief that use of force creates no substantial risk third party and reasonable belief such use of force is necessary and deleting “or threatened infliction” in new Subpara. (B), and adding new Subdiv. (2) re evaluating reasonableness of actions, added new Subsec. (d) re use of chokehold or other method or restraint applied to neck area, redesignated existing Subsecs. (d) to (f) as Subsecs. (e) to (g), and made technical and conforming changes throughout, effective April 1, 2021; P.A. 21-4 amended Subsec. (c) by changing the standard in Subdiv. (1) from “objectively reasonable under the circumstances” to “objectively reasonable under the given circumstances at that time”, changing the requirement in Subdiv. (1)(B)(i) that all reasonable alternatives be exhausted to having reasonably determined that no reasonable alternative is available, substituting “no unreasonable risk” for “no substantial risk” in Subdiv. (1)(B)(ii), adding warning language in Subdiv. (1)(B)(iii)(I) and language re posing a significant threat of death or serious physical injury to others in Subdiv. (1)(B)(iii)(II) and specifying in Subdiv. (2)(C) that the conduct evaluated is unreasonable conduct, effective January 1, 2022, and changed effective date of Sec. 29 of P.A. 20-1 of the July special session from April 1, 2021, to January 1, 2022, effective March 31, 2021; P.A. 21-33 added Subsec. (h) re drawing an unfavorable inference from a deliberate failure in violation of Sec. 29-6d to record use of force, effective January 1, 2022; P.A. 22-117 amended Subsecs. (a)(2) and (b) to (f) by deleting references to special policeman appointed under Sec. 29-18b and making technical changes, effective May 27, 2022. See Sec. 53a-23 re unjustified use of force to resist arrest. Defendant is entitled to a theory of defense instruction as a matter of law when evidence under section is before jury. 178 C. 704. Cited. 204 C. 240; 209 C. 75. Cited. 8 CA 667; 23 CA 615; 24 CA 195; 45 CA 390. Cited. 43 CS 46. Subsec. (g) (Former Subsec.(f)): Does not require person making the arrest to have been present at the time the felony was committed for defense of citizen's arrest to apply. 63 CA 228. Defendant's firing of warning shot at fleeing assailants constituted use of deadly force proscribed by statute; to permit persons to fire warning shots would frustrate purpose of statute to limit use of guns to emergency situations to protect persons from death or great bodily harm. 35 CS 570. Cited. 39 CS 392.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 951 - Penal Code: Statutory Construction; Principles of Criminal Liability Section 53a-23. - Use of physical force to resist arrest not justified.

A person is not justified in using physical force to resist an arrest by a reasonably identifiable peace officer, whether such arrest is legal or illegal. (1969, P.A. 828, S. 22; 1971, P.A. 871, S. 9; P.A. 05-180, S. 3; P.A. 08-150, S. 51; P.A. 10-36, S. 17; P.A. 19-108, S. 5; P.A. 22-117, S. 11.) History: 1971 act deleted definition of peace officer; P.A. 05-180 included a special policeman appointed under Sec. 29-18b within purview of section; P.A. 08-150 included Department of Motor Vehicles inspector appointed under Sec. 14-8 and certified pursuant to Sec. 7-294d within purview of section; P.A. 10-36 replaced “Department of Motor Vehicles inspector appointed” with “motor vehicle inspector designated” and made technical changes, effective July 1, 2010; P.A. 19-108 deleted reference to motor vehicle inspectors, and made a technical change; P.A. 22-117 deleted reference to special policeman appointed under Sec. 29-18b, effective May 27, 2022. Cited. 170 C. 99. Defendant is entitled to a theory of defense instruction as a matter of law when evidence under section is before jury. 178 C. 704. Cited. 191 C. 433; 204 C. 240; 209 C. 75; 221 C. 788. Trial court's instructions pertaining to statute virtually eliminated state's burden of proving that the police officers were acting in the performance of their duties and had effect of depriving defendant of a defense to the charges against him, in violation of his due process rights. 261 C. 553. Cited. 1 CA 709; 5 CA 616; 8 CA 153; Id., 667; 21 CA 326; 23 CA 615; 24 CA 195; Id., 473; judgment reversed in part, see 221 C. 788; 27 CA 49; 40 CA 601; 45 CA 390. Under section, illegality of an arrest is not a defense to charges under Sec. 53a-167c; statute was intended to require an arrestee to submit to an arrest, even though he believes, and may ultimately establish, that the arrest was without probable cause or was otherwise unlawful; it was not intended to require an arrestee to submit to egregiously unlawful conduct, such as an unprovoked assault, by the police in the course of an arrest, whether the arrest was legal or illegal. 79 CA 667. Section restricts common-law right to resist illegal arrest; not applicable to prosecution under Sec. 53a-167a; unnecessary to decide whether this section creates exception to Sec. 53a-20 or common-law right to defend premises. 34 CS 531. Cited. 38 CS 364; Id., 400.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 951 - Penal Code: Statutory Construction; Principles of Criminal Liability Section 53a-4. - Saving clause.

The provisions of this chapter shall not be construed as precluding any court from recognizing other principles of criminal liability or other defenses not inconsistent with such provisions. (1969, P.A. 828, S. 4.) Cited. 209 C. 75; 227 C. 32; 229 C. 60; 233 C. 174; 236 C. 266. Cited. 23 CA 615; 30 CA 470; Id., 527; 32 CA 224; 36 CA 680.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 951 - Penal Code: Statutory Construction; Principles of Criminal Liability Section 53a-5. - Criminal liability; mental state required.

When the commission of an offense defined in this title, or some element of an offense, requires a particular mental state, such mental state is ordinarily designated in the statute defining the offense by use of the terms “intentionally”, “knowingly”, “recklessly”

or “criminal negligence”, or by use of terms, such as “with intent to defraud” and “knowing it to be false”, describing a specific kind of intent or knowledge. When one and only one of such terms appears in a statute defining an offense, it is presumed to apply to every element of the offense unless an intent to limit its application clearly appears. (1969, P.A. 828, S. 5.) Cited. 173 C. 35; 186 C. 45; 201 C. 505; 202 C. 520; 209 C. 75; 235 C. 477; 242 C. 211. When a statute requires state to prove that defendant intentionally engaged in the statutorily proscribed conduct, section does not require court to presume that the statute requires state to prove that defendant had knowledge of a circumstance described in the statute. 265 C. 35. Cited. 9 CA 161; Id., 686; 17 CA 339; 19 CA 609; 40 CA 643.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 951 - Penal Code: Statutory Construction; Principles of Criminal Liability Section 53a-6. - Effect of ignorance or mistake.

(a) A person shall not be relieved of criminal liability for conduct because he engages in such conduct under a mistaken belief of fact, unless: (1) Such factual mistake negates the mental state required for the commission of an offense; or (2) the statute defining the offense or a statute related thereto expressly provides that such factual mistake constitutes a defense or exemption; or (3) such factual mistake is of a kind that supports a defense of justification. (b) A person shall not be relieved of criminal liability for conduct because he engages in such conduct under a mistaken belief that it does not, as a matter of law, constitute an offense, unless (1) the law provides that the state of mind established by such mistaken belief constitutes a defense, or unless (2) such mistaken belief is founded upon an official statement of law contained in a statute or other enactment, an administrative order or grant of permission, a judicial decision of a state or federal court, or an interpretation of the statute or law relating to the offense, officially made or issued by a public servant, agency or body legally charged or empowered with the responsibility or privilege of administering, enforcing or interpreting such statute or law. (1969, P.A. 828, S. 6.) Defendant entitled as matter of law to a theory of defense instruction when evidence of defense under section is placed before jury. 178 C. 704. Cited. 199 C. 537; 204 C. 240; 209 C. 75. Cited. 17 CA 326. Subsec. (a): Cited. 198 C. 454; 210 C. 132. When mistake of fact defense arises and when jury instruction re mistake of fact is required. 246 C. 268.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 951 - Penal Code: Statutory Construction; Principles of Criminal Liability Section 53a-7. - Effect of intoxication.

Intoxication shall not be a defense to a criminal charge, but in any prosecution for an offense evidence of intoxication of the defendant may be offered by the defendant whenever it is relevant to negate an element of the crime charged, provided when recklessness or criminal negligence is an element of the crime charged, if the actor, due to self-induced intoxication, is unaware of or disregards or fails to perceive a risk which he would have been aware of had he not been intoxicated, such unawareness, disregard or failure to perceive shall be immaterial. As used in this section, “intoxication” means a substantial disturbance of mental or physical capacities resulting from the introduction of substances into the body. (1969, P.A. 828, S. 7.) Cited. 172 C. 65; 173 C. 35; 176 C. 224; 178 C. 480. Defendant is entitled, as matter of law, to a theory of defense instruction when evidence under section is before jury. Id., 704. Cited. 184 C. 121; 185 C. 63; 186 C. 414; 189 C. 611; 193 C. 632; 196 C. 341; 198 C. 560; Id., 644; 199 C. 102; 201 C. 190; 204 C. 240; 209 C. 75; 210 C. 481; 212 C. 195; 217 C. 648; 223 C. 41; Id., 273; 234 C. 139. Cited. 1 CA 260; 6 CA 701; 10 CA 643; 11 CA 122; 16 CA 358; 22 CA 521; 23 CA 315; Id., 502; 24 CA 678; 25 CA 456; 27 CA 73; 35 CA 699; 37 CA 404; 41 CA 361; 44 CA 818. Application of section. 51 CA 345. Trial court did not improperly exclude proffered evidence re defendant's claim of intoxication at time of murder. 91 CA 169. While intoxication is neither a defense nor an affirmative defense to a murder charge, evidence of defendant's intoxication is relevant to negate specific intent which is an essential element of crime of murder; however, intoxication does not automatically negate intent. 95 CA 263.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 951 - Penal Code: Statutory Construction; Principles of Criminal Liability Section 53a-8. - Criminal liability for acts of another.

(a) A person, acting with the mental state required for commission of an offense, who solicits, requests, commands, importunes or intentionally aids another person to engage in conduct which constitutes an offense shall be criminally liable for such conduct and may be prosecuted and punished as if he were the principal offender. (b) A person who sells, delivers or provides any firearm, as defined in subdivision (19) of section 53a-3, to another person to engage in conduct which constitutes an offense knowing or under circumstances in which he should know that such other person intends to use such firearm in such conduct shall be criminally liable for such conduct and shall be prosecuted and punished as if he were the principal offender. (1969, P.A. 828, S. 8; 1971, P.A. 871, S. 2; June Sp. Sess. P.A. 92-2.) History: 1971 act specified that person who requests, commands, aids, etc. another in the commission of an offense “may be prosecuted and punished as if he were the principal offender”; June Sp. Sess. P.A. 92-2 added Subsec. (b) re criminal liability for the conduct of another person with a firearm. Passive acquiescence or doing of innocent acts which in fact aid in commission of crime, is insufficient to support conviction under accessory statute. 169 C. 581. To establish guilt of accused as accessory under section governing criminal liability for conduct of another, state must prove criminality of intent and community of unlawful purpose. 170 C. 332. Cited. Id., 417; 172 C. 322; 174 C. 500; 175 C. 155; 176 C. 131. Propriety of a charge on aiding and abetting predicated on sufficiency of evidence heard during trial. Id., 508. Cited. 177 C. 140; 178 C. 163; Id., 689; 179 C. 1. Jury instruction an intent under statute discussed. 182 C. 366. Cited. Id., 501; 184 C. 369; 185 C. 163; Id., 260; 187 C. 513; 188 C. 432; Id., 542; 189 C. 337; Id., 383; 190 C. 822; 191 C. 27; Id., 659; 192 C. 383; 194 C. 96; Id., 198; 195 C. 128; Id., 598; 196 C. 225; 197 C. 436; 198 C. 158; Id., 255; Id., 328; 199 C. 14; Id., 473; Id., 591; Id., 693; 200 C. 9; Id., 523; Id., 685; 201 C. 125; Id., 289; Id.,

395; Id., 489; 202 C. 520; Id., 615; 203 C. 420; 204 C. 240; Id., 630; 207 C. 323; 208 C. 38; 209 C. 75; Id., 290; Id., 458; 210 C. 435; 211 C. 1; Id., 289; Id., 398; 212 C. 593; 213 C. 708; 214 C. 122; Id., 344; Id., 454; 215 C. 570; Id., 716; Id., 739; 216 C. 367; Id., 492; 217 C. 243; 219 C. 596; 220 C. 270; 221 C. 430; Id., 925; 222 C. 469; 223 C. 243; Id., 384; Id., 595; Id., 703; 225 C. 270; Id., 347; 227 C. 32; Id., 207; Id., 231; 228 C. 582; Id., 918; 230 C. 351; Id., 608; Id., 686; Id., 698; 231 C. 545; 232 C. 455; 233 C. 304; 234 C. 683; 235 C. 402; Id., 473; Id., 748; 236 C. 514; 237 C. 518; 238 C. 784; 239 C. 235; 240 C. 395; Id., 727; 241 C. 1; Id., 322; Id., 502; Id., 702; 242 C. 125; Id., 211; Id., 409; Id., 666. Conviction under section requires state to prove defendant's dual intent first that accessory have the intent to aid the principal and second that in so aiding he intends to commit offense with which he is charged. 252 C. 714. Principles of accessorial liability may be used to prove aggravating factors in penalty phase of a capital case. 271 C. 338. In accordance with 95 CA 362, to establish accessorial liability for manslaughter in first degree with firearm in violation of Sec. 53a-55a, state must prove that defendant, acting with intent to cause serious physical injury to another person, intentionally aided a principal offender in causing the death of such person or of a third person, and that the principal, in committing the act, used, carried or threatened to use a firearm. 300 C. 490. Defendant, having been hired to kill the victim, could be held accessorially liable for capital felony under Sec. 53a-54b(2) even if jury found that a codefendant, who was not a party to any hiring relationship, was the principal actor who killed the victim. 305 C. 101, but see 318 C. 1. Cited. 4 CA 676; 7 CA 503; Id., 701; 9 CA 161; Id., 228; 11 CA 575; Id., 621; Id., 699; Id., 805; 12 CA 1. Being an accessory to breach of the peace is a cognizable crime. Id., 74. Cited. Id., 343; 13 CA 76; Id., 554; 14 CA 1; Id., 205; Id., 445; Id., 472; Id., 493; 15 CA 122; Id., 416; 16 CA 89; Id., 333; Id., 455; 17 CA 50; 18 CA 175; Id., 184; Id., 730; 19 CA 179; 20 CA 410; Id., 665; 22 CA 216; Id., 329; Id., 340; 23 CA 123; 25 CA 318; Id., 565; Id., 646; 26 CA 33; Id., 641; Id., 779; 27 CA 1; Id., 558; 28 CA 126; Id., 306; Id., 474; Id., 575; Id., 721; 29 CA 59; Id., 304; Id., 499; 30 CA 190; Id., 232; 31 CA 47; Id., 614; 32 CA 224; Id., 831; 33 CA 143; Id., 288; 34 CA 223; Id., 717, see 37 CA 509; 35 CA 138; Id., 360; Id., 527; Id., 781; 36 CA 190; Id., 454; Id., 473; Id., 753; Id., 774; 37 CA 35; Id., 40; Id., 276; Id., 509; Id., 574; 38 CA 777; 39 CA 224; Id., 242; Id., 579; 40 CA 47; Id., 470; Id., 526; Id., 789; 41 CA 47; Id., 565; 42 CA 555; 44 CA 499; Id., 790; 45 CA 270; 46 CA 269; Id., 640; Id., 778. Statute does not provide for a separate, substantive offense but provides alternate means by which the underlying substantive crime may be committed. 49 CA 121. Fact that defendant not formally charged as accessory does not preclude a conviction as such. Id., 183. State must prove that accused shared both the criminal intent and community of unlawful purpose with principal perpetrator of the crime. 63 CA 466. Court's charge re accessorial liability properly tracks language of section and correctly explained that acting as accessory merely is an alternative means of committing the substantive offense. 81 CA 152. When defendant is charged with manslaughter in the first degree with a firearm as an accessory, state must prove that defendant intended to inflict serious physical injury and to aid the principal in doing so, but does not have to also prove that defendant intended the use, carrying or threatened use of the firearm. 95 CA 362. There is no meaningful distinction between principal and accessory liability and defendant may be convicted as accessory even if charged as a principal. 105 CA 862. Evidence introduced at trial was sufficient to establish intent and defendant's identity with respect to charges stemming from drug transaction. 110 CA 70. Conviction as accessory to attempted robbery in the first degree pursuant to section does not require state to demonstrate that accused intended for an accomplice to possess a deadly weapon. 184 CA 24. Prohibition against double jeopardy is not always automatically violated simply because of contemporaneous convictions of the same offense as both a principal and as an accessory; double jeopardy is not implicated if a jury reasonably could find on the basis of the evidence presented that each charged offense was the result of a distinct act of independent legal significance, one committed as a principal and another as an accessory; trial court not constitutionally required to vacate defendant's conviction of two counts of assault in the first degree as an accessory because defendant's multiple punishments for assault as to each victim were premised not on a single criminal act but distinct repetitions of the same crime. 185 CA 1. Defendant who operated boat while brother stole lobsters was criminally liable for intentionally aiding brother in the conduct that constituted the liable for intentionally aiding brother in the conduct that constituted the offense. 37 CS 809. Cited. 38 CS 301; 40 CS 38. Subsec. (a): Cited. 242 C. 485. Jury did not have to find that defendant actually wielded knife during robbery; it had to find that defendant was a participant in the robbery. 275 C. 534. Trial court properly rejected defendant's claim that a defense of duress, if credited, would negate the required mental state governing accessorial liability, specific intent and duress can coexist. 282 C. 281. Statute deems the accessory to be the same as the principal for purposes of criminal liability and punishment. 336 C. 219. Cited. 37 CA 464; 39 CA 333. To be guilty as accessory, one must share the criminal intent and community of unlawful purpose with perpetrator of the crime and must knowingly and willfully assist perpetrator in the acts which prepare for, facilitate or consummate it. 77 CA 80. Although the evidence did not reveal whether it was defendant or a coparticipant who had fired the fatal shot, the jury reasonably could have determined that there was sufficient concert of action between defendant and the coparticipant to support the accessory allegation. 136 CA 197; judgment reversed in part, see 336 C. 219..

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 951 - Penal Code: Statutory Construction; Principles of Criminal Liability Section 53a-9. - Lack of criminal responsibility; absence of prosecution or conviction not a defense.

In any prosecution for an offense in which the criminal liability of the defendant is based upon the conduct of another person under section 53a-8 it shall not be a defense that: (1) Such other person is not guilty of the offense in question because of lack of criminal responsibility or legal capacity or awareness of the criminal nature of the conduct in question or of the defendant's criminal purpose or because of other factors precluding the mental state required for the commission of the offense in question; or (2) such other person has not been prosecuted for or convicted of any offense based upon the conduct in question, or has been acquitted thereof, or has legal immunity from prosecution therefor; or (3) the offense in question, as defined, can be committed only by a particular class

or classes of persons, and the defendant, not belonging to such class or classes, is for that reason legally incapable of committing the offense in an individual capacity. (1969, P.A. 828, S. 9.) Cited. 179 C. 1; 209 C. 75; 242 C. 409. Section clearly abrogates judicially created doctrine of collateral estoppel to the extent that the doctrine would preclude retrial of the issue of the principal's guilt. 270 C. 458. Cited. 35 CA 138; Id., 360.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-100. - Definitions.

(a) The following definitions are applicable to this part: (1) "Building" in addition to its ordinary meaning, includes any watercraft, aircraft, trailer, sleeping car, railroad car or other structure or vehicle or any building with a valid certificate of occupancy. Where a building consists of separate units, such as, but not limited to separate apartments, offices or rented rooms, any unit not occupied by the actor is, in addition to being a part of such building, a separate building; (2) "dwelling" means a building which is usually occupied by a person lodging therein at night, whether or not a person is actually present; (3) "night" means the period between thirty minutes after sunset and thirty minutes before sunrise; and (4) "public land" means a state park, state forest or municipal park or any other publicly-owned land that is open to the public for active or passive recreation. (b) The following definition is applicable to sections 53a-100aa to 53a-106, inclusive: A person "enters or remains unlawfully" in or upon premises when the premises, at the time of such entry or remaining, are not open to the public and when the actor is not otherwise licensed or privileged to do so. (1969, P.A. 828, S. 102; P.A. 74-186, S. 10, 12; P.A. 79-570, S. 7; P.A. 92-260, S. 40; P.A. 05-234, S. 8; Jan. Sp. Sess. P.A. 08-1, S. 4.) History: P.A. 74-186 included railroad cars in definition of "building"; P.A. 79-570 included buildings "with a valid certificate of occupancy" in definition of "building"; P.A. 92-260 made a technical change in definition of "building"; P.A. 05-234 added Subsec. (a)(4) defining "public land", effective January 1, 2006; Jan. Sp. Sess. P.A. 08-1 amended Subsec. (a) to make definitions applicable to Sec. 53a-100aa, included in existing reference to "this part", and amended Subsec. (b) to add reference to Sec. 53a-100aa, effective March 1, 2008. Cited. 191 C. 180; 195 C. 598; Id., 611; 209 C. 322; 210 C. 199; 216 C. 367. Failure of court to define the phrase "enters unlawfully" misled jury. 6 CA 24. Cited. 30 CA 95; judgment reversed, see 228 C. 147; 35 CA 714; 39 CA 1; 44 CA 62. Subsec. (a): Cited. 188 C. 542, 218 C. 273; 240 C. 708; 242 C. 523. Cited. 14 CA 119; 22 CA 440; 34 CA 823; 38 CA 231; 43 CA 488. Although it is true that the crime of burglary in the second degree requires the element of a "dwelling" as opposed to "building", statute defines "dwelling" as a type of building "which is usually occupied by a person lodging therein at night, whether or not a person is actually present"; an individual apartment, within an apartment home, while a dwelling, also is a separate building. 76 CA 779. Subdiv. (1): Under the ordinary definition of a "building", one's home is clearly a building. 78 CA 610. State does not need to furnish valid certificate of occupancy or prove specific ability to occupy if structure in question falls within ordinary meaning of building. 106 CA 295. Subdiv. (2): Evidence was sufficient to find that the breezeway constituted part of the family's "dwelling". 125 CA 529. Subdiv. (1): Trial court properly determined that shed was a "building" for purposes of section. 151 CA 732. Subdiv. (1): Charges for home invasion, arising under Subsec., and burglary in the first degree, under Sec. 53a-101(a)(3), are susceptible to separation into parts, thus defendant's conviction of both offenses did not violate his constitutional protection against double jeopardy. 187 CA 847. Subsec. (b): Cited. 8 CA 528; 19 CA 179; 24 CA 563; 42 CA 507. Defendant's presence in an apartment that was not his own, his attempts to evade police and his flight were sufficient evidence from which jury could infer that he had entered apartment unlawfully. 66 CA 357. Restaurant was not open to the public at time defendant entered and management office was a separate area not open to public and defendant was not licensed or privileged to enter or remain in or upon premises. 74 CA 607.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-100aa. - Home invasion: Class A felony.

(a) A person is guilty of home invasion when such person enters or remains unlawfully in a dwelling, while a person other than a participant in the crime is actually present in such dwelling, with intent to commit a crime therein, and, in the course of committing the offense: (1) Acting either alone or with one or more persons, such person or another participant in the crime commits or attempts to commit a felony against the person of another person other than a participant in the crime who is actually present in such dwelling, or (2) such person is armed with explosives or a deadly weapon or dangerous instrument. (b) An act shall be deemed "in the course of committing" the offense if it occurs in an attempt to commit the offense or flight after the attempt or commission. (c) Home invasion is a class A felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which ten years may not be suspended or reduced by the court. (Jan. Sp. Sess. P.A. 08-1, S. 1.) History: Jan. Sp. Sess. P.A. 08-1 effective March 1, 2008. Subsec. (a)(2): It is possible to commit the crime of home invasion without committing the crime of attempt to commit assault in the first degree, therefore home invasion in violation of Subdiv. and attempt to commit assault in the first degree in violation of Secs. 53a-59(a)(1) and 53a-49 are not the same offense for purposes of double jeopardy. 343 C. 470. Subsec. (a)(1): Defendant could not be convicted of attempt to commit home invasion without proof beyond a reasonable doubt that it was specifically defendant who intended to commit a felony in the dwelling. 187 CA 333. Subsec. (a): The express language of Subsec. does not require that defendant enter the dwelling using force or cause any damage upon entering, although evidence of forced entry may be probative of unlawful entry. 192 CA 221.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-101. - Burglary in the first degree: Class B felony.

(a) A person is guilty of burglary in the first degree when (1) such person enters or remains unlawfully in a building with intent to

commit a crime therein and is armed with explosives or a deadly weapon or dangerous instrument, or (2) such person enters or remains unlawfully in a building with intent to commit a crime therein and, in the course of committing the offense, intentionally, knowingly or recklessly inflicts or attempts to inflict bodily injury on anyone, or (3) such person enters or remains unlawfully in a dwelling at night with intent to commit a crime therein. (b) An act shall be deemed "in the course of committing" the offense if it occurs in an attempt to commit the offense or flight after the attempt or commission. (c) Burglary in the first degree is a class B felony provided any person found guilty under subdivision (1) of subsection (a) shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court. (1969, P.A. 828, S. 103; P.A. 80-442, S. 21, 28; Jan. Sp. Sess. P.A. 08-1, S. 2.) History: P.A. 80-442 specified in Subsec. (c) that five years of imposed sentence may not be suspended or reduced when person is guilty under Subsec. (a)(1), effective July 1, 1981; Jan. Sp. Sess. P.A. 08-1 amended Subsec. (a) to restructure provisions, add Subdiv. (3) re entering or remaining unlawfully in a dwelling at night with intent to commit a crime therein, which conduct was formerly classified as burglary in the second degree under Sec. 53a-102 but was deleted from said section by same act, and make technical changes, effective March 1, 2008. Cited. 161 C. 283; 172 C. 74; 174 C. 500; 190 C. 496; 205 C. 456; 207 C. 412; 210 C. 199; 216 C. 563; 220 C. 112; 222 C. 331; 227 C. 32; 229 C. 691. Cited. 1 CA 724; 6 CA 24; 8 CA 491; 13 CA 133; 19 CA 245; 24 CA 563; 29 CA 704; 30 CA 416; 35 CA 107; Id., 714; 46 CA 118. There was sufficient evidence for jury to conclude that defendants took steak knives to arm themselves during the burglary and thus committed burglary in the first degree. 52 CA 149. Jury was within its right to conclude that defendant, armed with dangerous instrument, entered apartment unlawfully with intent to commit a robbery, but once inside, did not do anything which constituted a substantial step in a course of conduct planned to culminate in a robbery or that he abandoned his attempt. 87 CA 251. Subsec. (a): Cited. 170 C. 162; 175 C. 398. Subdiv. (1): Presence of a tire iron used to break into an apartment is insufficient by itself to satisfy statutory definition in Sec. 53a-3(7) to support finding of attempted burglary in first degree; potential for injury considered only in conjunction with circumstances of actual or threatened use. 177 C. 140. Cited. 178 C. 564; 180 C. 481, 482; Id., 557. Subdiv. (2): A lesser included offense of felony murder. Id., 599. Cited. 182 C. 366; 185 C. 211; 186 C. 599; 188 C. 372; Id., 574; 189 C. 383; Id., 611; 190 C. 104; 194 C. 241; 196 C. 157; Id., 225; 197 C. 413; 199 C. 62; 200 C. 9; Id., 586; 203 C. 159; 204 C. 714; 205 C. 61; Id., 485; 209 C. 416; 214 C. 132; 216 C. 282; Id., 367; 217 C. 419; 219 C. 269; 221 C. 430; Id., 447; Id., 685; 223 C. 41; Id., 243; Id., 299; 225 C. 524; 227 C. 32, 48; Id., 616, 622; 228 C. 234; 230 C. 351; 232 C. 455; 235 C. 802; 241 C. 702; Id., 784; 242 C. 445; Id., 523. Utility room in rear of gas station convenience store in which defendant sexually assaulted and murdered victim, being a separate room and structurally distinct from the convenience store that could be reached only through gas station's garage bay area and not open to the public, reasonably could have been found to be a separate "building" under statute. 252 C. 274. Trial court correctly permitted jury to consider charge of burglary in the third degree as lesser included offense of burglary in the first degree; state was not collaterally estopped from prosecuting defendant for burglary in the first degree. 275 C. 192. Subdiv. (2): Conspiracy to commit a reckless act is not a cognizable crime in this state because it is legally impossible to conspire to commit or achieve an unintentional or reckless act. 305 C. 101, but see 318 C. 1. Cited. 6 CA 667; Id., 697; Id., 701; 8 CA 631; 9 CA 79; Id., 208; 10 CA 176; 12 CA 662; 13 CA 554; 14 CA 67; Id., 657; 15 CA 342; 16 CA 184; Id., 318; Id., 455; 17 CA 391; 19 CA 179; Id., 618; 21 CA 244; 23 CA 692; 24 CA 556; 25 CA 428; Id., 565; 26 CA 641; 27 CA 73; Id., 786; Id., 794; 30 CA 68; 31 CA 312; 34 CA 751; judgment reversed, see 233 C. 211; 35 CA 279; 36 CA 774; 38 CA 481; Id., 531; 39 CA 45; 40 CA 60; 41 CA 255; Id., 317; Id., 817; 42 CA 78; 44 CA 307; 45 CA 187; Id., 261. Direct evidence of an entry is not required when evidence is such that the trier of fact reasonably could infer that something defendant did inside the building could not have been done without first entering the building. 78 CA 646. Crimes of burglary in the first degree in violation of Subdiv. (1) and burglary in the first degree in violation of Subdiv. (2) each contain an element the other does not; to convict defendant under Subdiv. (1), state had to prove that defendant entered or remained unlawfully in a building with intent to commit a crime therein and that he was armed with a dangerous instrument; to convict defendant under Subdiv. (2), state had to prove that defendant entered or remained unlawfully in a building with the intent to commit a crime therein and that in the course of committing the crime, he intentionally, knowingly or recklessly inflicted bodily injury on another person; Subsec. does not require state to prove that defendant forcibly entered the building or that defendant was in possession of stolen property. 96 CA 421. Trial court reasonably concluded that defendant injured the victim while in immediate flight from the commission of a burglary even though evidence demonstrated that defendant struck the victim beyond the property line of the residence where the burglary occurred. 132 CA 718. Subdiv. (3): Charges for burglary in the first degree, arising under Subdiv., and home invasion, under Sec. 53a-100aa(a)(1), are susceptible to separation into parts, thus defendant's conviction of both offenses did not violate his constitutional protection against double jeopardy. 187 CA 847.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-102. - Burglary in the second degree: Class C felony.

(a) A person is guilty of burglary in the second degree when such person enters or remains unlawfully in a dwelling, while a person other than a participant in the crime is actually present in such dwelling, with intent to commit a crime therein. (b) Burglary in the second degree is a class C felony. (1969, P.A. 828, S. 104; P.A. 01-83, S. 2; Jan. Sp. Sess. P.A. 08-1, S. 3.) History: P.A. 01-83 amended Subsec. (a) to make a technical change for purposes of gender neutrality, designate existing provisions re entering or remaining unlawfully in a dwelling at night with intent to commit a crime therein as Subdiv. (1) and add Subdiv. (2) re entering or remaining unlawfully in a dwelling, while a person other than a participant in the crime is actually present in such dwelling, with intent to commit a crime therein; Jan. Sp. Sess. P.A. 08-1 amended Subsec. (a) to delete former Subdiv. (1) re entering or remaining unlawfully in a dwelling at night with intent to commit a crime therein, which conduct was reclassified as burglary in the first degree

under Sec. 53a-101 by same act, and make a conforming change, effective March 1, 2008. Cited. 161 C. 283; 169 C. 263; Id., 556; 175 C. 315; 184 C. 258. Instruction characterizing burglary as a crime against the person likely to involve danger to life was not in error. 188 C. 542. Cited. Id., 715; 190 C. 496; 195 C. 611; 197 C. 574; 198 C. 671; 204 C. 1; 205 C. 456; 215 C. 257; 216 C. 273; 220 C. 417; 229 C. 285; 232 C. 455; 242 C. 523; Id., 689. Cited. 5 CA 113; 6 CA 24; 9 CA 133; Id., 349; Id., 656; 11 CA 575; 13 CA 413; 14 CA 526; 15 CA 34; 16 CA 333; 19 CA 396; 20 CA 369; Id., 586; 23 CA 201; 29 CA 801; judgment reversed, see 229 C. 285; 31 CA 94; Id., 370; 34 CA 599; 35 CA 714; 38 CA 20; Id., 231; Id., 531; 40 CA 553; 41 CA 169; Id., 255. The crime proscribed by section is complete once there has been an unlawful entering or remaining in a dwelling, at night, with intent to commit a crime in that dwelling. 76 CA 779. Subsec. (a): Cited. 181 C. 172; 182 C. 207; 189 C. 631; 190 C. 440; 199 C. 88; 200 C. 523; 202 C. 676; 204 C. 377; 214 C. 493; 216 C. 699; 220 C. 400; 223 C. 635; 241 C. 784. Cited. 1 CA 260; 6 CA 697; 14 CA 710; 21 CA 260; 23 CA 564; judgment reversed in part, see 220 C. 400; 24 CA 502; 30 CA 606; 35 CA 262; 36 CA 774; 38 CA 643; 42 CA 78. Defendant's right to fair trial and unanimous verdict not violated when court made it clear that the jury had to find each element of crime proven beyond a reasonable doubt and there was ample evidence to support conviction under both alternate theories of liability. 59 CA 305. Jury could have found defendant guilty beyond a reasonable doubt of remaining unlawfully in victim's bedroom because whatever possible license defendant thought he had to enter bedroom, that license was withdrawn when he refused to identify himself, charged at victim, lay on top of her and attempted to kiss and touch her all over her body. 93 CA 205.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-102a. - Burglary in the second degree with a firearm: Class C felony: One year not suspendable.

(a) A person is guilty of burglary in the second degree with a firearm when he commits burglary in the second degree as provided in section 53a-102, and in the commission of such offense he uses or is armed with and threatens the use of or displays or represents by his words or conduct that he possesses a pistol, revolver, rifle, shotgun, machine gun or other firearm. No person shall be convicted of burglary in the second degree and burglary in the second degree with a firearm upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information. (b) Burglary in the second degree with a firearm is a class C felony for which one year of the sentence imposed shall not be suspended or reduced by the court. (P.A. 75-380, S. 11; P.A. 76-435, S. 4, 68, 82; P.A. 92-260, S. 41.) History: P.A. 76-435 made technical corrections, adding simple burglary in the second degree in Subsec. (a) and specifying in Subsec. (b) that burglary in second degree with a firearm is a Class C, rather than Class B, felony; P.A. 92-260 made technical changes in Subsec. (a). Cited. 188 C. 697; 190 C. 496; 199 C. 255; 207 C. 412; 216 C. 282. Cited. 6 CA 24; 35 CA 714.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-103. - Burglary in the third degree: Class D felony.

(a) A person is guilty of burglary in the third degree when he enters or remains unlawfully in a building with intent to commit a crime therein. (b) Burglary in the third degree is a class D felony. (1969, P.A. 828, S. 105.) Cited. 161 C. 283; 173 C. 317; 174 C. 253; 176 C. 299; 182 C. 52; Id., 176; Id., 242; 183 C. 225; Id., 444; 184 C. 95; Id., 215; Id., 369; 186 C. 648; 187 C. 6; Id., 292; Id., 444; 189 C. 364; Id., 717; 190 C. 496; 191 C. 146; Id., 180; 193 C. 35; 194 C. 198; Id., 210; Id., 213; Id., 361; Id., 438; Id., 623; 196 C. 185; 197 C. 247; 198 C. 1; 199 C. 30; Id., 308; 202 C. 615; 216 C. 814; 218 C. 273; 219 C. 489; 220 C. 417; 223 C. 731; 232 C. 455; 235 C. 679; 237 C. 390; 239 C. 235; 240 C. 708. Trial court correctly permitted jury to consider charge of burglary in the third degree as lesser included offense of burglary in the first degree; state was not collaterally estopped from prosecuting defendant for burglary in the first degree. 275 C. 192. Cited. 2 CA 537; 3 CA 132; Id., 359; Id., 503; 5 CA 599; 6 CA 24; Id., 680; 8 CA 478; 9 CA 141; 10 CA 258; Id., 279; Id., 447; Id., 503; 11 CA 805; 12 CA 1; Id., 196; Id., 375; 13 CA 214; Id., 220; 14 CA 119; Id., 526; 16 CA 184; Id., 601; 18 CA 368; 19 CA 48; 20 CA 205; Id., 721; 22 CA 440; 23 CA 123; Id., 151; Id., 201; 24 CA 295; 25 CA 503; 30 CA 190; 34 CA 751; judgment reversed, see 233 C. 211; 35 CA 107; Id., 405; Id., 714; 36 CA 177; Id., 364; 37 CA 40; Id., 228; 38 CA 225; Id., 481; 39 CA 1; Id., 579; 42 CA 507; 44 CA 162; 45 CA 566. Evidence that defendant entered residence and stated he would be able to hit wife before police could arrive was sufficient to establish that at the time he entered dwelling, defendant intended to commit crime of assault. 99 CA 203. Cited. 33 CS 706; Id., 750; 38 CS 407. Subsec. (a): Cited. 177 C. 140; 181 C. 254; 189 C. 461; 194 C. 665; 198 C. 369; 212 C. 50; 218 C. 447. Cited. 4 CA 514; 7 CA 1; Id., 75; 8 CA 491; Id., 528; 9 CA 121; 13 CA 438; 14 CA 309; judgment reversed, see 212 C. 50; 15 CA 531; 17 CA 490; 24 CA 502; 35 CA 699; 44 CA 307.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-103a. - Burglary in the third degree with a firearm: Class D felony: One year not suspendable.

(a) A person is guilty of burglary in the third degree with a firearm when he commits burglary in the third degree as provided in section 53a-103, and in the commission of such offense, he uses or is armed with and threatens the use of or displays or represents by his words or conduct that he possesses a pistol, revolver, shotgun, rifle, machine gun or other firearm. No person shall be convicted of burglary in the third degree and burglary in the third degree with a firearm upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information. (b) Burglary in the third degree with a firearm is a class D felony for which one year of the sentence imposed shall not be suspended or reduced by the court. (P.A. 75-380, S. 12.) Cited. 177 C. 335; Id., 637; 184 C. 215; 190 C. 496; 207 C. 412; 216 C. 282; 219 C. 93. Cited. 6 CA 24; 14 CA 710; 28 CA 369; 35 CA 714.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-104. - Affirmative defense to burglary.

It shall be an affirmative defense to prosecution for burglary that the building was abandoned. (1969, P.A. 828, S. 106.) Cited. 35 CA 714.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-105. - Conviction for burglary and other offense authorized, when.

Section 53a-105 is repealed. (1969, P.A. 828, S. 107; 1971, P.A. 871, S. 129.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-106. - Manufacturing or possession of burglar's tools: Class A misdemeanor.

(a) A person is guilty of manufacturing or possession of burglar's tools when he manufactures or has in his possession any tool, instrument or other thing adapted, designed or commonly used for advancing or facilitating offenses involving unlawful entry into premises, or offenses involving forcible breaking of safes or other containers or depositories of property, under circumstances manifesting an intent to use or knowledge that some person intends to use the same in the commission of an offense of such character. (b) Manufacturing or possession of burglar's tools is a class A misdemeanor. (1969, P.A. 828, S. 108; P.A. 92-260, S. 42.) History: P.A. 92-260 amended Subsec. (b) to make a technical change in the name of the offense. Cited. 181 C. 172; 182 C. 242; Id., 366. Cited. 5 CA 599; 6 CA 24; 11 CA 805; 28 CA 369; 35 CA 714; 37 CA 228. Cited. 33 CS 706.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-107. - Criminal trespass in the first degree: Class A misdemeanor.

(a) A person is guilty of criminal trespass in the first degree when: (1) Knowing that such person is not licensed or privileged to do so, such person enters or remains in a building or any other premises after an order to leave or not to enter personally communicated to such person by the owner of the premises or other authorized person; or (2) such person enters or remains in a building or any other premises in violation of a restraining order issued pursuant to section 46b-15 or a protective order issued pursuant to section 46b-16a, 46b-38c, 54-1k or 54-82r by the Superior Court; or (3) such person enters or remains in a building or any other premises in violation of a foreign order of protection, as defined in section 46b-15a, that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person; or (4) knowing that such person is not licensed or privileged to do so, such person enters or remains on public land after an order to leave or not to enter personally communicated to such person by an authorized official of the state or a municipality, as the case may be. (b) Criminal trespass in the first degree is a class A misdemeanor. (1969, P.A. 828, S. 109; P.A. 80-58; P.A. 91-381, S. 2; P.A. 92-260, S. 43; P.A. 95-214, S. 4; P.A. 99-240, S. 5; P.A. 03-98, S. 3; P.A. 05-147, S. 3; 05-234, S. 1; P.A. 14-217, S. 188.) History: P.A. 80-58 added Subsec. (a)(2) specifying that entering or remaining in building or other premises in violation of a restraining order is criminal trespass in the first degree; P.A. 91-381 amended Subsec. (a) by adding "pursuant to section 46b-15 or a protective order issued pursuant to section 46b-38c" after "issued"; P.A. 92-260 made technical changes in Subsec. (a) by replacing references to "such person" with "he" or "him" as appropriate; P.A. 95-214 amended Subsec. (a)(2) to include a protective order issued pursuant to Sec. 54-1k; P.A. 99-240 amended Subsec. (a)(2) to include a protective order issued pursuant to Sec. 54-82r and to make provisions gender neutral; P.A. 03-98 added Subsec. (a)(3) re entry or remaining in a building or other premises in violation of a foreign order of protection; P.A. 05-147 amended Subsec. (a)(3) to delete the requirement that the foreign order of protection has been issued "after notice and an opportunity to be heard has been provided to such person"; P.A. 05-234 added Subsec. (a)(4) re entry or remaining on public land, effective January 1, 2006; P.A. 14-217 amended Subsec. (a)(2) to add reference to Sec. 46b-16a, effective January 1, 2015. See Sec. 53a-44a re surcharge on fine for trespass on public land. Cited. 203 C. 466; Id., 624; 204 C. 441. Cited. 12 CA 172; 18 CA 303; 19 CA 245; 20 CA 599; 24 CA 195; 35 CA 714; 43 CA 1. Conviction reversed; evidence was insufficient to convict defendant under section. 55 CA 475. Word "owner" must be given broad meaning so statute serves its legislative purpose to protect any possessor of land from unwanted intrusions; proof of title not essential element. 35 CS 555. Cited. 37 CS 853. Subsec. (a): Cited. 216 C. 647; 236 C. 342. A spouse's right or privilege to enter property is not determined solely by the spouse's ownership interest in the property, or by whether the structure can be characterized as the marital home, but rather by whether the spouse had any possessory or occupancy interest in the premises at the time of entry; In general, when the marital relationship is intact and both spouses have a possessory or occupancy interest in a premises, an isolated request to leave the premises during a heated marital argument will not suffice to revoke one spouse's possessory or occupancy interest in the premises vis-à-vis the other. 334 C. 100. Cited. 11 CA 24; 12 CA 258; 30 CA 45; 35 CA 262; 36 CA 448; judgment reversed, see 236 C. 342. Subdiv. (2): Conviction under this section and Sec. 53a-223(a) did not violate constitutional protection against double jeopardy because legislature intended multiple punishments for offense of trespassing in violation of a protective order. 97 CA 72.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-108. - Criminal trespass in the second degree: Class B misdemeanor.

(a) A person is guilty of criminal trespass in the second degree when, knowing that such person is not licensed or privileged to do so, (1) such person enters or remains in a building, or (2) such person enters or remains on public land. (b) Criminal trespass in the

second degree is a class B misdemeanor. (1969, P.A. 828, S. 110; P.A. 05-234, S. 2.) History: P.A. 05-234 amended Subsec. (a) to designate existing provision re entry or remaining in a building as Subdiv. (1), add Subdiv. (2) re entry or remaining on public land and make technical changes for purposes of gender neutrality, effective January 1, 2006. See Sec. 53a-44a re surcharge on fine for trespass on public land. Cited. 203 C. 466; Id., 624; 215 C. 257. Section not applicable based on defendant's knowledge. 245 C. 657. Cited. 12 CA 375; 19 CA 245; 20 CA 599; Id., 721; 24 CA 489; Id., 541; 31 CA 370; 35 CA 107; Id., 714. Cited. 35 CS 555; 37 CS 755.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-109. - Criminal trespass in the third degree: Class C or class B misdemeanor.

(a) A person is guilty of criminal trespass in the third degree when, knowing that such person is not licensed or privileged to do so: (1) Such person enters or remains in premises which are posted in a manner prescribed by law or reasonably likely to come to the attention of intruders or are fenced or otherwise enclosed in a manner designed to exclude intruders, or which belong to the state and are appurtenant to any state institution; or (2) such person enters or remains in any premises for the purpose of hunting, trapping or fishing; or (3) such person enters or remains on public land which is posted in a manner prescribed by law or reasonably likely to come to the attention of intruders or is fenced or otherwise enclosed in a manner designed to exclude intruders. (b) Criminal trespass in the third degree is a class C misdemeanor, except that any person found guilty under subdivision (2) of subsection (a) of this section shall be guilty of a class B misdemeanor and fined not less than five hundred nor more than one thousand dollars. (1969, P.A. 828, S. 111; 1971, P.A. 871, S. 20; P.A. 92-260, S. 44; P.A. 05-234, S. 3; P.A. 12-84, S. 1.) History: 1971 act added Subsec. (a)(2) specifying that person's entering or remaining in premises for purpose of hunting, trapping or fishing although he knows he is not licensed or privileged to do so is criminal trespass in the third degree; P.A. 92-260 made technical changes and deleted redundant language in Subsec. (a); P.A. 05-234 added Subsec. (a)(3) re entry or remaining on public land which is posted or is fenced or otherwise enclosed and to make technical changes, effective January 1, 2006; P.A. 12-84 amended Subsec. (b) to add provision re any person found guilty under Subsec. (a)(2) shall be guilty of a class B misdemeanor and fined not less than \$500 or more than \$1,000. See Sec. 53a-44a re surcharge on fine for trespass on public land. Cited. 203 C. 466; Id., 624; 240 C. 708. Cited. 20 CA 599; 24 CA 195; 35 CA 714. Cited. 35 CS 555. Subsec. (a): Evidence that defendant entered building by not using main entrance but instead forcing open a locked door labeled with a no trespassing sign was sufficient to support conviction under section. 83 CA 377. Statute does not demand that premises be completely enclosed to fall within its purview, but they must be enclosed sufficiently to exclude intruders, namely, those who purposefully enter the property despite having no legitimate reason to do so; where entire property was enclosed by combination of concrete wall and chain link fence, save only for opening in front, which allowed pedestrian traffic to access sidewalk by way of set of steps, property was sufficiently enclosed, even with small gateless entryway, to bring it within the protections of section. 105 CA 179.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-110. - Affirmative defenses to criminal trespass.

It shall be an affirmative defense to prosecution for criminal trespass that: (1) The building involved in the offense was abandoned; or (2) the premises, at the time of the entry or remaining, were open to the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or (3) the actor reasonably believed that the owner of the premises, or a person empowered to license access thereto, would have licensed him to enter or remain, or that he was licensed to do so. (1969, P.A. 828, S. 112.) Cited. 202 C. 86; 215 C. 82; Id., 257. Cited. 18 CA 303; 20 CA 599; 35 CA 714. Cited. 35 CS 555.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-110a. - Simple trespass: Infraction.

(a) A person is guilty of simple trespass when, knowing that such person is not licensed or privileged to do so, such person enters or remains in or on any premises without intent to harm any property. (b) Simple trespass is an infraction. (P.A. 83-276, S. 1; P.A. 92-260, S. 45; P.A. 15-211, S. 8.) History: P.A. 92-260 made technical changes; P.A. 15-211 amended Subsec. (a) by adding provision re remaining in or on any premises and making technical changes. Cited. 12 CA 258; 20 CA 599; 24 CA 195; 30 CA 45; 31 CA 370.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-110d. - Simple trespass of railroad property: Infraction.

(a) A person is guilty of simple trespass of railroad property when, knowing that such person is not licensed or privileged to do so, such person enters or remains on railroad property without lawful authority or the consent of the railroad carrier. (b) Simple trespass of railroad property is an infraction. (P.A. 00-149, S. 2.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-110e. - Simple trespass of Watershed land: Infraction.

(a) For the purposes of this section, "water company" has the same meaning as provided in section 25-32a. A person is guilty of simple trespass of public water supply watershed land that is owned, controlled or managed by a water company when, knowing that

such person is not licensed or privileged to do so, such person enters or remains on the watershed land without lawful authority or the consent of the water company. (b) Any person who violates any provision of this section shall have committed an infraction and be fined ninety dollars. (P.A. 23-40, S. 31.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-111. - Arson in the first degree: Class A felony.

(a) A person is guilty of arson in the first degree when, with intent to destroy or damage a building, as defined in section 53a-100, he starts a fire or causes an explosion, and (1) the building is inhabited or occupied or the person has reason to believe the building may be inhabited or occupied; or (2) any other person is injured, either directly or indirectly; or (3) such fire or explosion was caused for the purpose of collecting insurance proceeds for the resultant loss; or (4) at the scene of such fire or explosion a peace officer or firefighter is subjected to a substantial risk of bodily injury. (b) Arson in the first degree is a class A felony. (1969, P.A. 828, S. 113; P.A. 79-570, S. 3; P.A. 80-229, S. 1; P.A. 82-290, S. 1.) History: P.A. 79-570 restated Subsec. (a) in greater detail, replacing general language re actor's awareness that person is in or near building or his lack of knowledge or indifference as to whether another is in or near building; P.A. 80-229 clarified Subsec. (a), adding reference to "building" definition of Sec. 53a-100 and replacing reference to peace officer's or firefighter's closeness to building with reference to their being at the scene of a fire or explosion; P.A. 82-290 amended Subsec. (a) to include fire or explosion caused for the purpose of collecting insurance proceeds. Cited. 172 C. 298; 174 C. 135; 178 C. 67; 194 C. 279; 197 C. 158; 198 C. 92; 200 C. 685; 204 C. 4; Id., 769; 210 C. 519; 216 C. 678; 219 C. 605; 220 C. 796; 222 C. 469; 227 C. 829; 235 C. 679; 236 C. 31; 237 C. 694; 238 C. 828. Cited. 8 CA 581; 12 CA 32; 35 CA 527; Id., 714; 36 CA 454; 40 CA 789; 46 CA 350. Provisions applicable to firefighters on truck injured in accident en route to fire; injuries not required to be substantial or foreseeable. 59 CA 507. Subsec. (a): Cited. 183 C. 1; 187 C. 109; Id., 513; 191 C. 412; Id., 636; 199 C. 1; 200 C. 30. Trial court's failure to consider a suspended sentence violated equal protection because it resulted in a harsher penalty for defendant who acted with less culpable intent and caused a less serious result than arson murder. Id., 268. Cited. 202 C. 93; 204 C. 377; 205 C. 201; 207 C. 118; 213 C. 161; 214 C. 161; Id., 752; 215 C. 1; 216 C. 585; 218 C. 747; 221 C. 713; 227 C. 1; 229 C. 10; 240 C. 708; 241 C. 57. Motive not an ultimate issue or element of Subdiv. (4), therefore state is not collaterally estopped from admitting evidence of insurance despite earlier acquittal of Subdiv. (3); evidence supported finding that firefighters were exposed to risk of substantial injury. 243 C. 282. Cited. 10 CA 147; 12 CA 343; 28 CA 9; 30 CA 164; judgment reversed, see 229 C. 10; 34 CA 823; 36 CA 753; 37 CA 360; 39 CA 800. Defendant was not deprived of right to fair trial for violation of section because evidence was sufficient to establish that she possessed requisite intent; although prosecutor improperly asked defendant to comment on other witnesses' veracity, the questioning occurred just once and was not prejudicial; prosecutor's closing statements, even if found improper, were isolated and not prejudicial; jury instructions were proper. 75 CA 163. Definitive expert testimony that a fire was started intentionally is not required for a conviction. 127 CA 560.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-112. - Arson in the second degree: Class B felony.

(a) A person is guilty of arson in the second degree when, with intent to destroy or damage a building, as defined in section 53a-100, (1) he starts a fire or causes an explosion and (A) such act subjects another person to a substantial risk of bodily injury; or (B) such fire or explosion was intended to conceal some other criminal act; or (C) such fire or explosion was intended to subject another person to a deprivation of a right, privilege or immunity secured or protected by the Constitution or laws of this state or of the United States; or (2) a fire or explosion was caused by an individual hired by such person to start such fire or cause such explosion. (b) Arson in the second degree is a class B felony. (1969, P.A. 828, S. 114; P.A. 79-570, S. 4; P.A. 80-229, S. 2; P.A. 82-290, S. 2; P.A. 84-4.) History: P.A. 79-570 made second degree arson a Class B, rather than a Class C felony; P.A. 80-229 added reference to building definition of Sec. 53a-100; P.A. 82-290 amended Subsec. (a) by deleting (1) intent to destroy or damage a building of another (2) fires or explosions caused for the purpose of collecting insurance proceeds and (3) subjecting another building to risk of destruction or damage and adding (1) fires or explosions intended to conceal some criminal act and (2) fires or explosions caused by person hired to set fire or cause explosion; P.A. 84-4 added Subsec. (a)(1)(C) re a fire or explosion intended to subject another person to a deprivation of certain rights, privileges or immunities. Cited. 172 C. 298; 178 C. 67; 189 C. 228; 191 C. 636; 194 C. 617; 195 C. 600. More reasonable to conclude that legislature intended arsonists to be held culpable under statute for creating substantial risk to other buildings, regardless of how close such risks come to being fulfilled. 197 C. 158. Cited. 198 C. 92; 199 C. 389; 204 C. 769; 219 C. 605; 236 C. 375. Term "another person" includes firefighters. 8 CA 581. Cited. 17 CA 466. Subsec. (a): Cited. 174 C. 73; 189 C. 201; Id., 752; 195 C. 128; Id., 598; 199 C. 14; 202 C. 93; 215 C. 716. Cited. 10 CA 422; 28 CA 9. Subdiv. (2): Holding in 99 C. 432, that solicitation of another to set a fire was insufficient to establish the crime of attempt to commit arson, has been legislatively overruled by enactment of P.A. 82-290. 59 CA 362.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-113. - Arson in the third degree: Class C felony.

(a) A person is guilty of arson in the third degree when he recklessly causes destruction or damage to a building, as defined in section 53a-100, of his own or of another by intentionally starting a fire or causing an explosion. (b) Arson in the third degree is a class C felony. (1969, P.A. 828, S. 115; P.A. 73-639, S. 6; P.A. 79-570, S. 5; P.A. 80-229, S. 3; P.A. 92-260, S. 46.) History: P.A. 73-639 specified applicability to destruction or damage of person's own building in Subsec. (a); P.A. 79-570 made third degree

arson a Class C, rather than a Class D, felony; P.A. 80-229 added reference to building definition in Sec. 53a-100; P.A. 92-260 made a technical change in Subsec. (a). Cited. 172 C. 298; 177 C. 545; 191 C. 636; 194 C. 210; 197 C. 158; 198 C. 92. There is no such thing as a conspiracy to commit a crime which is defined in terms of recklessly or negligently causing a result; therefore conspiracy to commit arson in the third degree in violation of this statute and Sec. 53a-48 is not a crime cognizable under state law. 199 C. 1. Cited. 200 C. 268; 202 C. 520; 235 C. 185; Id., 679. Cited. 6 CA 680; 10 CA 361; 22 CA 53; 35 CA 94; judgment reversed, see 235 C. 185; Id., 714. Cited. 41 CS 525.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-114. - Reckless burning: Class D felony.

(a) A person is guilty of reckless burning when he intentionally starts a fire or causes an explosion, whether on his own property or another's, and thereby recklessly places a building, as defined in section 53a-100, of another in danger of destruction or damage. (b) Reckless burning is a class D felony. (1969, P.A. 828, S. 116; P.A. 79-570, S. 6; P.A. 80-229, S. 4; P.A. 92-260, S. 47.) History: P.A. 79-570 made reckless burning a Class D felony rather than a Class A misdemeanor; P.A. 80-229 added reference to building definition in Sec. 53a-100; P.A. 92-260 made a technical change in Subsec. (a). Cited. 197 C. 158; 200 C. 268. Cited. 41 CA 701. Subsec. (a): The phrase "of another" applies plainly and unambiguously to any proprietary or possessory interest in the endangered building by someone other than the defendant, whether exclusive or nonexclusive. 203 CA 333.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-115. - Criminal mischief in the first degree: Class D felony.

(a) A person is guilty of criminal mischief in the first degree when: (1) With intent to cause damage to tangible property of another and having no reasonable ground to believe that such person has a right to do so, such person damages tangible property of another in an amount exceeding one thousand five hundred dollars, or (2) with intent to cause an interruption or impairment of service rendered to the public and having no reasonable ground to believe that such person has a right to do so, such person damages or tampers with tangible property of a utility or mode of public transportation, power or communication, and thereby causes an interruption or impairment of service rendered to the public, or (3) with intent to cause damage to any electronic monitoring equipment owned or leased by the state or its agent and required as a condition of probation or conditional discharge pursuant to section 53a-30, as a condition of release pursuant to section 54-64a or as a condition of community release pursuant to section 18-100c, and having no reasonable ground to believe that such person has a right to do so, such person damages such electronic monitoring equipment and thereby causes an interruption in its ability to function, or (4) with intent to cause an interruption or impairment of service rendered to the public and having no reasonable ground to believe that such person has a right to do so, such person damages or tampers with (A) any tangible property owned by the state, a municipality or a person for fire alarm or police alarm purposes, (B) any telecommunication system operated by the state police or a municipal police department, (C) any emergency medical or fire service dispatching system, (D) any fire suppression equipment owned by the state, a municipality, a person or a fire district, or (E) any fire hydrant or hydrant system owned by the state or a municipality, a person, a fire district or a private water company, or (5) with intent to cause damage to tangible property owned by the state or a municipality that is located on public land and having no reasonable ground to believe that such person has a right to do so, such person damages such tangible property in an amount exceeding one thousand five hundred dollars. (b) Criminal mischief in the first degree is a class D felony. (1969, P.A. 828, S. 117; 1971, P.A. 871, S. 21; P.A. 83-330, S. 1; P.A. 92-260, S. 48; P.A. 00-141, S. 4; P.A. 01-8; P.A. 05-234, S. 4.) History: 1971 act added Subsec. (a)(3) re tampering with fire or police alarms; P.A. 83-330 amended Subsec. (a)(3) to designate damaging or tampering with fire or police alarms as Subpara. (A) and to add Subparas. (B) to (E) re damaging or tampering with telecommunication systems, emergency medical or fire service dispatching systems, fire suppression equipment and fire hydrants or hydrant systems; P.A. 92-260 made technical changes in Subsec. (a); P.A. 00-141 amended Subsec. (a) by making technical changes, adding new Subdiv. (3) re intentional damage to electronic monitoring equipment and redesignating former Subdiv. (3) as Subdiv. (4); P.A. 01-8 amended Subsec. (a)(3) to include damage to electronic monitoring equipment required as a condition of community release pursuant to Sec. 18-100c; P.A. 05-234 added Subsec. (a)(5) re damage to tangible property owned by the state or a municipality located on public land in an amount exceeding \$1,500, effective January 1, 2006. See Sec. 53a-44a re surcharge on fine for criminal mischief on public land. Cited. 191 C. 412; 197 C. 326; 240 C. 708. Cited. 29 CA 59; 46 CA 118. Cited. 39 CS 400.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-116. - Criminal mischief in the second degree: Class A misdemeanor.

(a) A person is guilty of criminal mischief in the second degree when: (1) With intent to cause damage to tangible property of another and having no reasonable ground to believe that such person has a right to do so, such person damages tangible property of another in an amount exceeding two hundred fifty dollars; or (2) with intent to cause an interruption or impairment of service rendered to the public and having no reasonable ground to believe that such person has a right to do so, such person damages or tampers with tangible property of a public utility or mode of public transportation, power or communication, and thereby causes a risk of interruption or impairment of service rendered to the public; or (3) with intent to cause damage to tangible property owned by the state or a municipality that is located on public land and having no reasonable ground to believe that such person has a right to do so, such person damages such tangible property in an amount exceeding two hundred fifty dollars. (b) Criminal mischief in the

second degree is a class A misdemeanor. (1969, P.A. 828, S. 118; P.A. 05-234, S. 5.) History: P.A. 05-234 added Subsec. (a)(3) re damage to tangible property owned by the state or a municipality located on public land in an amount exceeding \$250 and made technical changes for purposes of gender neutrality, effective January 1, 2006. See Sec. 53a-44a re surcharge on fine for criminal mischief on public land. Cited. 236 C. 266. Cited. 11 CA 805; 36 CA 680. Cited. 38 CS 301.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-117. - Criminal mischief in the third degree: Class B misdemeanor.

(a) A person is guilty of criminal mischief in the third degree when, having no reasonable ground to believe that such person has a right to do so, such person: (1) Intentionally or recklessly (A) damages tangible property of another, or (B) tampers with tangible property of another and thereby causes such property to be placed in danger of damage; or (2) damages tangible property of another by negligence involving the use of any potentially harmful or destructive force or substance, including, but not limited to, fire, explosives, flood, avalanche, collapse of building, poison gas or radioactive material; or (3) intentionally or recklessly (A) damages tangible property owned by the state or a municipality that is located on public land, or (B) tampers with tangible property owned by the state or a municipality that is located on public land and thereby causes such property to be placed in danger of damage; or (4) damages tangible property owned by the state or a municipality that is located on public land by negligence involving the use of any potentially harmful or destructive force or substance, including, but not limited to, fire, explosives, flood, avalanche, collapse of building, poison gas or radioactive material. (b) Criminal mischief in the third degree is a class B misdemeanor. (1969, P.A. 828, S. 119; 1971, P.A. 871, S. 22; P.A. 05-234, S. 6.) History: 1971 act specified that use of harmful or destructive force or substance is “not limited to” fire, explosives, etc. in Subsec. (a)(2); P.A. 05-234 added Subsec. (a)(3) and (4) re intentionally or recklessly damaging or tampering with tangible property owned by the state or a municipality located on public land and re damaging or tampering with tangible property owned by the state or a municipality located on public land by negligence involving the use of any potentially harmful or destructive force or substance and made technical changes, effective January 1, 2006. See Sec. 53a-44a re surcharge on fine for criminal mischief on public land. Cited. 184 C. 157; 190 C. 428; 194 C. 347; 221 C. 788; 227 C. 153; 229 C. 285; 236 C. 31. Cited. 1 CA 647; 6 CA 334; 7 CA 75; 9 CA 59; 13 CA 214; 14 CA 526; Id., 804; 17 CA 326; 18 CA 303; 24 CA 473; judgment reversed in part, see 221 C. 788; 29 CA 801; judgment reversed, see 229 C. 285; 36 CA 364; 37 CA 733; 38 CA 225. Cited. 35 CS 587; Id., 675; 36 CS 89; 37 CS 755; 38 CS 665; 39 CS 504.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-117a. - Criminal mischief in the fourth degree: Class C misdemeanor.

(a) A person is guilty of criminal mischief in the fourth degree when, having no reasonable ground to believe such person has a right to do so, such person intentionally or recklessly (1) damages or tampers with any fire hydrant or hydrant system owned by the state or a municipality, fire district or private water company; or (2) damages, tampers with or removes any tangible property owned by the state, a municipality or a person for fire alarm, smoke detection and alarm, fire suppressant or police alarm purposes; or (3) damages or tampers with any fire hydrant or hydrant system owned by the state or a municipality that is located on public land; or (4) damages, tampers with or removes any tangible property owned by the state or a municipality that is located on public land for fire alarm, smoke detection and alarm, fire suppressant or police alarm purposes. (b) Criminal mischief in the fourth degree is a class C misdemeanor. (P.A. 83-330, S. 2; P.A. 84-546, S. 125, 173; P.A. 85-132; P.A. 05-234, S. 7.) History: P.A. 84-546 changed “public alarm purposes” to “police alarm purposes”; P.A. 85-132 amended Subsec. (a)(2) by prohibiting removal of any of the specified property and by including property used for smoke detection and alarm or fire suppressant purposes; P.A. 05-234 added Subsec. (a)(3) and (4) re damaging or tampering with any fire hydrant or hydrant system owned by the state or a municipality located on public land and re damaging, tampering with or removing any tangible property owned by the state or a municipality located on public land for fire alarm, smoke detection and alarm, fire suppressant or police alarm purposes and made technical changes, effective January 1, 2006. See Sec. 53a-44a re surcharge on fine for criminal mischief on public land. Cited. 20 CA 101.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-117e. - Criminal damage of a landlord's property in the first degree: Class D felony.

(a) A tenant is guilty of criminal damage of a landlord's property in the first degree when, having no reasonable ground to believe that he has a right to do so, he intentionally damages the tangible property of the landlord of the premises in an amount exceeding one thousand five hundred dollars. (b) For the purposes of this section, “tenant”, “landlord” and “premises” have the meanings provided in section 47a-1. (c) Nothing in this section shall preclude prosecution of a person under any other provision of the general statutes. (d) Criminal damage of a landlord's property in the first degree is a class D felony. (P.A. 96-74, S. 1; P.A. 98-107, S. 1, 6; P.A. 14-122, S. 189.) History: P.A. 98-107 rephrased Subsec. (a), effective July 1, 1998; P.A. 14-122 made technical changes in Subsec. (b).

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-117f. - Criminal damage of a landlord's property in the second degree: Class A misdemeanor.

(a) A tenant is guilty of criminal damage of a landlord's property in the second degree when, having no reasonable ground to believe that a tenant has a right to do so, such tenant (1) intentionally damages the tangible property of the landlord of the premises in an

amount exceeding two hundred fifty dollars, or (2) recklessly damages the tangible property of the landlord of the premises in an amount exceeding one thousand five hundred dollars. (b) For the purposes of this section, “tenant”, “landlord” and “premises” have the meanings provided in section 47a-1. (c) Nothing in this section shall preclude prosecution of a person under any other provision of the general statutes. (d) Criminal damage of a landlord's property in the second degree is a class A misdemeanor. (P.A. 96-74, S. 2; P.A. 98-107, S. 2, 6; P.A. 00-196, S. 40; P.A. 14-122, S. 190.) History: P.A. 98-107 amended Subsec. (a) to rephrase provisions and add provision re reckless damage of the tangible property of the landlord in an amount exceeding \$1,500, effective July 1, 1998; P.A. 00-196 made technical changes in Subsec. (a); P.A. 14-122 made technical changes in Subsec. (b).

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-117g. - Criminal damage of a landlord's property in the third degree: Class B misdemeanor.

(a) A tenant is guilty of criminal damage of a landlord's property in the third degree when, having no reasonable ground to believe that he has a right to do so, he recklessly damages the tangible property of the landlord of the premises in an amount exceeding two hundred fifty dollars. (b) For the purposes of this section, “tenant”, “landlord” and “premises” have the meanings provided in section 47a-1. (c) Nothing in this section shall preclude prosecution of a person under any other provision of the general statutes. (d) Criminal damage of a landlord's property in the third degree is a class B misdemeanor. (P.A. 98-107, S. 3, 6; P.A. 14-122, S. 191.) History: P.A. 98-107 effective July 1, 1998; P.A. 14-122 made technical changes in Subsec. (b).

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-117k. - Damage to railroad property in the first degree: Class D felony.

(a) A person is guilty of damage to railroad property in the first degree when: (1) With intent to cause damage to railroad property and having no reasonable ground to believe that such person has a right to do so, such person damages such property in an amount exceeding one thousand five hundred dollars, or (2) with intent to cause an interruption or impairment of railroad service rendered to the public and having no reasonable ground to believe that such person has a right to do so, such person damages or tampers with railroad property and thereby causes an interruption or impairment of railroad service rendered to the public. (b) Damage to railroad property in the first degree is a class D felony. (P.A. 00-149, S. 3.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-117l. - Damage to railroad property in the second degree: Class A misdemeanor.

(a) A person is guilty of damage to railroad property in the second degree when: (1) With intent to cause damage to railroad property and having no reasonable ground to believe that such person has a right to do so, such person damages such property in an amount exceeding two hundred fifty dollars, or (2) with intent to cause an interruption or impairment of railroad service rendered to the public and having no reasonable ground to believe that such person has a right to do so, such person damages or tampers with railroad property and thereby causes a risk of interruption or impairment of railroad service rendered to the public. (b) Damage to railroad property in the second degree is a class A misdemeanor. (P.A. 00-149, S. 4.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-117m. - Damage to railroad property in the third degree: Class B misdemeanor.

(a) A person is guilty of damage to railroad property in the third degree when, having no reasonable ground to believe that such person has a right to do so, such person: (1) Intentionally or recklessly (A) damages railroad property, or (B) tampers with railroad property and thereby causes such property to be placed in danger of damage, or (2) damages railroad property by negligence involving the use of any potentially harmful or destructive force or substance including, but not limited to, fire, explosives, flood, avalanche, collapse of building, poison gas or radioactive material. (b) Damage to railroad property in the third degree is a class B misdemeanor. (P.A. 00-149, S. 5.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-118. - Definitions generally.

(a) The following definitions are applicable to this part: (1) “Property” means any money, personal property, real property, thing in action, evidence of debt or contract, or article of value of any kind. Commodities of a public utility nature such as gas, electricity, steam and water constitute property, but the supplying of such a commodity to premises from an outside source by means of wires, pipes, conduits or other equipment shall be deemed a rendition of a service rather than a sale or delivery of property. (2) “Obtain” includes, but is not limited to, the bringing about of a transfer or purported transfer of property or of a legal interest therein, whether to the obtainer or another. (3) To “deprive” another of property means (A) to withhold it or cause it to be withheld from him permanently or for so extended a period or under such circumstances that the major portion of its economic value or benefit is lost to him, or (B) to dispose of the property in such manner or under such circumstances as to render it unlikely that an owner will recover such property. (4) To “appropriate” property of another to oneself or a third person means (A) to exercise control over it, or to aid a third person to exercise control over it, permanently or for so extended a period or under such circumstances as to acquire the major portion of its economic value or benefit, or (B) to dispose of the property for the benefit of oneself or a third person. (5) An “owner” means any person who has a right to possession superior to that of a taker, obtainer or withholder. (6) To “receive” means to acquire

possession, control or title, or to lend on the security of the property. (7) "Service" includes, but is not limited to, labor, professional service, public utility and transportation service, the supplying of hotel accommodations, restaurant services, entertainment, and the supplying of equipment for use, but does not include school accommodations provided by a school district to (A) a child or an emancipated minor, or (B) a pupil eighteen years of age or older who was a homeless person, as defined in subdivision (3) of section 8-355, at the time of the offense. (8) "Check" means any check, draft or similar sight order for the payment of money which is not postdated with respect to the time of issuance. (9) "Drawer" of a check means a person whose name appears thereon as the primary obligor, whether the actual signature be that of himself or of a person purportedly authorized to draw the check in his behalf. (10) "Representative drawer" means a person who signs a check as drawer in a representative capacity or as agent of the person whose name appears thereon as the principal drawer or obligor. (11) A person "issues" a check when, as a drawer or representative drawer thereof, he delivers it or causes it to be delivered to a person who thereby acquires a right against the drawer with respect to such check. One who draws a check with intent that it be so delivered is deemed to have issued it if the delivery occurs. (12) A person "passes" a check when, being a payee, holder or bearer of a check which previously has been or purports to have been drawn and issued by another, he delivers it, for a purpose other than collection, to a third person who thereby acquires a right with respect thereto. (13) "Funds" means money or credit. (14) A drawer has "insufficient funds" with a drawee to cover a check when he has no funds or account whatever, or funds in an amount less than that of the check; and a check dishonored for "no account" shall also be deemed to have been dishonored for "insufficient funds". (15) "Credit" means an arrangement or understanding with a bank or depository for the payment of a check, draft or order in full on presentation. (b) A person who has obtained possession of property by theft or other illegal means shall be deemed to have a right of possession superior to that of a person who takes, obtains or withholds it from him by larcenous means. (c) A joint or common owner of property shall not be deemed to have a right of possession thereto superior to that of any other joint or common owner thereof. (d) In the absence of a specific agreement to the contrary, a person in lawful possession of property shall be deemed to have a right of possession superior to that of a person having only a security interest therein, even if legal title lies with the holder of the security interest pursuant to a conditional sale contract or other security agreement. (1969, P.A. 828, S. 120; 1971, P.A. 871, S. 23; P.A. 13-211, S. 1.) History: 1971 act added Subdivs. (6) to (15) in Subsec. (a) defining "receive", "service", "check", "drawer", "representative drawer", "issues", "passes", "funds", "insufficient funds" and "credit"; P.A. 13-211 redefined "service" in Subsec. (a)(7) to exclude school accommodations. Cited. 201 C. 489; 233 C. 552. Cited. 19 CA 695; 43 CA 801; 45 CA 369; 47 CA 1. Cited. 32 CS 650. Subsec. (a): Cited. 186 C. 555; 196 C. 225; 212 C. 31; 223 C. 243; 242 C. 666. Word "appropriate" as defined in Subdiv. (4) is not used in its ordinary sense. 255 C. 746. Cited. 1 CA 642; 11 CA 684; 14 CA 272; 21 CA 386; 22 CA 449; 34 CA 751; judgment reversed, see 233 C. 211; 35 CA 566; 43 CA 801; 45 CA 6; 46 CA 269. Subdiv. (5): In circumstance where owner of motor vehicle took such vehicle from bailee, the bailee had a right of possession superior to that of owner and thus, for purposes of larceny statutes, bailee was the "owner" and owner of motor vehicle was the "taker". 59 CA 135. Cited. 35 CS 536. Subdiv. (1): Applicability of a penal code definition to the products liability statute may be inapposite. 40 CS 120.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-119. - Larceny defined.

A person commits larceny when, with intent to deprive another of property or to appropriate the same to himself or a third person, he wrongfully takes, obtains or withholds such property from an owner. Larceny includes, but is not limited to: (1) Embezzlement. A person commits embezzlement when he wrongfully appropriates to himself or to another property of another in his care or custody. (2) Obtaining property by false pretenses. A person obtains property by false pretenses when, by any false token, pretense or device, he obtains from another any property, with intent to defraud him or any other person. (3) Obtaining property by false promise. A person obtains property by false promise when, pursuant to a scheme to defraud, he obtains property of another by means of a representation, express or implied, that he or a third person will in the future engage in particular conduct, and when he does not intend to engage in such conduct or does not believe that the third person intends to engage in such conduct. In any prosecution for larceny based upon a false promise, the defendant's intention or belief that the promise would not be performed may not be established by or inferred from the fact alone that such promise was not performed. (4) Acquiring property lost, mislaid or delivered by mistake. A person who comes into control of property of another that he knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient is guilty of larceny if, with purpose to deprive the owner thereof, he fails to take reasonable measures to restore the property to a person entitled to it. (5) Extortion. A person obtains property by extortion when he compels or induces another person to deliver such property to himself or a third person by means of instilling in him a fear that, if the property is not so delivered, the actor or another will: (A) Cause physical injury to some person in the future; or (B) cause damage to property; or (C) engage in other conduct constituting a crime; or (D) accuse some person of a crime or cause criminal charges to be instituted against him; or (E) expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule; or (F) cause a strike, boycott or other collective labor group action injurious to some person's business; except that such a threat shall not be deemed extortion when the property is demanded or received for the benefit of the group in whose interest the actor purports to act; or (G) testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or (H) use or abuse his position as a public servant by performing some act within or related to his official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely; or (I) inflict any other harm which would not benefit the actor. (6) Defrauding of public community. A person is guilty of defrauding a public community who (A) authorizes, certifies, attests or files a claim for benefits or

reimbursement from a local, state or federal agency which he knows is false; or (B) knowingly accepts the benefits from a claim he knows is false; or (C) as an officer or agent of any public community, with intent to prejudice it, appropriates its property to the use of any person or draws any order upon its treasury or presents or aids in procuring to be allowed any fraudulent claim against such community. For purposes of this subdivision such order or claim shall be deemed to be property. (7) Theft of services. A person is guilty of theft of services when: (A) With intent to avoid payment for restaurant services rendered, or for services rendered to him as a transient guest at a hotel, motel, inn, tourist cabin, rooming house or comparable establishment, he avoids such payment by unjustifiable failure or refusal to pay, by stealth, or by any misrepresentation of fact which he knows to be false; or (B) (i) except as provided in section 13b-38i, with intent to obtain railroad, subway, bus, air, taxi or any other public transportation service without payment of the lawful charge therefor or to avoid payment of the lawful charge for such transportation service which has been rendered to him, he obtains such service or avoids payment therefor by force, intimidation, stealth, deception or mechanical tampering, or by unjustifiable failure or refusal to pay, or (ii) with intent to obtain the use of equipment, including a motor vehicle, without payment of the lawful charge therefor, or to avoid payment of the lawful charge for such use which has been permitted him, he obtains such use or avoids such payment therefor by means of any false or fraudulent representation, fraudulent concealment, false pretense or personation, trick, artifice or device, including, but not limited to, a false representation as to his name, residence, employment, or driver's license; or (C) obtaining or having control over labor in the employ of another person, or of business, commercial or industrial equipment or facilities of another person, knowing that he is not entitled to the use thereof, and with intent to derive a commercial or other substantial benefit for himself or a third person, he uses or diverts to the use of himself or a third person such labor, equipment or facilities. (8) Receiving stolen property. A person is guilty of larceny by receiving stolen property if he receives, retains, or disposes of stolen property knowing that it has probably been stolen or believing that it has probably been stolen, unless the property is received, retained or disposed of with purpose to restore it to the owner. A person who accepts or receives the use or benefit of a public utility commodity which customarily passes through a meter, knowing such commodity (A) has been diverted therefrom, (B) has not been correctly registered or (C) has not been registered at all by a meter, is guilty of larceny by receiving stolen property. (9) Shoplifting. A person is guilty of shoplifting who intentionally takes possession of any goods, wares or merchandise offered or exposed for sale by any store or other mercantile establishment with the intention of converting the same to his own use, without paying the purchase price thereof. A person intentionally concealing unpurchased goods or merchandise of any store or other mercantile establishment, either on the premises or outside the premises of such store, shall be prima facie presumed to have so concealed such article with the intention of converting the same to his own use without paying the purchase price thereof. (10) Conversion of a motor vehicle. A person is guilty of conversion of a motor vehicle who, after renting or leasing a motor vehicle under an agreement in writing which provides for the return of such vehicle to a particular place at a particular time, fails to return the vehicle to such place within the time specified, and who thereafter fails to return such vehicle to the agreed place or to any other place of business of the lessor within one hundred twenty hours after the lessor shall have sent a written demand to him for the return of the vehicle by registered mail addressed to him at his address as shown in the written agreement or, in the absence of such address, to his last-known address as recorded in the records of the motor vehicle department of the state in which he is licensed to operate a motor vehicle. It shall be a complete defense to any civil action arising out of or involving the arrest or detention of any person to whom such demand was sent by registered mail that he failed to return the vehicle to any place of business of the lessor within one hundred twenty hours after the mailing of such demand. (11) Obtaining property through fraudulent use of an automated teller machine. A person obtains property through fraudulent use of an automated teller machine when such person obtains property by knowingly using in a fraudulent manner an automated teller machine with intent to deprive another of property or to appropriate the same to himself or a third person. In any prosecution for larceny based upon fraudulent use of an automated teller machine, the crime shall be deemed to have been committed in the town in which the machine was located. In any prosecution for larceny based upon more than one instance of fraudulent use of an automated teller machine, (A) all such instances in any six-month period may be combined and charged as one offense, with the value of all property obtained thereby being accumulated, and (B) the crime shall be deemed to have been committed in any of the towns in which a machine which was fraudulently used was located. For the purposes of this subsection, "automated teller machine" means an unmanned device at which banking transactions including, without limitation, deposits, withdrawals, advances, payments and transfers may be conducted, and includes, without limitation, a satellite device and point of sale terminal as defined in section 36a-2. (12) Library theft. A person is guilty of library theft when (A) he conceals on his person or among his belongings a book or other archival library materials, belonging to, or deposited in, a library facility with the intention of removing the same from the library facility without authority or without authority removes a book or other archival library materials from such library facility or (B) he mutilates a book or other archival library materials belonging to, or deposited in, a library facility, so as to render it unusable or reduce its value. The term "book or other archival library materials" includes any book, plate, picture, photograph, engraving, painting, drawing, map, manuscript, document, letter, public record, microform, sound recording, audiovisual material in any format, magnetic or other tape, electronic data-processing record, artifact or other documentary, written or printed material regardless of physical form or characteristics, or any part thereof, belonging to, on loan to, or otherwise in the custody of a library facility. The term "library facility" includes any public library, any library of an educational institution, organization or society, any museum, any repository of public records and any archives. (13) Conversion of leased property. (A) A person is guilty of conversion of leased personal property who, with the intent of converting the same to his own use or that of a third person, after renting or leasing such property under an agreement in writing which provides for the return of such property to a particular place at a particular time, sells, conveys, conceals or aids in concealing such property or any part thereof, and who thereafter fails to return such property to the agreed place

or to any other place of business of the lessor within one hundred ninety-two hours after the lessor shall have sent a written demand to him for the return of the property by registered or certified mail addressed to him at his address as shown in the written agreement, unless a more recent address is known to the lessor. Acknowledgment of the receipt of such written demand by the lessee shall not be necessary to establish that one hundred ninety-two hours have passed since such written demand was sent. (B) Any person, being in possession of personal property other than wearing apparel, received upon a written lease, who, with intent to defraud, sells, conveys, conceals or aids in concealing such property, or any part thereof, shall be prima facie presumed to have done so with the intention of converting such property to his own use. (C) A person who uses a false or fictitious name or address in obtaining such leased personal property shall be prima facie presumed to have obtained such leased personal property with the intent of converting the same to his own use or that of a third person. (D) "Leased personal property", as used in this subdivision, means any personal property received pursuant to a written contract, by which one owning such property, the lessor, grants to another, the lessee, the right to possess, use and enjoy such personal property for a specified period of time for a specified sum, but does not include personal property that is rented or leased pursuant to chapter 743i. (14) Failure to pay prevailing rate of wages. A person is guilty of failing to pay the prevailing rate of wages when he (A) files a certified payroll, in accordance with section 31-53 which he knows is false, in violation of section 53a-157a, and (B) fails to pay to an employee or to an employee welfare fund the amount attested to in the certified payroll with the intent to convert such amount to his own use or to the use of a third party. (15) Theft of utility service. A person is guilty of theft of utility service when he intentionally obtains electric, gas, water, telecommunications, wireless radio communications or community antenna television service that is available only for compensation: (A) By deception or threat or by false token, slug or other means including, but not limited to, electronic or mechanical device or unauthorized use of a confidential identification or authorization code or through fraudulent statements, to avoid payment for the service by himself or another person; or (B) by tampering or making connection with or disconnecting the meter, pipe, cable, conduit, conductor, attachment or other equipment or by manufacturing, modifying, altering, programming, reprogramming or possessing any device, software or equipment or part or component thereof or by disguising the identity or identification numbers of any device or equipment utilized by a supplier of electric, gas, water, telecommunications, wireless radio communications or community antenna television service, without the consent of such supplier, in order to avoid payment for the service by himself or another person; or (C) with intent to avoid payment by himself or another person for a prospective or already rendered service the charge or compensation for which is measured by a meter or other mechanical measuring device provided by the supplier of the service, by tampering with such meter or device or by attempting in any manner to prevent such meter or device from performing its measuring function, without the consent of the supplier of the service. There shall be a rebuttable presumption that the person to whom the service is billed has the intent to obtain the service and to avoid making payment for the service if, without the consent of the supplier of the service: (i) Any meter, pipe, cable, conduit, conductor, attachment or other equipment has been tampered with or connected or disconnected, (ii) any device, software or equipment or part or component thereof has been modified, altered, programmed, reprogrammed or possessed, (iii) the identity or identification numbers of any device or equipment utilized by the supplier of the service have been disguised, or (iv) a meter or other mechanical measuring device provided by the supplier of the service has been tampered with or prevented from performing its measuring function. The presumption does not apply if the person to whose service the condition applies has received such service for less than thirty-one days or until the service supplier has made at least one meter or service reading and provided a billing statement to the person as to whose service the condition applies. The presumption does not apply with respect to wireless radio communications. (16) Air bag fraud. A person is guilty of air bag fraud when such person, with intent to defraud another person, obtains property from such other person or a third person by knowingly selling, installing or reinstalling any object, including any counterfeit air bag or nonfunctional air bag, as such terms are defined in section 14-106d, in lieu of an air bag that was designed in accordance with federal safety requirements as provided in 49 CFR 571.208, as amended, and which is proper for the make, model and year of the vehicle, as part of the vehicle inflatable restraint system. (17) Theft of motor fuel. A person is guilty of theft of motor fuel when such person (A) delivers or causes to be delivered motor fuel, as defined in section 14-327a, into the fuel tank of a vehicle or into a portable container, or into both, on the premises of a retail dealer, as defined in section 14-318, and (B) with the intent to appropriate such motor fuel to himself or a third person, leaves such premises without paying the purchase price for such motor fuel. (18) Failure to repay surplus Citizens' Election Fund grant funds. A person is guilty of failure to repay surplus Citizens' Election Fund grant funds when such person fails to return to the Citizens' Election Fund any surplus funds from a grant made pursuant to sections 9-700 to 9-716, inclusive, not later than ninety days after the primary or election for which the grant is made. (1969, P.A. 828, S. 121; 1971, P.A. 871, S. 24; 1972, P.A. 188, S. 1, 2; P.A. 73-639, S. 21; P.A. 75-225; P.A. 76-109; P.A. 79-268; P.A. 81-224; 81-263, S. 1; P.A. 83-417, S. 1; P.A. 84-248, S. 1; 84-301, S. 1; 84-546, S. 161, 173; P.A. 85-339, S. 1; P.A. 91-162, S. 17, 18; P.A. 92-260, S. 49; P.A. 93-392, S. 5; P.A. 95-246, S. 1; P.A. 01-36; P.A. 03-201, S. 1; 03-278, S. 105; Oct. 25 Sp. Sess. P.A. 05-5, S. 50; P.A. 06-118, S. 2; P.A. 13-282, S. 2; P.A. 14-199, S. 4.) History: 1971 act deleted "Committing the crime of" preceding actual crimes in Subdivs. (6) to (8), specified actions which constitute theft of services or receiving stolen property in Subdivs. (7) and (8), deleting references to those crimes as defined in Secs. 53a-120 and 53a-126 respectively, and added Subdiv. (9) re shoplifting; 1972 act added Subpara. (B) in Subdiv. (7)(2) re fraud in avoiding payment for use of equipment, including motor vehicles and added Subdiv. (10) re conversion of motor vehicle; P.A. 73-639 revised Subdiv. (10) to clarify title of crime where previously crime described was simply referred to as larceny; P.A. 75-225 deleted provision in Subdiv. (3) which required that finding be based on evidence establishing that case facts and circumstances are "wholly consistent with guilty intent or belief and wholly inconsistent with innocent intent or belief", and that evidence excludes "to a moral certainty every hypothesis except that of the defendant's intention or belief that the promise would not

be performed”; P.A. 76-109 applied provisions of Subdiv. (7) to community antenna television service; P.A. 79-268 specified applicability of Subdiv. (7)(3) re “gas, electricity, water and steam service” for consistency with Subdiv. (7)(5); P.A. 81-224 amended Subdiv. (8) to include receiving the use or benefit of public utility services which have been diverted from or incorrectly registered on a meter as larceny by receiving stolen property; P.A. 81-263 amended Subdiv. (6) by adding the provision that a person is guilty of defrauding a public community who authorizes or files a false claim for benefits from a local, state or federal agency or accepts the benefits from a false claim; P.A. 83-417 added Subdiv. (11) re obtaining property through fraudulent use of an automatic teller machine; P.A. 84-248 added Subdiv. (12) defining crime of library theft and the Revisors editorially added a subdivision catchline to conform with previously existing Subdivs.; P.A. 84-301 amended Subdiv. (11) by replacing “automatic” with “automated”, adding provisions re prosecution for larceny based upon more than one instance of fraudulent use, and adding definition of “automated teller machine”; P.A. 84-546 made technical change in Subdiv. (12); P.A. 85-339 added Subdiv. (13) re conversion of leased personal property; P.A. 91-162 amended Subdiv. (13) to delete refusal to return leased personal property or failure to return leased personal property to a certain place within a certain time as elements of the offense of conversion of leased personal property in order to protect consumers leasing personal property under consumer rent-to-own agreements, as defined in Sec. 42-240a, from being charged with the offense of conversion of leased personal property upon their refusal or failure to return such property to the lessor; P.A. 92-260 made a technical change in Subdiv. (6) and made technical changes in Subpara. indicators in Subdivs. (6) to (8), inclusive; P.A. 93-392 added Subdiv. (14) re failure to pay prevailing rate of wages; P.A. 95-246 amended Subdiv. (7) to delete Subpara. (C) re theft of gas, electricity, water, steam, telecommunication or community antenna service, Subpara. (D) re tampering with a meter or measuring device to avoid payment for service the charge or compensation of which is measured by such meter or device and Subpara. (E) re tampering with the equipment of a supplier of gas, electricity, water, steam, telephone or community antenna television service, relettering former Subpara. (F) as Subpara. (C), and added Subdiv. (15) re theft of utility service; (Revisors's note: In 1999 the words in Subdiv. (8)(C) “as not been registered” were replaced editorially by the Revisors with “has not been registered” to correct a clerical error); P.A. 01-36 added Subdiv. (16) re air bag fraud (Revisor's note: In Subdiv. (16), the heading “Air bag fraud.” was added editorially by the Revisors following “(16)” to conform the format of this new subdivision with the format of Subdivs. (1) to (15), inclusive, each of which was enacted with a descriptive heading); P.A. 03-201 added Subdiv. (17) re theft of motor fuel; P.A. 03-278 made technical changes in Subdiv. (11), effective July 9, 2003; Oct. 25 Sp. Sess. P.A. 05-5 added Subdiv. (18) re failure to repay surplus Citizens' Election Fund grant funds, effective December 31, 2006, and applicable to elections held on or after that date; P.A. 06-118 amended Subdiv. (13) to add provision in Subpara. (A) that acknowledgment of receipt of written demand by lessee is not necessary to establish that 192 hours have passed since written demand was sent and to exclude from definition of “leased personal property” in Subpara. (D) personal property that is rented or leased pursuant to chapter 743i; P.A. 13-282 amended Subdiv. (16) by adding references to selling and to counterfeit or nonfunctional air bags; P.A. 14-199 amended Subdiv. (7)(B)(i) to add exception re Sec. 13b-38i. Cited. 170 C. 463. Inference based on possession of recently stolen property; meaning of “possession”; mere presence of passenger in motor vehicle containing recently stolen goods is insufficient to support conviction. 171 C. 127. Cited. 172 C. 571; 174 C. 338; 176 C. 239; 178 C. 163; Id., 649; Id., 689; 179 C. 576; 180 C. 662; 181 C. 172; Id., 254; Id., 299; Id., 388; 182 C. 449; Id., 476; 183 C. 299; Id., 386; 185 C. 211; 186 C. 1; Id., 426; 188 C. 671; Id., 681; 189 C. 114; Id., 383; 190 C. 104; Id., 541; 194 C. 198; Id., 223; 196 C. 115; Id., 225; Id., 567; 197 C. 17; Id., 201; Id., 247; 198 C. 1; 199 C. 207; 200 C. 310; Id., 586; 201 C. 489; 209 C. 564; 210 C. 652; 211 C. 101; 212 C. 31; 213 C. 422; 214 C. 132; Id., 161; Id., 717; 218 C. 273; 221 C. 685; 223 C. 243; 224 C. 711; 227 C. 611; 232 C. 431; judgment superseded by en banc reconsideration, see 235 C. 502; Id., 455; Id., 740; 233 C. 527; Id., 552; 235 C. 502; 241 C. 439; Id., 702; 242 C. 666. Statutory theft under Sec. 52-564 is synonymous with larceny as provided in section; pursuant to section, a person commits larceny when, with intent to deprive another of property or to appropriate the same to himself or a third person, he wrongfully takes, obtains or withholds such property from the owner. 255 C. 20. Although lack of consent is not specifically enumerated as element of larceny in the first degree, donative victim's inability to consent to a taking is a factor properly considered in the context of traditional understanding of larceny statute. 256 C. 135. Cited. 1 CA 642; 3 CA 633; 4 CA 544; 5 CA 599; 7 CA 1; Id., 326; Id., 532; 8 CA 125; Id., 491; 9 CA 121; Id., 141; Id., 313; Id., 373; 10 CA 447; 11 CA 102; Id., 161; 12 CA 1; Id., 163; Id., 408; 13 CA 12; Id., 576; Id., 578; Id., 596; 14 CA 88; Id., 472; 15 CA 641; 19 CA 111; judgment reversed, see 215 C. 538; Id., 521; Id., 695; 20 CA 513; Id., 665; 21 CA 431; 25 CA 298; Id., 646; 26 CA 52; 28 CA 469; Id., 521; 29 CA 283; judgment reversed, see 228 C. 795; 30 CA 190; 31 CA 47; 33 CA 303; Id., 339; Id., 368; Id., 603; 34 CA 250; judgment reversed, see 235 C. 502; Id., 599; Id., 694; Id., 751; judgment reversed, see 233 C. 211; 35 CA 566; 37 CA 482; Id., 589; Id., 619; 38 CA 481; Id., 643; 39 CA 96; Id., 579; 41 CA 584; Id., 695; 42 CA 599; 43 CA 499; Id., 801; 44 CA 294; 45 CA 6; Id., 46; Id., 369; Id., 455; 46 CA 269; Id., 414; Id., 616; Id., 691; Id., 778; 47 CA 1. Section includes “theft of services” as larceny. 66 CA 740. Employers did not commit extortion when they sought restitution of wages from employee who was found guilty of misappropriating the wages. 75 CA 319. The essential elements of larceny are (1) the wrongful taking or carrying away of the personal property of another, (2) the existence of a felonious intent in the taker to deprive the owner of the property permanently, and (3) the lack of consent of the owner; to prove the requisite specific intent, the state must show that defendant acted with the subjective desire or knowledge that his actions constituted stealing. 115 CA 295. Evidence insufficient to establish intent to commit larceny where there was no claim that defendant was not the legal owner of the money taken and evidence was presented that defendant was seeking return of defendant's specific property, albeit by force. 148 CA 684; judgment affirmed, see 317 C. 338. Cited. 32 CS 650; Id., 653; 34 CS 612; 36 CS 570; 37 CS 678. Statutory definition of larceny does not modify common law rule that proof of the identity of the owner of stolen property is not an element of the crime of larceny. Id., 809. Cited. Id., 853; 38 CS 1; Id., 593; 39 CS 27; Id., 363. Subdiv. (1): Cited. 178 C. 480; 199 C. 462; 203 C. 682; 208

C. 420. Cited. 9 CA 365; 11 CA 684. Subdiv. (2): Cited. 169 C. 581; 177 C. 243; 194 C. 96; Id., 233; 195 C. 421; 198 C. 348; 242 C. 345. Cited. 4 CA 69; 14 CA 88; 28 CA 306. Subdiv. (5): Cited. 237 C. 501. Cited. 7 CA 367; 21 CA 386; 22 CA 449; 37 CA 62; judgment reversed, see 237 C. 501; 40 CA 151. Extortion claim that failed to allege conspirators threatened to bring lawsuit against defendants and to publicize their claims if they were not paid the money demanded held legally insufficient. 62 CA 11. Subdiv. (6): Cited. 14 CA 272; 17 CA 486; 27 CA 635; 44 CA 187. Subdiv. (7): Charging in the conjunctive discussed; judgment of Appellate Court in 30 CA 571 reversed. 231 C. 411. Cited. 10 CA 486; 30 CA 571; judgment reversed, see 231 C. 411; 38 CA 277. For conviction of offense of theft of services rendered at hotel, motel, inn or comparable establishment, the state must show that accused had been transient guest thereat. 34 CS 603. Subdiv. (8): Cited. 178 C. 416. Instruction on intent unnecessary under statute. 181 C. 299. Cited. 188 C. 325. Mens rea and scienter discussed. 192 C. 405. Cited. 195 C. 421; 200 C. 113; 241 C. 439. Cited. 1 CA 270; 5 CA 129; 8 CA 13; 15 CA 416; 16 CA 402; 25 CA 149; 26 CA 33; 31 CA 614; 37 CA 40; 43 CA 613. Cited. 31 CS 510. Mental element required is knowledge or belief that the property probably has been stolen; there must be more than mere suspicion or conjecture; use of word "probably" as a specification of degree of certainty clarifies law. 35 CS 531. Cited. 36 CS 603. Subdiv. (9): Evidence insufficient to prove that defendant attempted to intentionally deprive store of its property that it exposed for sale within the store. 163 CA 810; judgment reversed in part, see 327 C. 297.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-119a. - Shoplifting and library theft; detention, questioning, presumption of crime.

(a) Any owner, authorized agent or authorized employee of a retail mercantile establishment, who observes any person concealing or attempting to conceal goods displayed for sale therein, or the ownership of such goods, or transporting such goods from such premises without payment therefor, may question such person as to his name and address and, if such owner, agent or employee has reasonable grounds to believe that the person so questioned was then attempting to commit or was committing larceny of such goods on the premises of such establishment, may detain such person for a time sufficient to summon a police officer to the premises. Any person so questioned by such owner, authorized agent or authorized employee pursuant to the provisions of this section shall promptly identify himself by name and address. No other information shall be required of such person until a police officer has taken him into custody. For the purposes of this subsection, "reasonable grounds" shall include knowledge that a person has concealed unpurchased merchandise of such establishment while on the premises or has altered or removed identifying labels on such merchandise while on the premises or is leaving such premises with such unpurchased or concealed or altered merchandise in his possession. (b) Whenever an employee or authorized agent of a library facility, as defined in subdivision (12) of section 53a-119, has reasonable grounds to believe that a person (1) is removing or is attempting to remove, without authority, a book or other archival library materials, as defined in said subdivision (12) of section 53a-119, from a library facility or (2) is intentionally mutilating, defacing or destroying a book or other archival library materials, such employee or authorized agent may question such person as to his name and address and may detain such person for a time sufficient to summon a police officer to the premises. Any person so questioned by such employee or agent shall promptly identify himself by name and address. For the purposes of this subsection, reasonable grounds shall include knowledge that a person (A) has concealed a book or other archival library materials while on the library facility premises or is removing such book or material from the library facility premises without authority or (B) has mutilated, defaced or destroyed a book or other archival library materials belonging to or deposited in a library facility. (c) In any civil action by a person detained under the provisions of subsection (a) or (b) of this section against the person so detaining him or the principal or employer of such person arising out of such questioning or detention by any such owner, agent or employee, evidence that the defendant had reasonable grounds to believe that the plaintiff was, at the time in question, committing or attempting to commit larceny or mutilating, defacing or destroying a book or other archival library materials shall create a rebuttable presumption that the plaintiff was so committing or attempting to commit larceny or mutilating, defacing or destroying a book or other archival library materials. (P.A. 73-617, S. 2; P.A. 84-248, S. 2; P.A. 92-260, S. 50.) History: P.A. 84-248 inserted new Subsec. (b) authorizing employees or authorized agents of library facilities to detain and question any person who, on reasonable grounds, is suspected of attempting to commit library theft, relettering former Subsec. (b) as Subsec. (c), and adding provision re "mutilating, defacing or destroying library books or archival library materials"; P.A. 92-260 made technical changes in Subsecs. (b) and (c). Transgression of statute results in merchant's inability to assert statutory privilege in a civil proceeding but does not require exclusion of evidence in a related criminal prosecution. 39 CS 392.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-119b. - Using motor vehicle or vessel without owner's permission. Interfering or tampering with a motor vehicle. First offense: Class A misdemeanor. Subsequent offense: Class D felony.

(a) A person is guilty of using a motor vehicle without the owner's permission when: (1) He operates or uses, or causes to be operated or used, any motor vehicle unless he has the consent of the owner; or (2) he obtains the consent of the owner to the use of his motor vehicle by fraud or fraudulent means, statement or representations. (b) A person is guilty of using a vessel, as defined in section 15-127, without the owner's permission when: (1) He operates or uses, or causes to be operated or used, any vessel unless he has the consent of the owner; or (2) he obtains the consent of the owner to the use of his vessel by fraud or fraudulent means, statement or representations. (c) A person is guilty of interfering or tampering with a motor vehicle when: (1) He puts into motion the engine of any motor vehicle while it is standing without the permission of the owner except that a property owner or his agent may remove any motor vehicle left without authorization on such owner's property in accordance with section 14-145; or (2) with

intent and without right to do so, he damages any motor vehicle or damages or removes any of its parts or components. (d) Using a motor vehicle or a vessel without the owner's permission or interfering or tampering with a motor vehicle is a class A misdemeanor for a first offense and a class D felony for each subsequent offense. (P.A. 73-639, S. 18; P.A. 80-292, S. 10; 80-341, S. 3; P.A. 81-351, S. 2.) History: P.A. 80-292 replaced previous Subsec. (b) provision which made use of motor vehicle without owner's permission a Class B misdemeanor with new provisions specifying first such offense as Class A misdemeanor and subsequent offenses as Class D felonies; P.A. 80-341 inserted new Subsec. (b) re use of vessel without owner's permission, relettering and revising former Subsec. (b) as necessary to reflect its insertion; P.A. 81-351 inserted new Subsec. (c) on interfering or tampering with a motor vehicle, relettering former Subsec. (c) accordingly. Cited. 195 C. 567; 206 C. 657; 231 C. 195. Cited. 10 CA 361; 14 CA 119; Id., 169; 21 CA 645; 25 CA 181; 26 CA 165; 27 CA 49; 32 CA 483; 36 CA 364; 37 CA 276; 39 CA 1; 43 CA 613; 45 CA 369. Cited. 37 CS 901; 43 CS 211.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-119c. - Larceny of a motor vehicle: Class E felony, first offense; class D felony, second offense; class B felony, subsequent offense.

(a) A person is guilty of larceny of a motor vehicle when such person commits larceny, as defined in section 53a-119, and the property consists of a motor vehicle. (b) For purposes of this section, "motor vehicle" means any motor vehicle, construction equipment, agricultural tractor or farm implement or major component part of any of the above. In any prosecution under subsection (a) of this section, evidence of (1) forcible entry, (2) forcible removal of ignition, or (3) alteration, mutilation or removal of a vehicle identification number shall be prima facie evidence that (A) the person in control or possession of such motor vehicle knows or should have known that such motor vehicle is stolen, and (B) such person possesses such motor vehicle with larcenous intent. (c) Larceny of a motor vehicle is (1) a class E felony for a first offense, (2) a class D felony for a second offense, and (3) a class B felony for any subsequent offense. (P.A. 22-115, S. 13.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-120. - Theft of services; service and credit card defined.

Section 53a-120 is repealed. (1969, P.A. 828, S. 122; 1971, P.A. 871, S. 129.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-121. - Value of property or services.

(a) For the purposes of this part, the value of property or services shall be ascertained as follows: (1) Except as otherwise specified in this section, value means the market value of the property or services at the time and place of the crime or, if such cannot be satisfactorily ascertained, the cost of replacement of the property or services within a reasonable time after the crime. (2) Whether or not they have been issued or delivered, written instruments, except those having a readily ascertainable market value such as some public and corporate bonds and securities, shall be evaluated as follows: (A) The value of an instrument constituting evidence of debt, such as a check, draft or promissory note, shall be deemed the amount due or collectible thereon, such figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied; (B) the value of any other instrument which creates, releases, discharges or otherwise affects any valuable legal right, privilege or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument. (3) When the value of property or services cannot be satisfactorily ascertained pursuant to the standards set forth in this section, its value shall be deemed to be an amount less than fifty dollars. (b) Amounts included in thefts committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the grade of the offense. (1969, P.A. 828, S. 123.) Cited. 182 C. 52; 191 C. 180; 241 C. 439. Cited. 7 CA 326; 9 CA 313; 19 CA 521; 25 CA 298; 37 CA 62; judgment reversed, see 237 C. 501. Definition of value is not unconstitutionally vague as applied to facts of case. 111 CA 543. Evidence of trade-in value insufficient to establish market value or replacement cost for purposes of statute. 35 CS 531. Subsec. (a): Cited. 176 C. 239; 178 C. 416; 181 C. 172; 190 C. 191; 196 C. 166; Id., 225; Id., 247; Id., 396; 199 C. 308; 200 C. 113. Cited. 5 CA 129; 12 CA 408; 33 CA 339; judgment reversed in part, see 232 C. 431; judgment reversed, see 235 C. 502. Subdiv. (1) cited. 46 CA 269. Subdiv. (1): Market value has been defined as the price that would in all probability result from fair negotiations, where the seller is willing to sell and the buyer desires to buy. 95 CA 248. Subsec. (b): Cited. 177 C. 243; 178 C. 649; 199 C. 462; 228 C. 926; 232 C. 431; judgment superseded by en banc reconsideration, see 235 C. 502; 235 C. 502. Thefts are part of "one scheme or course of conduct" if the acts constituting the crime charged are a series of thefts committed in a similar manner and are closely related in time. 305 C. 806. Cited. 33 CA 339; judgment reversed in part, see 232 C. 431; judgment reversed, see 235 C. 502; 34 CA 250; 47 CA 1.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-122. - Larceny in the first degree: Class B felony.

(a) A person is guilty of larceny in the first degree when such person commits larceny, as defined in section 53a-119, and: (1) The property or service, regardless of its nature and value, is obtained by extortion, (2) the value of the property or service exceeds twenty thousand dollars, or (3) the property is obtained by defrauding a public community, and the value of such property exceeds two thousand dollars. (b) Larceny in the first degree is a class B felony. (1969, P.A. 828, S. 124; 1971, P.A. 871, S. 25; P.A. 73-639,

S. 7; P.A. 81-248, S. 1; 81-351, S. 3; P.A. 82-271, S. 1; P.A. 86-275, S. 1; P.A. 92-260, S. 51; P.A. 00-103, S. 1; P.A. 09-138, S. 1; P.A. 22-115, S. 8.) History: 1971 act deleted detailed description of extortionist acts in Subsec. (a)(1), i.e. threat of physical injury, damage to property, etc., and made first degree larceny a Class C, rather than a Class D, felony; P.A. 73-639 made first degree larceny a Class B felony; P.A. 81-248 amended Subsec. (a) to clarify the proscribed conduct; P.A. 81-351 included property consisting of a motor vehicle having a value exceeding \$2,000 in the definition of larceny in the first degree inserted new Subsec. (b) enumerating conditions constituting prima facie evidence of a larcenous intent in regard to motor vehicles and relettered former Subsec. (b) accordingly; P.A. 82-271 amended Subsec. (a)(2) by increasing from \$2,000 to \$10,000 the value of the property or service obtained and added Subsec. (a)(4) concerning defrauding a public community; P.A. 86-275 amended Subsec. (a)(3) to increase the value of a motor vehicle subject to the section from in excess of \$2,000 to in excess of \$10,000; P.A. 92-260 made a technical change in Subsec. (a)(3); P.A. 00-103 made technical changes in Subsecs. (a) and (b) and amended Subsec. (b) by defining "motor vehicle" and by adding provisions re prima facie evidence of knowledge that vehicle is stolen and possession of vehicle with larcenous intent; P.A. 09-138 amended Subsec. (a) to increase in Subdiv. (2) the value of the property or service obtained from in excess of \$10,000 to in excess of \$20,000 and increase in Subdiv. (3) the value of a motor vehicle obtained from in excess of \$10,000 to in excess of \$20,000; P.A. 22-115 amended Subsec. (a) to make a technical change, delete Subdiv. (3) re property consisting of a motor vehicle and redesignate existing Subdiv. (4) as Subdiv. (3), deleted former Subsec. (b) defining "motor vehicle" and redesignated existing Subsec. (c) as Subsec. (b). Inference based on possession of recently stolen property (driver versus passenger of motor van containing stolen property); meaning of "possession". 171 C. 119. Mere presence of passenger in vehicle containing stolen goods is insufficient to support conviction. *Id.*, 127. Cited. 174 C. 253; *Id.*, 338; 182 C. 52; 183 C. 383; 186 C. 648; 188 C. 715; 189 C. 717; 190 C. 559; 194 C. 361; 196 C. 185; 197 C. 201; *Id.*, 247; 199 C. 30; *Id.*, 207; 202 C. 86; 204 C. 52; 213 C. 233; 224 C. 711; 237 C. 501; 241 C. 413; *Id.*, 439. Cited. 3 CA 359; 5 CA 113; *Id.*, 347; 6 CA 164; 7 CA 326; *Id.*, 532; 9 CA 349; 12 CA 585; 14 CA 272; 20 CA 810; 21 CA 431; 29 CA 843; 34 CA 599; *Id.*, 751; judgment reversed, see 233 C. 211; 36 CA 364; 37 CA 40; 45 CA 455. Cited. 31 CS 501. Subsec. (a): Cited. 169 C. 581; 176 C. 239; 177 C. 243; 178 C. 427; *Id.*, 163; *Id.*, 416; *Id.*, 480; *Id.*, 649; 180 C. 182; *Id.*, 662. 181 C. 172; *Id.*, 254, 255; *Id.*, 299; 182 C. 52; 183 C. 225; 185 C. 211; 188 C. 671; *Id.*, 681; 189 C. 114; *Id.*, 201; *Id.*, 337; *Id.*, 383; 190 C. 541; 192 C. 405; 195 C. 421; 196 C. 225; 197 C. 17; *Id.*, 413; *Id.*, 629; 198 C. 348; *Id.*, 369; 199 C. 14; 208 C. 420; 214 C. 132; *Id.*, 717; 218 C. 151; 219 C. 93; 221 C. 685; 227 C. 611; 232 C. 691; 233 C. 527; *Id.*, 552; 235 C. 502; 242 C. 345. Subdiv. (2): Although lack of consent is not specifically enumerated as element of larceny in the first degree, donative victim's inability to consent to a taking is a factor properly considered in the context of a traditional understanding of larceny statute. 256 C. 135. Cited. 3 CA 633; 4 CA 251; 5 CA 129; 7 CA 292; *Id.*, 445; 8 CA 125; *Id.*, 376; 9 CA 121; *Id.*, 313; *Id.*, 365; 10 CA 447; 11 CA 684; 13 CA 576; 15 CA 416; 16 CA 402; 17 CA 50; *Id.*, 359; *Id.*, 486; 20 CA 354; *Id.*, 665; 21 CA 386; 22 CA 449; 24 CA 502; 25 CA 149; *Id.*, 181; 26 CA 279; 28 CA 306; *Id.*, 521; 29 CA 394; 30 CA 190; 31 CA 614; 33 CA 368; 34 CA 694; 35 CA 566; *Id.*, 740; 36 CA 774; 37 CA 589; *Id.*, 619; 38 CA 481; *Id.*, 643; 39 CA 96; 41 CA 695; 43 CA 499; 44 CA 187; *Id.*, 476; 47 CA 1. Defendant's claim that evidence was insufficient to support his conviction of larceny in the first degree was unavailing; the evidence, when construed in the light most favorable to sustaining verdict, was sufficient to support jury's finding that value of victim's car exceeded \$10,000, as required by statute, and it was not improper for trial court to permit victim to testify as to his opinion of car's value at time of the crime. 81 CA 377. Subdiv. (3): Vehicle's owner was competent to testify as to the value of his property and that testimony was sufficient to satisfy statutory element that its value exceeded ten thousand dollars. 95 CA 248.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-123. - Larceny in the second degree: Class C felony.

(a) A person is guilty of larceny in the second degree when such person commits larceny, as defined in section 53a-119, and: (1) The value of the property or service exceeds ten thousand dollars, (2) the property, regardless of its nature or value, is taken from the person of another, (3) the property is obtained by defrauding a public community, and the value of such property is two thousand dollars or less, (4) the property, regardless of its nature or value, is obtained by embezzlement, false pretenses or false promise and the victim of such larceny is sixty years of age or older, or is a conserved person, as defined in section 45a-644, or is blind or physically disabled, as defined in section 1-1f, or (5) the property, regardless of its value, consists of wire, cable or other equipment used in the provision of telecommunications service and the taking of such property causes an interruption in the provision of emergency telecommunications service. (b) Larceny in the second degree is a class C felony. (1969, P.A. 828, S. 125; 1971, P.A. 871, S. 26; P.A. 73-639, S. 8; P.A. 81-248, S. 2; 81-263, S. 2; 81-351, S. 4; 81-472, S. 152, 159; P.A. 82-271, S. 2; P.A. 86-275, S. 2; P.A. 97-180; P.A. 00-103, S. 2; P.A. 09-138, S. 2; 09-243, S. 1; P.A. 17-87, S. 5; P.A. 22-115, S. 9.) History: 1971 act applied second degree larceny to cases where property is a motor vehicle and made second degree larceny a Class D felony rather than a Class A misdemeanor; P.A. 73-639 specified that taking property, regardless of its nature or value, from another's person is second degree larceny; P.A. 81-248 amended Subsec. (a) to clarify the proscribed conduct; P.A. 81-263 added Subsec. (a)(4) re property obtained by defrauding a public community where the value of the property is less than \$2,000; P.A. 81-351 amended the definition of larceny of a motor vehicle to that with a value of \$2,000 or less, inserted new Subsec. (b) enumerating conditions constituting prima facie evidence of a larcenous intent in regard to motor vehicles and relettered former Subsec. (b) accordingly; P.A. 81-472 made technical corrections; P.A. 82-271 amended Subsec. (a)(2) by increasing from \$500 to \$5,000 the value of the property or service obtained and amended Subsec. (c) by changing the classification from a class D to a class C felony; P.A. 86-275 amended Subsec. (a)(1) to increase the value of a motor vehicle subject to the section from \$2,000 or less to a value which exceeds \$5,000;

P.A. 97-180 added Subsec. (a)(5) re property obtained by embezzlement, false pretenses or false promise from an aged, blind or disabled victim; P.A. 00-103 made technical changes in Subsecs. (a) and (b) and amended Subsec. (b) by defining "motor vehicle" and by adding provisions re prima facie evidence of knowledge that vehicle is stolen and possession of vehicle with larcenous intent; P.A. 09-138 amended Subsec. (a) to increase in Subdiv. (1) the value of a motor vehicle obtained from in excess of \$5,000 to in excess of \$10,000 and increase in Subdiv. (2) the value of the property or service obtained from in excess of \$5,000 to in excess of \$10,000; P.A. 09-243 amended Subsec. (a) to add Subdiv. (6) re the taking of wire, cable or other equipment that causes interruption in emergency telecommunications service; P.A. 17-87 amended Subsec. (a)(5) by adding provision re conserved person; P.A. 22-115 amended Subsec. (a) to make a technical change, delete Subdiv. (1) re property consisting of a motor vehicle and redesignate existing Subdivs. (2) to (6) as Subdivs. (1) to (5), deleted former Subsec. (b) defining "motor vehicle" and redesignated existing Subsec. (c) as Subsec. (b). Cited. 173 C. 545; 182 C. 176; 183 C. 386; 188 C. 542; 190 C. 559; 194 C. 438; Id., 650; 196 C. 305; Id., 567; 197 C. 166; Id., 201; Id., 247; Id., 309; 198 C. 1; 199 C. 30; Id., 308; Id., 462; 200 C. 113; 202 C. 615; 203 C. 484; 209 C. 23; 213 C. 233; 216 C. 273; 235 C. 679; 241 C. 439. Cited. 2 CA 537; 5 CA 113; 7 CA 326; 8 CA 125; Id., 478; 9 CA 349; 13 CA 420; Id., 576; Id., 596; 14 CA 272; Id., 472; 16 CA 433; 17 CA 460; 19 CA 495; 20 CA 271; Id., 369; 21 CA 248; 29 CA 843; 35 CA 566; Id., 714; 39 CA 810; 44 CA 187; Id., 294; 46 CA 691. Since statute's language includes both taking of property and subsequent retention of the stolen property, to charge defendant with two counts of larceny is improper; they are not separately punishable and to so charge violates defendant's constitutional guarantee against double jeopardy. 100 CA 565. Requisites for accepting plea of guilty. 31 CS 501. Cited. 32 CS 650; 35 CS 531; 38 CS 549. Subsec. (a): Cited. 169 C. 247; 174 C. 129; Id., 129; 178 C. 427; Id., 689; 181 C. 299; 182 C. 476; 186 C. 426; 187 C. 264; 188 C. 325; Id., 671; 190 C. 191; 191 C. 180; 195 C. 421; 196 C. 36; Id., 115; 198 C. 203; Id., 490; 200 C. 9; 201 C. 462; 206 C. 657; 207 C. 118; 208 C. 365; 210 C. 652; 211 C. 101; 212 C. 223; 213 C. 422; 215 C. 716; 219 C. 160; 220 C. 487; 223 C. 243; 232 C. 455; 233 C. 552; 235 C. 67; 238 C. 784; 239 C. 235; 240 C. 317. Subdiv. (3): Rational basis exists for legislature to classify larceny from the person as a more serious offense than simple robbery and therefore the classification did not violate defendant's right to equal protection of the laws. 246 C. 132. For defendant to be found guilty of larceny in the third degree, state must prove that defendant committed larceny by defrauding a public community. 252 C. 229. P.A. 09-138, which increased the minimum value element from \$5,000 to \$10,000, did not have retroactive effect. 314 C. 529. Cited. 1 CA 270; Id., 378, 379. Subdiv. (3): Larceny from the person requires an actual trespass to the person of the victim and therefore taking a radio which was in the vicinity of the victim, but not on the victim's person, did not constitute larceny under section. Id., 642. Cited. 3 CA 126; 8 CA 491; 11 CA 102; 12 CA 239; Id., 408; Id., 685; 13 CA 12; Id., 554; 14 CA 169; Id., 493; 20 CA 513; 24 CA 697; 26 CA 52; Id., 114; Id., 279; 28 CA 306; 30 CA 606; 31 CA 47; Id., 94; Id., 312; 32 CA 21; 33 CA 468; 34 CA 250; Id., 610; Id., 699; 35 CA 740; 38 CA 643; 39 CA 579; Id., 840; 40 CA 21; 41 CA 391; Id., 584; Id., 817; 42 CA 810; 46 CA 414; Id., 616. Court found that money was "taken from the person of the victim" in case in which victim was tricked into turning over her money to defendant. 56 CA 428. Subdiv. (3): Wrongfully taking property from the person of another constitutes a trespass of the person, and such a taking from the person constitutes larceny in the second degree. 95 CA 248. Larceny in second degree under section is not ordinarily lesser included offense of robbery for purposes of double jeopardy. 109 CA 74. Subdiv. (5): Section not unconstitutionally void for vagueness and provided sufficient notice that embezzlement from an estate is prohibited even if conduct occurred after separate conservator of estate was appointed. 121 CA 190; judgment affirmed, see 307 C. 592. Subsec., as amended by P.A. 09-138 to increase the value of property taken for the commission of larceny in the second degree, does not apply retroactively to defendant's case; legislature stated that the provision was effective October 1, 2009, without any express language referring to retroactivity and the legislative history does not indicate a clear or unequivocal intent for it to apply retroactively. 136 CA 427; judgment affirmed, see 314 C. 570. Subdiv. (3): Defendant's conviction of and sentencing under this Subdiv. and Secs. 53a-48(a) and 53a-124(a)(2) constitute multiple punishments for the same offense and violate defendant's right against double jeopardy. 176 CA 687. Cited. 36 CS 603; 37 CS 527.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-124. - Larceny in the third degree: Class D felony.

(a) A person is guilty of larceny in the third degree when such person commits larceny, as defined in section 53a-119, and: (1) The value of the property or service exceeds two thousand dollars; (2) the property consists of a public record, writing or instrument kept, held or deposited according to law with or in the keeping of any public office or public servant; or (3) the property consists of a sample, culture, microorganism, specimen, record, recording, document, drawing or any other article, material, device or substance which constitutes, represents, evidences, reflects or records a secret scientific or technical process, invention or formula or any phase or part thereof. A process, invention or formula is "secret" when it is not, and is not intended to be, available to anyone other than the owner thereof or selected persons having access thereto for limited purposes with his consent, and when it accords or may accord the owner an advantage over competitors or other persons who do not have knowledge or the benefit thereof. (b) Larceny in the third degree is a class D felony. (1969, P.A. 828, S. 126; 1971, P.A. 871, S. 27; P.A. 73-639, S. 9; P.A. 81-248, S. 3; P.A. 82-271, S. 3; P.A. 88-170; P.A. 92-260, S. 52; P.A. 00-103, S. 3; P.A. 09-138, S. 3; P.A. 22-115, S. 10.) History: 1971 act deleted former Subsec. (a)(5) which classified obtaining property or service, regardless of its nature or value, by extortion as third degree larceny; P.A. 73-639 deleted former Subsec. (a)(4) which classified taking property from the person of another, regardless of its nature or value, as third degree larceny; P.A. 81-248 amended Subsec. (a) to clarify the proscribed conduct; P.A. 82-271 amended Subsec. (a)(1) by increasing from \$50 to \$1,000 the value of the property or service obtained and amended Subsec. (c) by changing the classification from a class B misdemeanor to a class D felony; P.A. 88-170 amended Subsec. (a) by adding property consisting

of a motor vehicle, the value of which is \$5,000 or less and inserted new Subsec. (b) stating that in any prosecution under Subsec. (a)(1), evidence of forcible entry, forcible removal of ignition or alternation, mutilation or removal of vehicle identification number shall be prima facie evidence of larcenous intent, relettering former Subsec. (b) as (c); P.A. 92-260 made technical changes in Subsec. (a); P.A. 00-103 made technical changes in Subsecs. (a) and (b) and amended Subsec. (b) by defining "motor vehicle" and by adding provisions re prima facie evidence of knowledge that vehicle is stolen and possession of vehicle with larcenous intent; P.A. 09-138 amended Subsec. (a) to increase in Subdiv. (1) the maximum value of a motor vehicle obtained from \$5,000 to \$10,000 and increase in Subdiv. (2) the value of the property or service obtained from in excess of \$1,000 to in excess of \$2,000; P.A. 22-115 amended Subsec. (a) to make a technical change, delete Subdiv. (1) re property consisting of a motor vehicle and redesignate existing Subdivs. (2) and (3) as Subdivs. (1) and (2), deleted former Subsec. (b) defining "motor vehicle" and redesignated existing Subsec. (c) as Subsec. (b). See Sec. 53a-212 re stealing a firearm. Cited. 184 C. 95; Id., 258; Id., 434; 185 C. 260; 187 C. 292; Id., 444; 189 C. 364; 190 C. 715; 191 C. 180; 194 C. 198; Id., 233; Id., 623; 197 C. 247; 200 C. 586; 207 C. 109; 213 C. 233; 232 C. 431; judgment superseded by en banc reconsideration, see 235 C. 502; 241 C. 439. Cited. 3 CA 503; 7 CA 326; 8 CA 13; Id., 342; Id., 478; Id., 667; 9 CA 141; 10 CA 258; 12 CA 196; 14 CA 159; Id., 272; 18 CA 368; 19 CA 48; 20 CA 810; 23 CA 201; 25 CA 298; 29 CA 843; 32 CA 476; 33 CA 339; judgment reversed in part, see 232 C. 431; judgment reversed, see 235 C. 502; Id., 368; 38 CA 643; 41 CA 751; 46 CA 691. Cited. 36 CS 578; Id., 583; Id., 603; 37 CS 678; Id., 796. Subsec. (a): Cited. 169 C. 161; 176 C. 239; 178 C. 287; 179 C. 576; 182 C. 397; 186 C. 222; 189 C. 461; 190 C. 104; 195 C. 567; 199 C. 88; 214 C. 132; 221 C. 685; 230 C. 351; 232 C. 740; 235 C. 502; 239 C. 235; 241 C. 702. Cited. 6 CA 697; 10 CA 486; 12 CA 1; 14 CA 256; 15 CA 122; 19 CA 521; 21 CA 431; 24 CA 697; 26 CA 279; 28 CA 306; 33 CA 603; 37 CA 219; Id., 482; 39 CA 579; 41 CA 695; 43 CA 613; 46 CA 269. Subdiv. (2): Defendant's conviction of and sentencing under this Subdiv. and Secs. 53a-48(a) and 53a-123(a)(3) constitute multiple punishments for the same offense and violate defendant's right against double jeopardy. 176 CA 687. Cited. 33 CS 669; Id., 706; 34 CS 603; Id., 656.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-125. - Larceny in the fourth degree: Class A misdemeanor.

(a) A person is guilty of larceny in the fourth degree when he commits larceny as defined in section 53a-119 and the value of the property or service exceeds one thousand dollars. (b) Larceny in the fourth degree is a class A misdemeanor. (1969, P.A. 828, S. 127; P.A. 81-248, S. 4; P.A. 82-271, S. 4; P.A. 09-138, S. 4.) History: P.A. 81-248 amended Subsec. (a) to clarify the proscribed conduct; P.A. 82-271 amended Subsec. (a) by increasing the value of the property or service obtained from \$50 or less to in excess of \$500 and amended Subsec. (b) by changing the classification from a class C to a class A misdemeanor; P.A. 09-138 amended Subsec. (a) to increase the value of the property or service obtained from in excess of \$500 to in excess of \$1,000. Cited. 172 C. 571; 176 C. 239; 178 C. 416; 179 C. 576; 181 C. 388; 182 C. 242; 194 C. 198; 197 C. 247; Id., 396; 202 C. 443; 209 C. 34; 213 C. 233; 218 C. 273; 232 C. 431; judgment superseded by en banc reconsideration, see 235 C. 502; 241 C. 439. Cited. 4 CA 514; 5 CA 612; 7 CA 326; 9 CA 133; 12 CA 1; 14 CA 119; Id., 272; Id., 526; 15 CA 641; 20 CA 586; 22 CA 440; 26 CA 33; 29 CA 843; 33 CA 339; judgment reversed in part, see 232 C. 431; judgment reversed, see 235 C. 502; 35 CA 405; 38 CA 20. It is possible for defendant to be convicted of larceny for taking property he owns and for depriving bailee of its superior right of possession and the amount of bailee's lien interest in the motor vehicle; but the value of the theft is limited by amount of bailee's lien as secured by the property itself. 59 CA 135. Cited. 34 CS 612; 35 CS 531; 36 CS 603; 37 CS 755; Id., 853; 38 CS 593; 39 CS 363; Id., 392. Subsec. (a): Cited. 235 C. 502. Cited. 3 CA 359; 6 CA 164; 7 CA 1; 11 CA 805; 31 CA 312; 38 CA 643.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-125a. - Larceny in the fifth degree: Class B misdemeanor.

(a) A person is guilty of larceny in the fifth degree when he commits larceny as defined in section 53a-119 and the value of the property or service exceeds five hundred dollars. (b) Larceny in the fifth degree is a class B misdemeanor. (P.A. 82-271, S. 5; P.A. 09-138, S. 5.) History: P.A. 09-138 amended Subsec. (a) to increase the value of the property or service obtained from in excess of \$250 to in excess of \$500. Cited. 201 C. 125; 203 C. 682; 210 C. 435; 213 C. 233; 231 C. 411; 241 C. 439. Cited. 7 CA 75; 14 CA 205; Id., 272; 15 CA 197; 19 CA 48; 21 CA 331; 24 CA 556; Id., 563; 25 CA 298; 29 CA 843; 30 CA 571; judgment reversed, see 231 C. 411; 37 CA 228; 38 CA 277; 46 CA 118. Defendant may be convicted of larceny in the fifth degree by illegal use of a credit card. 75 CA 756.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-125b. - Larceny in the sixth degree: Class C misdemeanor.

(a) A person is guilty of larceny in the sixth degree when he commits larceny as defined in section 53a-119 and the value of the property or service is five hundred dollars or less. (b) Larceny in the sixth degree is a class C misdemeanor. (P.A. 82-271, S. 6; P.A. 09-138, S. 6.) History: P.A. 09-138 amended Subsec. (a) to increase the maximum value of the property or service obtained from \$250 to \$500. Cited. 201 C. 559; 202 C. 369; 203 C. 682; 208 C. 387; 210 C. 435; 212 C. 50; 213 C. 233; 237 C. 613; 241 C. 439. Convictions under this section, Sec. 53a-129d and Sec. 53a-128d(2) do not violate the constitutional prohibition against double jeopardy. 326 C. 310. When circumstantial evidence is capable of raising the logical inference of ownership, such evidence is sufficient as a matter of law despite the absence of testimony by the owner identifying the specific property as his own. 327 C. 297. Cited. 3 CA 132; 4 CA 676; 5 CA 599; 10 CA 130; Id., 503; 13 CA 214; Id., 438; Id., 578; 14 CA 88; Id., 205; Id., 272; Id., 309; 15

CA 197; 17 CA 273; 19 CA 48; 23 CA 123; 28 CA 195; 29 CA 843; 33 CA 432; 37 CA 228; 39 CA 384; 44 CA 125; 46 CA 778. Statutory requirement of “value” set forth in statute is satisfied where witness testified about the usefulness of coats that had been left in her vehicle; it was not necessary to prove coats were spun from silk or fashioned from the finest cloth to satisfy statutory requirement of “value”. 101 CA 144. Subsec. (a): Cited. 214 C. 161. Cited. 24 CA 502; 28 CA 469; 37 CA 482; 38 CA 643; 45 CA 6. No double jeopardy where defendant convicted of larceny in the sixth degree and robbery in the third degree. 100 CA 122. Ownership of property by store could not be inferred from evidence offered by state concerning value of such property, and state therefor failed to prove beyond a reasonable doubt an essential element of larceny in the sixth degree. 163 CA 810; judgment reversed in part, see 327 C. 297. Evidence insufficient to prove beyond a reasonable doubt that defendant or alleged coconspirator stole headphones, either as a substantive crime or as overt act in furtherance of conspiracy to commit larceny under Sec. 53a-48. 164 CA 25.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-125c. - Telephone fraud in the first degree: Class B felony.

(a) A person is guilty of telephone fraud in the first degree when such person (1) knowingly or intentionally devises or participates in a scheme to defraud another person of money or property, (2) (A) employs false pretenses or false promises, as described in section 53a-119, to obtain such money or property and the amount of such money or the value of such property exceeds twenty thousand dollars, or (B) regardless of its value, obtains such money or property by extortion, and (3) uses a telephonic call, including, but not limited to, a call made by an individual, an automated telephone call and a recorded message, to obtain such money or property from such other person. (b) Telephone fraud in the first degree is a class B felony. (P.A. 16-148, S. 2.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-125d. - Telephone fraud in the second degree: Class C felony.

(a) A person is guilty of telephone fraud in the second degree when such person (1) knowingly or intentionally devises or participates in a scheme to defraud another person of money or property, (2) employs false pretenses or false promises, as described in section 53a-119, to obtain such money or property and the amount of such money or the value of such property exceeds ten thousand dollars, and (3) uses a telephonic call, including, but not limited to, a call made by an individual, an automated telephone call and a recorded message, to obtain such money or property from such other person. (b) Telephone fraud in the second degree is a class C felony. (P.A. 16-148, S. 3.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-125e. - Telephone fraud in the third degree: Class D felony.

(a) A person is guilty of telephone fraud in the third degree when such person (1) knowingly or intentionally devises or participates in a scheme to defraud another person of money or property, (2) employs false pretenses or false promises, as described in section 53a-119, to obtain such money or property and the amount of such money or the value of such property exceeds two thousand dollars, and (3) uses a telephonic call, including, but not limited to, a call made by an individual, an automated telephone call and a recorded message, to obtain such money or property from such other person. (b) Telephone fraud in the third degree is a class D felony. (P.A. 16-148, S. 4.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-125f. - Telephone fraud in the fourth degree: Class A misdemeanor.

(a) A person is guilty of telephone fraud in the fourth degree when such person (1) knowingly or intentionally devises or participates in a scheme to defraud another person of money or property, (2) employs false pretenses or false promises, as described in section 53a-119, to obtain such money or property and the amount of such money or the value of such property exceeds one thousand dollars, and (3) uses a telephonic call, including, but not limited to, a call made by an individual, an automated telephone call and a recorded message, to obtain such money or property from such other person. (b) Telephone fraud in the fourth degree is a class A misdemeanor. (P.A. 16-148, S. 5.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-125g. - Telephone fraud in the fifth degree: Class B misdemeanor.

(a) A person is guilty of telephone fraud in the fifth degree when such person (1) knowingly or intentionally devises or participates in a scheme to defraud another person of money or property, (2) employs false pretenses or false promises, as described in section 53a-119, to obtain such money or property and the amount of such money or the value of such property exceeds five hundred dollars, and (3) uses a telephonic call, including, but not limited to, a call made by an individual, an automated telephone call and a recorded message, to obtain such money or property from such other person. (b) Telephone fraud in the fifth degree is a class B misdemeanor. (P.A. 16-148, S. 6.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-125h. - Telephone fraud in the sixth degree: Class C misdemeanor.

(a) A person is guilty of telephone fraud in the sixth degree when such person (1) knowingly or intentionally devises or participates in a scheme to defraud another person of money or property, (2) employs false pretenses or false promises, as described in section 53a-119, to obtain such money or property and the amount of such money or the value of such property is five hundred dollars or less, and (3) uses a telephonic call, including, but not limited to, a call made by an individual, an automated telephone call and a recorded message, to obtain such money or property from such other person. (b) Telephone fraud in the sixth degree is a class C misdemeanor. (P.A. 16-148, S. 7.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-126. - Larceny by receiving stolen property.

Section 53a-126 is repealed. (1969, P.A. 828, S. 128; 1971, P.A. 871, S. 129.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-126a. - Criminal trover in the first degree: Class D felony, first offense; class C felony, subsequent offense.

(a) A person is guilty of criminal trover in the first degree when he forcibly enters or forcibly removes the ignition of the motor vehicle of another and uses the motor vehicle without the consent of such owner, and such use results in damage to or diminishes the value of such motor vehicle or subjects such owner to economic loss, fine or other penalty. (b) Criminal trover in the first degree is a class D felony for a first offense and a class C felony for each subsequent offense. (P.A. 94-114, S. 1.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-126b. - Criminal trover in the second degree: Class A misdemeanor.

(a) A person is guilty of criminal trover in the second degree when, knowing that such person is not licensed or privileged to do so, such person uses the personal property of another without the consent of such owner, and such use results in damage to or diminishes the value of such property or subjects such owner to economic loss, fine or other penalty. (b) For the purposes of this section, "economic loss" includes uncompensated economic loss that exceeds five hundred dollars suffered by an owner of personal property who is engaged in the business of renting or leasing personal property when a person to whom such owner has rented or leased such property pursuant to a written agreement providing for the return of such property at a specified time fails to return such property within one hundred twenty hours after the owner sends a written demand to such person for the return of such property by registered mail addressed to such person at such person's address as shown in the written agreement, unless a more recent address is known to the owner. Acknowledgment of the receipt of such written demand by such person shall not be necessary to establish that one hundred twenty hours have passed since such written demand was sent. The provisions of this subsection shall not apply to personal property that is rented or leased (1) for personal, family or household purposes, or (2) pursuant to chapter 743i. (c) Criminal trover in the second degree is a class A misdemeanor. (P.A. 94-114, S. 2; P.A. 06-118, S. 1.) History: P.A. 06-118 amended Subsec. (a) to make technical changes for the purpose of gender neutrality, added new Subsec. (b) re failure to return rented or leased personal property and redesignated existing Subsec. (b) as Subsec. (c).

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-127. - Diversion from state of benefit of labor of employees: Class A misdemeanor.

(a) A person is guilty of diversion from the state of benefit of labor of employees when he fraudulently procures for himself or another, from any employee of the state or any department thereof, the benefit of any labor which the state or any department thereof is entitled to receive from such employee during his hours of employment or fraudulently aids or assists in procuring or attempting to procure the benefit of any such labor. (b) Diversion from the state of benefit of labor of employees is a class A misdemeanor. (1969, P.A. 828, S. 129; P.A. 92-260, S. 53.) History: P.A. 92-260 made technical changes in Subsec. (a) by repositioning and rephrasing language. Cited. 194 C. 223.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-127a. - Unlawful entry into coin machine; possession of key to enter: Class A misdemeanor.

(a) No person shall, with intent to commit larceny: (1) Enter, or force an entrance into, alter or insert any part of an instrument into any coin machine, as defined in section 53a-143; or (2) knowingly possess a key or device, or a drawing, print or mold thereof, adapted and designed to open or break into any such coin machine. (b) Any person who violates any provision of this section shall be guilty of a class A misdemeanor. (1971, P.A. 753; P.A. 84-546, S. 126, 173; P.A. 92-260, S. 54.) History: P.A. 84-546 made technical grammar change in Subsec. (a); P.A. 92-260 made a technical change in Subsec. (a).

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-127b. - Fraudulent use of an automated teller machine: Class A misdemeanor.

(a) A person is guilty of fraudulent use of an automated teller machine when, with intent to deprive another of property or to appropriate the same to himself or herself or a third person, such person knowingly uses in a fraudulent manner an automated teller machine for the purpose of obtaining property. For the purposes of this section, "automated teller machine" means an unmanned device at which banking transactions including, without limitation, deposits, withdrawals, advances, payments and transfers may be

conducted, and includes, without limitation, a satellite device and point of sale terminal as defined in section 36a-2. (b) In any prosecution under this section, the crime shall be deemed to have been committed in the town in which the automated teller machine was located. (c) Fraudulent use of an automated teller machine is a class A misdemeanor. (P.A. 83-417, S. 2; P.A. 84-301, S. 2; P.A. 03-278, S. 106; P.A. 14-233, S. 5.) History: P.A. 84-301 replaced “automatic” with “automated” and added definition of “automated teller machine”; P.A. 03-278 made technical changes in Subsec. (a), effective July 9, 2003; P.A. 14-233 amended Subsec. (c) to replace reference to class C misdemeanor with reference to class A misdemeanor. See Sec. 54-1d(b) re consolidation of offenses.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-127c. - Theft of electric, gas, water, steam, telecommunications, wireless radio communications or community antenna television service for profit or economic gain: Class D felony.

(a) A person is guilty of theft of electric, gas, water, steam, telecommunications, wireless radio communications or community antenna television service for profit or economic gain when he: (1) Engages in the business for profit or economic gain of tampering or making connection with the equipment of a supplier of an electric, gas, water, steam, telecommunications, wireless radio communications or community antenna television service which is not metered or otherwise measured, in whole or in part, without the consent of such supplier, for the purpose of supplying such service on one or more occasions to two or more households, or (2) engages in the business for profit or economic gain of offering for sale to any person other than the supplier of an electric, gas, water, steam, telecommunications, wireless radio communications or community antenna television service which is not metered or otherwise measured, in whole or in part, any decoder, descrambler or other device, the principal function of which defeats the electronic signal encryption jamming or individually addressed switching imposed by such supplier for the purpose of restricting the delivery of such service to persons who pay for such service, or (3) without the consent of the supplier of such service and with intent to defraud such supplier, engages in the business for profit or economic gain of connecting or disconnecting the meters, pipes, cables, conduits, conductors or attachments of such supplier or in any other manner tampers or connects with such meters, pipes, cables, conduits, conductors or attachments. There shall be a rebuttable presumption that a person is engaged in the business for profit or economic gain of offering for sale a decoder, descrambler or other device, equipment or component in violation of subdivision (2) of this subsection if such person has five or more decoders, descramblers or other devices in his possession or under his control. (b) Theft of electric, gas, water, steam, telecommunications, wireless radio communications or community antenna television service for profit or economic gain is a class D felony. (P.A. 84-496; P.A. 89-281, S. 2; P.A. 94-215, S. 1; P.A. 95-246, S. 2.) History: P.A. 89-281 added theft of cable service and made provisions applicable to one engaging in business for economic gain in Subsecs. (a) and (b); P.A. 94-215 substituted “electric, gas, water, steam” for “utility” where appearing and amended Subsec. (a) to add “or other device” in Subdiv. (2), add Subdiv. (3) re connecting, disconnecting or tampering with the meters, pipes, cables, conduits, conductors or attachments of a supplier without the consent of such supplier and with intent to defraud such supplier, and add provision making it a rebuttable presumption that a person is engaged in the business for profit or economic gain of offering for sale a decoder, descrambler or other device if he has five or more decoders, descramblers or other devices in his possession or under his control; P.A. 95-246 included theft of “telecommunications” and “wireless radio communications” service and added “equipment or component” in provision re a rebuttable presumption. See Sec. 52-570f re civil action and relief authorized for theft of service.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-127d. - Cheating: Class D felony or class B misdemeanor.

(a) A person is guilty of cheating when, in the course of playing or conducting any lawful gambling game, he: (1) Knowingly uses an altered or counterfeit chip, token, tile, pull tab, wagering slip or check or knowingly marks, loads or tampers with any cards or dice or substitutes for cards or dice provided by the operator of a lawfully operated game of chance any cards or dice that have been marked, loaded or tampered with; or (2) knowingly uses any device, instrument, article or substance with intent to cheat or defraud or to alter or affect the otherwise random results of any lawfully operated game of chance; or (3) intentionally places, increases or attempts to increase a winning wager or decreases or attempts to decrease a losing wager after that period of time during which the rules of a lawfully operated game of chance permit a wager to be placed or after the results of the game in which the wager has been placed become known. (b) Cheating is a class D felony, except that a violation of subdivision (3) of subsection (a) of this section is a class B misdemeanor. (P.A. 98-193, S. 1.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-127e. - Possession of a cheating device: Class D felony.

(a) A person is guilty of possession of a cheating device when, while on premises where lawful gambling is to be conducted, such person knowingly possesses or has under such person's control: (1) Any altered or counterfeit chip, token, tile, pull tab, wagering slip or check or any cards or dice that have been marked, loaded or tampered with; or (2) any device, instrument or other thing adapted, designed or commonly used to facilitate the alteration of the normal play or operation of a piece of gaming equipment or to facilitate the unauthorized removal of any money or other contents from any gaming equipment; or (3) any other device, instrument or thing which, under the circumstances in which it is used or possessed, manifests an intent that it be used by the actor or another person to alter the normal play or operation of a lawfully operated game of chance or to commit cheating as provided in section 53a-127d or larceny as provided in section 53a-119. (b) Possession of a cheating device is a class D felony. (P.A. 98-193, S. 2; P.A.

01-84, S. 7, 26.) History: P.A. 01-84 amended Subsec. (a) to make technical changes for purposes of gender neutrality and replace in Subdiv. (2) “adopted” with “adapted”, effective July 1, 2001.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-127f. - Possession of a shoplifting device: Class A misdemeanor.

(a) A person is guilty of possession of a shoplifting device when such person has in such person's possession any device, instrument or other thing specifically designed or adapted to advance or facilitate the offense of larceny by shoplifting, as defined in subdivision (9) of section 53a-119, by defeating any antitheft or inventory control device, under circumstances manifesting an intent to use the same in the commission of larceny by shoplifting. (b) Possession of a shoplifting device is a class A misdemeanor. (P.A. 00-9.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-127g. - Unlawful possession of a personal identifying information access device: Class A misdemeanor.

(a) For the purposes of this section, (1) “access device” includes, but is not limited to, any card, plate, code, account number, mobile identification number, personal identification number, telecommunication service access equipment, card-reading device, scanning device, reencoder or other means that could be used to access financial resources or obtain the financial information, personal information or benefits of another person, and (2) “personal identifying information” has the same meaning as provided in section 53a-129a. (b) A person is guilty of unlawful possession of a personal identifying information access device when such person possesses an access device, document-making equipment or authentication implement for the purpose of fraudulently altering, obtaining or using the personal identifying information of another person. (c) Unlawful possession of an access device is a class A misdemeanor. (P.A. 09-239, S. 5.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-128. - Issuing a bad check. Penalties.

(a) A person is guilty of issuing a bad check when: (1) As a drawer or representative drawer, he issues a check knowing that he or his principal, as the case may be, does not then have sufficient funds with the drawee to cover it, and (A) he intends or believes at the time of issuance that payment will be refused by the drawee upon presentation, and (B) payment is refused by the drawee upon presentation; or (2) he passes a check knowing that the drawer thereof does not then have sufficient funds with the drawee to cover it, and (A) he intends or believes at the time the check is passed that payment will be refused by the drawee upon presentation, and (B) payment is refused by the drawee upon presentation. (b) For the purposes of this section, an issuer is presumed to know that the check or order, other than a postdated check or order, would not be paid, if: (1) The issuer had no account with the drawee at the time the check or order was issued; or (2) payment was refused by the drawee for insufficient funds upon presentation within thirty days after issue and the issuer failed to make good within eight days after receiving notice of such refusal. For the purposes of this subsection, an issuer is presumed to have received notice of such refusal if the drawee or payee provides proof of mailing such notice by certified mail, return receipt requested, to the issuer at his last-known address. (c) Issuing a bad check is: (1) A class D felony if the amount of the check was more than two thousand dollars; (2) a class A misdemeanor if the amount of the check was more than one thousand dollars but not more than two thousand dollars; (3) a class B misdemeanor if the amount of the check was more than five hundred dollars but not more than one thousand dollars; or (4) a class C misdemeanor if the amount of the check was five hundred dollars or less. (1969, P.A. 828, S. 130; 1971, P.A. 871, S. 28; P.A. 80-109; P.A. 81-225; P.A. 83-137; P.A. 14-233, S. 6.) History: 1971 act removed former Subsec. (a) containing applicable definitions; P.A. 80-109 amended Subsec. (b) to add provision re presumption that issuer has received notice of drawee's refusal to pay; P.A. 81-225 included proof of mailing by payee as acceptable in presuming that issuer has received notice; P.A. 83-137 amended Subsec. (c) to reclassify the offense from a class A misdemeanor to a class D felony or a class A, B or C misdemeanor depending upon the amount of the check; P.A. 14-233 amended Subsec. (c) to increase check amounts from more than \$1,000 to more than \$2,000 in Subdiv. (1), from more than \$500 but not more than \$1,000 to more than \$1,000 but not more than \$2,000 in Subdiv. (2), from more than \$250 but not more than \$500 to more than \$500 but not more than \$1,000 in Subdiv. (3), and from \$250 or less to \$500 or less in Subdiv. (4). Cited. 202 C. 443. Cited. 20 CA 811. Cited. 34 CS 584. Ability of court to order personal restitution in amount of bad corporate check when there is no finding as to the ability of defendant to pay or as to the extent of his gain; restitution properly ordered against individual defendant issuer of bad corporate check. 35 CS 536.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-128a. - Credit and debit card crimes. Definitions.

As used in this section and sections 53a-128b to 53a-128i, inclusive: (a) “Cardholder” or “holder of a card” means the person named on the face of a payment card to whom or for whose benefit the payment card is issued by an issuer or, in the case of a payment card that does not bear that name of a person on its face, the person who lawfully acquired the payment card; (b) “Credit card” means any instrument or device, whether known as a credit card, as a credit plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value on credit; (c) “Debit card” means any card, code, device or other means of access, or any combination thereof, that is issued or authorized for use to debit an asset account held directly or indirectly by a financial institution and that may be used by the cardholder to obtain money, goods, services or

anything else of value, regardless of whether the card, code, device or other means of access, or any combination thereof, is known as a debit card. "Debit card" includes, but is not limited to, cards, codes, devices or other means of access or some combination thereof, commonly known as payroll cards and automated teller machine cards. "Debit card" does not include a check, draft or similar paper instrument, or an electronic representation thereof; (d) "Digital wallet" means a software application that is used on a computer or other device, including, but not limited to, a mobile device, to store digital forms of one or more payment cards that may be used to obtain money, goods, services or anything else of value; (e) "Expired payment card" means a payment card that is no longer valid because the term shown on it has elapsed; (f) "Issuer" means the person that issues a payment card, or its agent duly authorized for that purpose; (g) "Participating party" means any person or any duly authorized agent of such person, that is obligated by contract to acquire from another person providing money, goods, services or anything else of value, a sales slip, sales draft or instrument for the payment of money, evidencing a payment card transaction, and from whom, directly or indirectly, the issuer is obligated by contract to acquire such sales slip, sales draft, instrument for the payment of money and the like; (h) "Payment card" means either a credit card or a debit card; (i) "Receives" or "receiving" means acquiring possession, custody or control; (j) "Revoked payment card" means a payment card that is no longer valid because permission to use it has been suspended or terminated by the issuer. (1971, P.A. 871, S. 29; P.A. 92-260, S. 55; P.A. 17-26, S. 1.) History: P.A. 92-260 made a technical change; P.A. 17-26 replaced references to credit card with references to payment card, amended Subsec. (a) by redefining "cardholder" or "holder of card", added new Subsec. (c) defining "debit card", added Subsec. (d) defining "digital wallet", redesignated existing Subsecs. (c) to (e) as Subsecs. (e) to (g), added Subsec. (h) defining "payment card", redesignated existing Subsecs. (f) and (g) as Subsecs. (i) and (j), and made technical changes. See Sec. 54-1d(b) re consolidation of offenses. A merchant account identification card and a telephone card are within meaning of "credit card". 246 C. 402.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-128b. - False statement to procure issuance or loading of payment card.

Any person who makes or causes to be made, either directly or indirectly, any false statement in writing, knowing it to be false and with intent that it be relied on, respecting such person's identity or the identity of any other person or such person's financial condition or that of any other person, for the purpose of procuring the issuance of a payment card or loading the payment card into a digital wallet, violates this section and is subject to the penalties set forth in subsection (a) of section 53a-128i. (1971, P.A. 871, S. 30; P.A. 17-26, S. 2.) History: P.A. 17-26 replaced "credit card" with "payment card", added provision re loading payment card into digital wallet, and made technical changes.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-128c. - Payment card theft. Illegal transfer. Fraud. Forgery.

(a) Any person who takes a payment card from the person, possession, custody or control of another without the consent of the cardholder or of the issuer or who, with knowledge that it has been so taken, receives the payment card with intent to use it or to sell it, or to transfer it to any person other than the issuer or the cardholder is guilty of payment card theft and is subject to the penalties set forth in subsection (a) of section 53a-128i. Taking a payment card without consent includes obtaining it by conduct defined or known as statutory larceny, common law larceny by trespassory taking, common law larceny by trick, embezzlement, or obtaining property by false pretense, false promise or extortion. (b) Any person who receives a payment card that such person knows to have been lost, mislaid, or delivered under a mistake as to the identity or address of the cardholder, and who retains possession, custody or control thereof with intent to use it or to sell it or to transfer it to any person other than the issuer or the cardholder, is guilty of payment card theft and is subject to the penalties set forth in subsection (a) of section 53a-128i. (c) Any person other than the issuer who sells a payment card or any person who buys a payment card from a person other than the issuer violates this subsection and is subject to the penalties set forth in subsection (a) of section 53a-128i. (d) Any person who, with intent to defraud the issuer, a participating party, or a person providing money, goods, services or anything else of value, or any other person, obtains control over a payment card as security for debt violates this subsection and is subject to the penalties set forth in subsection (a) of section 53a-128i. (e) Any person, other than the issuer, who, during any twelve-month period, receives payment cards issued in the names of two or more persons which such person has reason to know were taken or retained under circumstances which constitute payment card theft or a violation of section 53a-128b or subsection (c) or (d) of this section violates this subsection and is subject to the penalties set forth in subsection (b) of section 53a-128i. (f) Any person who, with intent to defraud a purported issuer, a participating party, or a person providing money, goods, services or anything else of value, or any other person, falsely makes or falsely embosses a purported payment card or falsely loads or causes to be falsely loaded a payment card into a digital wallet or utters such a payment card is guilty of payment card forgery and is subject to the penalties set forth in subsection (b) of section 53a-128i. A person "falsely makes" a payment card when such person makes or draws, in whole or in part, a device or instrument which purports to be the payment card of a named issuer but which is not such a payment card because the issuer did not authorize the making or drawing, or when such person so alters a payment card which was validly issued. A person "falsely embosses" a payment card when, without the authorization of the named issuer, such person completes a payment card by adding any of the matter, other than the signature of the cardholder, which an issuer requires to appear on the payment card before it can be used by a cardholder. A person "falsely loads" or "causes to be falsely loaded" a payment card into a digital wallet when such person stores or causes to be stored on a digital wallet the digital form of (1) a payment card falsely made or falsely embossed by such person, (2) a payment card taken, procured, received or retained by such person under circumstances that constitute a violation of this section or section 53a-128b, or (3) a

payment card that such person knows is falsely made, falsely embossed, forged, expired or revoked. (g) Any person other than the cardholder or any person authorized by the cardholder who, with intent to defraud the issuer, a participating party, or a person providing money, goods, services or anything else of value, or any other person, signs a payment card, violates this subsection and is subject to the penalties set forth in subsection (a) of section 53a-128i. (1971, P.A. 871, S. 31; P.A. 17-26, S. 3.) History: P.A. 17-26 replaced references to credit card with references to payment card, amended Subsec. (f) by adding provision re person who falsely loads or causes to be falsely loaded payment card into digital wallet and adding provision re “falsely loading” and “causes to be falsely loaded”, and made technical changes. Cited. 37 CS 527.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-128d. - Illegal use of payment card. Presumption of knowledge of revocation.

Any person who, with intent to defraud the issuer, a participating party, or a person providing money, goods, services or anything else of value, or any other person, (1) uses for the purpose of obtaining money, goods, services or anything else of value a payment card obtained or retained in violation of section 53a-128b or a payment card which such person knows is forged, expired or revoked, or (2) obtains money, goods, services or anything else of value by representing without the consent of the cardholder that such person is the holder of a specified card or by representing that such person is the holder of a card and such card has not in fact been issued, or (3) uses a payment card obtained or retained in violation of section 53a-128c or a payment card which such person knows is forged, expired or revoked, as authority or identification to cash or to attempt to cash or otherwise to negotiate or transfer or to attempt to negotiate or transfer any check or other order for the payment of money, whether or not negotiable, if such negotiation or transfer or attempt to negotiate or transfer would constitute a violation of section 53a-128 violates this subsection and is subject to the penalties set forth in subsection (a) of section 53a-128i, if the value of all money, goods, services and other things of value obtained in violation of this subsection does not exceed five hundred dollars in any six-month period; and is subject to the penalties set forth in subsection (b) of section 53a-128i, if such value does exceed five hundred dollars in any such six-month period. Knowledge of revocation shall be presumed to have been received by a cardholder four days after it has been mailed to such cardholder, at the address set forth on the payment card or at such cardholder's last-known address. If the address is located outside the United States, Puerto Rico, the Virgin Islands, the Canal Zone or Canada, notice shall be presumed to have been received ten days after mailing by registered or certified mail. (1971, P.A. 871, S. 32; P.A. 17-26, S. 4.) History: P.A. 17-26 replaced “credit card” with “payment card”, deleted provision re method of mailing, and made technical changes. Cited. 204 C. 441. Convictions under Subdiv. (2) of this section, Sec. 53a-129d and Sec. 53a-125b do not violate the constitutional prohibition against double jeopardy. 326 C. 310. Review of legislative history of credit card crimes reveals no purpose or intent that enactment of the more specific crime of illegal credit card use precludes state from charging defendant with the more general crime of larceny. 75 CA 756. Conviction under this section and Secs. 53a-129b and 53a-129d for single course of conduct does not constitute double jeopardy. 119 CA 483. Cited. 37 CS 527.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-128e. - Illegal furnishing of money, goods or services on payment card.

(a) Any person who is authorized by an issuer or a participating party to furnish money, goods, services or anything else of value upon presentation of a payment card by the cardholder, or any agent or employee of such person, who, with intent to defraud the issuer, or participating party, the cardholder, or any other person furnishes money, goods, services or anything else of value upon presentation of a payment card obtained or retained in violation of section 53a-128c or a payment card which such person knows is forged, expired or revoked, violates this subsection and is subject to the penalties set forth in subsection (a) of section 53a-128i, if the value of all money, goods, services and other things of value furnished in violation of this subsection does not exceed five hundred dollars in any six-month period; and is subject to the penalties set forth in subsection (b) of section 53a-128i if such value does exceed five hundred dollars in any such six-month period. (b) Any person who is authorized by an issuer or a participating party to furnish money, goods, services or anything else of value upon presentation of a payment card by the cardholder, or any agent or employee of such person, who, with intent to defraud the issuer, a participating party, the cardholder, or any other person fails to furnish money, goods, services or anything else of value which such person represents in writing to the issuer or participating party that such person has furnished violates this subsection and is subject to the penalties set forth in subsection (a) of section 53a-128i, if the difference between the value of all money, goods, services and anything else of value actually furnished and the value represented to the issuer or participating party to have been furnished does not exceed five hundred dollars in any six-month period; and is subject to the penalties set forth in subsection (b) of section 53a-128i if such difference does exceed five hundred dollars in any such six-month period. (1971, P.A. 871, S. 33; P.A. 17-26, S. 5.) History: P.A. 17-26 replaced “credit card” with “payment card”, and made technical changes.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-128f. - Unlawful completion or reproduction of payment card.

Any person, other than the cardholder, having under such person's possession, custody or control two or more incomplete payment cards, or possessing a purported distinctive element of a payment card, with intent to complete such incomplete payment cards or to utilize such purported distinctive element in the production or reproduction of any payment card, without the consent of the issuer, or a person having under such person's possession, custody or control, with knowledge of its character, a distinctive element of any

payment card or any machinery, plates or any contrivance designed to produce or reproduce instruments purporting to be the payment cards of an issuer, or of any issuer in a group of issuers utilizing a common distinctive element or elements in payment cards issued by all members of such group, who has not consented to the production or reproduction of such cards, violates this section and is subject to the penalties set forth in subsection (b) of section 53a-128i. A payment card is “incomplete” if part of the matter other than the signature of the cardholder, which an issuer, or any issuer in a group of issuers utilizing a common distinctive element or elements in payments cards issued by all members of such group, requires to appear on the payment card, before it can be used by a cardholder, has not yet been stamped, embossed, imprinted or written on it. A “distinctive element” of a payment card is any material or component used in the fabrication of payment cards, which, by virtue of such element's chemical or physical composition, color or design, is unique to the payment cards issued by a particular issuer or group of issuers utilizing a common distinctive element or elements in payment cards issued by all members of such group. (1971, P.A. 871, S. 34; P.A. 92-260, S. 56; P.A. 17-26, S. 6.) History: P.A. 92-260 made a technical change; P.A. 17-26 replaced references to credit card with references to payment card, and made technical changes.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-128g. - Receipt of money, goods or services obtained by illegal use of credit card.

Any person who receives money, goods, services or anything else of value obtained in violation of section 53a-128d, knowing or believing the same to have been so obtained, violates this section and is subject to the penalties set forth in subsection (a) of section 53a-128i. Any person who obtains at a discount price a ticket issued by an airline, railroad, steamship or other transportation company which was acquired in violation of section 53a-128d without reasonable inquiry to ascertain that the person from whom it was obtained had a legal right to possess it shall be presumed to know that such ticket was acquired under circumstances constituting a violation of said section. (1971, P.A. 871, S. 35.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-128h. - Certain defenses denied.

In any prosecution for violation of sections 53a-128a to 53a-128i, inclusive, the state is not required to establish and it is no defense: (1) That a person other than the defendant who violated said sections has not been convicted, apprehended or identified; or (2) that some of the acts constituting the violation did not occur in this state or were not a violation or elements of a violation where they did occur. (1971, P.A. 871, S. 36.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-128i. - Penalties for credit card crimes.

(a) Any person who is subject to the penalties of this subsection shall be guilty of a class A misdemeanor. (b) Any person who is subject to the penalties of this subsection shall be guilty of a class D felony. (1971, P.A. 871, S. 37.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-129. - Misapplication of property: Class A misdemeanor.

(a) A person is guilty of misapplication of property when, knowingly possessing personal property of another pursuant to an agreement that the same will be returned to the owner at a future time, he loans, leases, pledges, pawns or otherwise encumbers such property without the consent of the owner thereof in such manner as to create a risk that the owner will not be able to recover it or will suffer pecuniary loss. (b) In any prosecution under this section, it shall be a defense that, at the time the prosecution was commenced, (1) the defendant had recovered possession of the property, unencumbered as a result of the unlawful disposition, and (2) the owner had suffered no material economic loss as a result of the unlawful disposition. (c) Misapplication of property is a class A misdemeanor. (1969, P.A. 828, S. 131.) Cited. 180 C. 662; 194 C. 223.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-129a. - Identity theft defined.

(a) A person commits identity theft when such person knowingly uses personal identifying information of another person to obtain or attempt to obtain money, credit, goods, services, property or medical information without the consent of such other person. (b) As used in this section, “personal identifying information” means any name, number or other information that may be used, alone or in conjunction with any other information, to identify a specific individual including, but not limited to, such individual's name, date of birth, mother's maiden name, motor vehicle operator's license number, Social Security number, employee identification number, employer or taxpayer identification number, alien registration number, government passport number, health insurance identification number, demand deposit account number, savings account number, credit card number, debit card number or unique biometric data such as fingerprint, voice print, retina or iris image, or other unique physical representation. (P.A. 99-99; P.A. 03-156, S. 1; P.A. 09-239, S. 1; P.A. 11-165, S. 1.) History: P.A. 03-156 revised section to replace offense of identity theft with definition of identity theft by amending Subsec. (a) to replace “A person is guilty of identity theft when” with “A person commits identity theft when”, delete requirement that the use of such information be “for any unlawful purpose” and include “money” and “property” among items the person obtains or attempts to obtain, by designating definition of “personal identifying information” as new Subsec. (b) and

amending said definition to add provision that such information means “any name, number or other information that may be used, alone or in conjunction with any other information, to identify a specific individual”, include such individual's name, date of birth, employer or taxpayer identification number, alien registration number, government passport number, health insurance identification number, debit card number or unique biometric data such as fingerprint, voice print, retina or iris image, or other unique physical representation and replace “demand deposit number” with “demand deposit account number” and by deleting former Subsec. (b) classifying identity theft as a class D felony; P.A. 09-239 amended Subsec. (a) to specify that a person commits identity theft when such person knowingly uses personal identifying information of another person to obtain or attempt to obtain, in the name of such other person, money, credit, goods, services, property or medical information without the consent of such other person; P.A. 11-165 amended Subsec. (a) to delete “in the name of such other person”.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-129b. - Identity theft in the first degree: Class B felony.

(a) A person is guilty of identity theft in the first degree when such person commits identity theft, as defined in section 53a-129a, of another person and (1) such other person is under sixty years of age, and the value of the money, credit, goods, services or property obtained exceeds ten thousand dollars, or (2) such other person is sixty years of age or older, and the value of the money, credit, goods, services or property obtained exceeds five thousand dollars. (b) Identity theft in the first degree is a class B felony. (P.A. 03-156, S. 2; P.A. 09-239, S. 2.) History: P.A. 09-239 amended Subsec. (a) by inserting “of another person” re identity theft and providing that other person be under 60 years of age if value of money, credit, goods, services or property exceeds \$10,000 or that other person is 60 years of age or older and such value exceeds \$5,000. Conviction under this section and Secs. 53a-128d and 53a-129d for single course of conduct does not constitute double jeopardy. 119 CA 483.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-129c. - Identity theft in the second degree: Class C felony.

(a) A person is guilty of identity theft in the second degree when such person commits identity theft, as defined in section 53a-129a, of another person and such other person is under sixty years of age, and the value of the money, credit, goods, services or property obtained exceeds five thousand dollars, or such other person is sixty years of age or older. (b) Identity theft in the second degree is a class C felony. (P.A. 03-156, S. 3; P.A. 09-239, S. 3.) History: P.A. 09-239 amended Subsec. (a) by inserting “of another person” re identity theft and providing that other person is under 60 years of age and value of money, credit, goods, services or property obtained exceeds \$5,000 or that other person is 60 years of age or older.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-129d. - Identity theft in the third degree: Class D felony.

(a) A person is guilty of identity theft in the third degree when such person commits identity theft, as defined in section 53a-129a. (b) Identity theft in the third degree is a class D felony. (P.A. 03-156, S. 4.) Convictions under this section, Sec. 53a-128d(2) and Sec. 53a-125b do not violate the constitutional prohibition against double jeopardy. 326 C. 310. Conviction under this section and Secs. 53a-128d and 53a-129b for single course of conduct does not constitute double jeopardy. 119 CA 483.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-129e. - Trafficking in personal identifying information: Class D felony.

(a) A person is guilty of trafficking in personal identifying information when such person sells, gives or otherwise transfers personal identifying information, as defined in section 53a-129a or 53a-181d, of another person to a third person knowing that such information has been obtained without the authorization of such other person and that such third person intends to use such information for an unlawful purpose, including, but not limited to, a violation of section 53a-181d. (b) Trafficking in personal identifying information is a class D felony. (P.A. 03-156, S. 5; P.A. 21-56, S. 3.) History: P.A. 21-56 added language referencing Sec. 53a-181d in Subsec. (a).

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-130. - Criminal impersonation: Class A misdemeanor.

(a) A person is guilty of criminal impersonation when such person: (1) Impersonates another and does an act in such assumed character with intent to obtain a benefit or to injure or defraud another; or (2) pretends to be a state marshal with intent to obtain a benefit or induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense; or (3) pretends to be a representative of some person or organization and does an act in such pretended capacity with intent to obtain a benefit or to injure or defraud another; or (4) pretends to be a public servant other than a sworn member of an organized local police department or the Division of State Police within the Department of Emergency Services and Public Protection, or wears or displays without authority any uniform, badge or shield by which such public servant is lawfully distinguished, with intent to induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense; or (5) with intent to defraud, deceive or injure another, uses an electronic device to impersonate another and such act results in personal injury or financial loss to another or the initiation of judicial proceedings against another. (b) The provisions of subdivision (5) of subsection (a) of this section shall

not apply to a law enforcement officer acting in the performance of his or her official duties. (c) Criminal impersonation is a class A misdemeanor. (1969, P.A. 828, S. 132; P.A. 97-123, S. 3; P.A. 09-239, S. 4; P.A. 11-51, S. 134; 11-221, S. 1; P.A. 14-86, S. 1.) History: P.A. 97-123 amended Subsec. (a)(3) to exclude from the offense a person pretending to be “a sworn member of an organized local police department or the Division of State Police within the Department of Public Safety” and include the wearing or display of a “shield”; P.A. 09-239 made a technical change in Subsec. (a) and changed penalty in Subsec. (b) from class B to class A misdemeanor; pursuant to P.A. 11-51, “Department of Public Safety” was changed editorially by the Revisors to “Department of Emergency Services and Public Protection” in Subsec. (a)(3), effective July 1, 2011; P.A. 11-221 amended Subsec. (a) by adding Subdiv. (4) re use of electronic device, added new Subsec. (b) re exception for law enforcement officer and redesignated existing Subsec. (b) as Subsec. (c); P.A. 14-86 amended Subsec. (a) by adding new Subdiv. (2) re pretending to be a state marshal and redesignating existing Subdivs. (2) to (4) as Subdivs. (3) to (5) and amended Subsec. (b) by making a conforming change. Cited. 194 C. 213; Id., 233; 207 C. 109; 209 C. 23; 225 C. 650. Held not to be unconstitutionally vague. 2 CA 204. Cited. 18 CA 694; 32 CA 724; 40 CA 643. Does not require use of an official or real badge because statute's goal is to prohibit criminal impersonation with intent of inducing another to submit to authority that he or she does not possess. 66 CA 819. Subsec. (a): Subdiv. (1): Statute as written does not prohibit giving a false name. 194 C. 213. Cited. 198 C. 68; 199 C. 146; 232 C. 431; judgment superseded by en banc reconsideration, see 235 C. 502; 235 C. 502. Cited. 33 CA 339; judgment reversed in part, see 232 C. 431; judgment reversed, see 235 C. 502; 37 CA 589; 45 CA 303. Statute prohibits impersonating another, not merely giving a false name. 60 CA 534.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-130a. - Impersonation of a police officer: Class D felony.

(a) A person is guilty of impersonation of a police officer when he pretends to be a sworn member of an organized local police department or the Division of State Police within the Department of Emergency Services and Public Protection, or wears or displays without authority any uniform, badge or shield by which such police officer is lawfully distinguished, with intent to induce another person to submit to such pretended official authority or otherwise to act in reliance upon that pretense. (b) Impersonation of a police officer is a class D felony. (P.A. 97-123, S. 2; P.A. 11-51, S. 134.) History: Pursuant to P.A. 11-51, “Department of Public Safety” was changed editorially by the Revisors to “Department of Emergency Services and Public Protection”, effective July 1, 2011.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-131. - Unlawfully concealing a will: Class A misdemeanor.

(a) A person is guilty of unlawfully concealing a will when, with intent to defraud, he conceals, secrets, suppresses, mutilates or destroys a will, codicil or other testamentary instrument. (b) Unlawfully concealing a will is a class A misdemeanor. (1969, P.A. 828, S. 133.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-132. - False entry by an officer or agent of a public community: Class A misdemeanor.

(a) A person is guilty of false entry by an officer or agent of a public community when (1) as an officer or agent of a public community, he makes any intentionally false entry on the books of the public community or (2) he intentionally attests or certifies by placing his signature upon process that he has personally served the same, when he has not done so. (b) False entry by an officer or agent of a public community is a class A misdemeanor. (1969, P.A. 828, S. 134; P.A. 84-108, S. 4; P.A. 92-260, S. 57.) History: P.A. 84-108 inserted new Subsec. (b) providing that person who intentionally attests or certifies by signature upon process that he has personally served process when he has not done so is guilty of false entry, relettering former Subsec. (b) as (c); P.A. 92-260 combined former Subsecs. (a) and (b) and rephrased language, relettering former Subsec. (c) as Subsec. (b), and amended relettered Subsec. (b) to make technical changes in the name of the offense. Under former statute, state has been held to be a “public community” and an employee has been held to be an “agent”. 159 C. 544.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-133. - Robbery defined.

A person commits robbery when, in the course of committing a larceny, he uses or threatens the immediate use of physical force upon another person for the purpose of: (1) Preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking; or (2) compelling the owner of such property or another person to deliver up the property or to engage in other conduct which aids in the commission of the larceny. (1969, P.A. 828, S. 135.) See Sec. 53a-119 for definition of “larceny”. Defendant's ability to carry out threat of immediate physical force is not essential element of robbery. 175 C. 569. Cited. 176 C. 239; 178 C. 689; 179 C. 576; 180 C. 599; 181 C. 388; 182 C. 430; Id., 449; 183 C. 299; 185 C. 402; 189 C. 114; 190 C. 822; 195 C. 567; 196 C. 122; Id., 395; 199 C. 207; 201 C. 289; Id., 489; 202 C. 349; 206 C. 621; Id., 657; 209 C. 564; 210 C. 652; 211 C. 398; 212 C. 31; 216 C. 367; 219 C. 489; 223 C. 243; Id., 595; 225 C. 270; Id., 347; 230 C. 183; 232 C. 455; 233 C. 44; 235 C. 748; 241 C. 322; 242 C. 523; Id., 666. Use of force considered to be in course of robbery or attempted robbery within meaning of statute if it occurs during continuous sequence of events surrounding the taking or attempted taking, even though some time immediately before or after. 248 C. 472. A larceny by false pretenses that precedes the use of force can satisfy the larceny element of robbery

under section if the force is used in order to retain the property immediately after the taking. 340 C. 447. Cited. 1 CA 642; 8 CA 545; Id., 620; 9 CA 373; 10 CA 330; Id., 474; 12 CA 163; 13 CA 420; 19 CA 111; judgment reversed, see 215 C. 538; Id., 423; Id., 554; Id., 695; 20 CA 27; Id., 513; 21 CA 299; 24 CA 27; judgment reversed, see 220 C. 652; 25 CA 104; Id., 646; 27 CA 601; 28 CA 161; Id., 612; Id., 721; 31 CA 47; 32 CA 193; 33 CA 184; judgment reversed, see 232 C. 707; Id., 311; 34 CA 223; 35 CA 699; Id., 839; 36 CA 401; 38 CA 531; Id., 581; 39 CA 63; Id., 478; Id., 579; Id., 617; 41 CA 147; Id., 255; Id., 584; 43 CA 801; 44 CA 307; 45 CA 6; 46 CA 616; Id., 691; Id., 778. Term “purpose” is synonymous with the terms “object” and “intent”; completion of crime not required for conviction under section. 51 CA 541. Knife with a 6-inch blade displayed by defendant during a robbery was capable of causing death or serious physical injury and constituted a “dangerous instrument” and defendant, by his actions, demands for the money and manner of carrying the knife, used or threatened to use it during the robbery. 82 CA 823. Words in common usage can satisfy requirement of threat if jury could reasonably have inferred those words to mean “threat”. 93 CA 257. Defendant's actions in keeping victim's ATM card and the money and ordering victim out of vehicle at gun point were sufficient to constitute the “deliver up” of property within meaning of Subdiv. (2). 102 CA 532. Cited. 41 CS 525.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-134. - Robbery in the first degree: Class B felony.

(a) A person is guilty of robbery in the first degree when, in the course of the commission of the crime of robbery as defined in section 53a-133 or of immediate flight therefrom, he or another participant in the crime: (1) Causes serious physical injury to any person who is not a participant in the crime; or (2) is armed with a deadly weapon; or (3) uses or threatens the use of a dangerous instrument; or (4) displays or threatens the use of what he represents by his words or conduct to be a pistol, revolver, rifle, shotgun, machine gun or other firearm, except that in any prosecution under this subdivision, it is an affirmative defense that such pistol, revolver, rifle, shotgun, machine gun or other firearm was not a weapon from which a shot could be discharged. Nothing contained in this subdivision shall constitute a defense to a prosecution for, or preclude a conviction of, robbery in the second degree, robbery in the third degree or any other crime. (b) Robbery in the first degree is a class B felony provided any person found guilty under subdivision (2) of subsection (a) shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court. (1969, P.A. 828, S. 136; P.A. 75-411, S. 1; P.A. 80-442, S. 22, 28; P.A. 92-260, S. 58.) History: P.A. 75-411 removed reference to dangerous instruments in Subsec. (a)(2) and added Subdivs. (3) and (4); P.A. 80-442 added proviso in Subsec. (b) specifying that five years of sentence imposed may not be suspended or reduced, effective July 1, 1981; P.A. 92-260 amended Subsec. (a) to specify that “the crime” is “the crime of robbery as defined in section 53a-133”. Cited. 172 C. 74; 175 C. 569; 182 C. 511; Id., 595; 185 C. 473; 186 C. 179; 190 C. 822; 196 C. 305; Id., 309; Id., 430; 199 C. 47; Id., 207; Id., 273; Id., 377; Id., 591; 200 C. 310; Id., 465; 201 C. 34; 202 C. 39; Id., 86; 203 C. 494; 204 C. 52; Id., 240; 207 C. 412; 212 C. 31; 214 C. 454; 218 C. 479; 230 C. 109; 231 C. 43; 236 C. 112; 241 C. 413; 242 C. 125; Id., 648. Defendant cannot be convicted of robbery in the first degree when defendant is the owner of the property that he took from another since the state must prove that defendant committed larceny as an element of the crime, and larceny requires that the property be taken from its owner. 317 C. 338. Cited. 8 CA 545; 9 CA 373; 10 CA 659; 11 CA 699; Id., 709; 12 CA 268; Id., 655; 13 CA 133; Id., 708; 14 CA 472; 15 CA 34; Id., 197; 19 CA 423; 20 CA 521; 22 CA 216; 28 CA 581; judgment reversed, see 226 C. 601; 32 CA 38; 35 CA 201; Id., 839; 36 CA 59; Id., 448; judgment reversed, see 236 C. 342; 38 CA 20; Id., 581; Id., 868; 39 CA 45; 40 CA 250; 41 CA 147; 43 CA 61; Id., 801; 45 CA 32; 46 CA 684; Id., 691. Court cannot properly instruct jury of elements of section without first instructing jury of elements of Sec. 53a-133; sufficiency of evidence to convict defendant as a principal in robbery. 51 CA 541. Jury was within its right to conclude that defendant, armed with dangerous instrument, entered apartment unlawfully with intent to commit a robbery, but once inside, did not do anything which constituted a substantial step in a course of conduct planned to culminate in a robbery or that he abandoned his attempt. 87 CA 251. Subsec. (a): Subdiv. (2): “Miranda” warning not a ritualistic formula and words which convey its substance are sufficient. 167 C. 309. Cited. 169 C. 242; Id., 683; 170 C. 332. Subdiv. (2): Participation of two persons not necessary, so Wharton's rule is inapplicable. 171 C. 105. Cited. Id., 395; Id., 610; 172 C. 22; Id., 586; 174 C. 16; Id., 129; Id., 142; Id., 452; 175 C. 250. Subdiv. (2): Requirement of weapon's operability is imposed by Sec. 53a-3(6). Id., 569. Subdiv. (4): Essential element of Subsec. is defendant's representation of having a firearm, not the firearm's operability; affirmative defense of inoperability does not violate due process. Id. Cited. 176 C. 239; Id., 367; 177 C. 335; Id., 370; Id., 379; Id., 637; 178 C. 116; Id., 287; Id., 427; Id., 564; Id., 634; Id., 689; 179 C. 46; Id., 576; 180 C. 557. Subdiv. (1): A lesser included offense of felony murder. Id., 599. Cited. 181 C. 237; Id., 388; Id., 426; 182 C. 262; Id., 366; Id., 430; Id., 449; Id., 533; Id., 595; 183 C. 280; 185 C. 163; Id., 260; Id., 402; Id., 607; 186 C. 1; Id., 222; Id., 261; Id., 426; 187 C. 681; 188 C. 372; Id., 406; Id., 432; Id., 515; 189 C. 114; Id., 183; Id., 268; Id., 337; Id., 429; 191 C. 564; Id., 670; 192 C. 618; 193 C. 48; Id., 238; Id., 457; Id., 526; Id., 602; 194 C. 89; 195 C. 183; Id., 326; Id., 444; Id., 552; Id., 567; 196 C. 36; Id., 115; Id., 122; Id., 157. Subdiv. (4): Essential element is the representation by defendant that he has a firearm, not the specific identifying characteristic of the weapon alleged in the information. Id., 395. Cited. Id., 567; Id., 685; 197 C. 106; Id., 115; Id., 413; Id., 629; 198 C. 68; Id., 203; Id., 285; Id., 314; Id., 328; Id., 490; Id., 592; Id., 680; 199 C. 5; Id., 62; Id., 146; Id., 255; Id., 473; 200 C. 9; Id., 44; Id., 350; Id., 523; 201 C. 289; Id., 333; 202 C. 1; Id., 259; Id., 349; 203 C. 81; Id., 159; Id., 445; Id., 506; 204 C. 330; Id., 377; 205 C. 673; 206 C. 40; Id., 621; Id., 657; 207 C. 152; Id., 323; Id., 619; 208 C. 38; Id., 202; Id., 365; 209 C. 416; Id., 458; 210 C. 199; 211 C. 18; Id., 398; 212 C. 6; Id., 387; 213 C. 422; 214 C. 38. Subdiv. (4): Judgment of Appellate Court in 19 CA 111 reversed. 215 C. 538. Cited. Id., 695; 216 C. 282; Id., 367; Id., 801; 217 C. 419; 218 C. 85; Id., 151; Id., 432; 219 C. 93; Id., 269; Id., 489; 220 C. 385; Id., 652; 221 C. 447; Id., 643; 222 C. 117; 223 C. 243; Id., 299; Id., 595; Id., 635; 224 C. 711; 225 C. 270; 226 C. 601; 227 C. 363; 228 C. 234; Id., 384; 230 C. 351; Id., 686; 232 C. 455;

Id., 691; Id., 707; 233 C. 44; 235 C. 67; Id., 402; Id., 748; Id., 802; 236 C. 342; 238 C. 784; 239 C. 235; 240 C. 317; 241 C. 1; Id., 165; Id., 322; 242 C. 93; Id., 296; 247 C. 662. Subdiv. (4): Because there were two separate and distinct transactions, defendant could be convicted of attempted robbery in the first degree and robbery in the first degree without offending the prohibition on double jeopardy. 299 C. 640. Defendant may properly be convicted of and punished for the crimes of felony murder with the predicate offense of robbery, and the crime of robbery in the first degree under Subdiv. (1) without violating the prohibition against double jeopardy. 302 C. 287. Cited. 1 CA 584; Id., 642; Id., 697; 2 CA 127; 6 CA 247; Id., 697; 7 CA 1; Id., 27; Id., 95; Id., 149; Id., 217; Id., 445; Id., 503; Id., 528; Id., 715; Id., 726; 8 CA 119; Id., 399; Id., 454; Id., 467; Id., 491; Id., 566; Id., 667; 9 CA 79; Id., 275; Id., 313; Id., 548; Id., 587; Id., 648; 10 CA 50; Id., 103; Id., 330; Id., 404; Id., 474; Id., 624; Id., 643; 11 CA 80; Id., 397; 12 CA 163; Id., 217; Id., 662; 13 CA 76; Id., 554; 14 CA 67; Id., 108; Id., 463; Id., 493; Id., 657; 15 CA 161; Id., 416; Id., 502; Id., 539; Id., 586; 16 CA 38; Id., 206; Id., 284; Id., 390; Id., 402; 17 CA 50; Id., 359; Id., 490; Id., 648; 19 CA 111; judgment reversed, see 215 C. 53; Id., 179; Id., 554; Id., 695; 20 CA 27; Id., 212; Id., 467; Id., 513; Id., 643; Id., 665; 21 CA 48; Id., 244; Id., 299; 22 CA 98; Id., 329; 24 CA 27; judgment reversed, see 220 C. 652; Id., 152; Id., 316; Id., 518; Id., 729; 25 CA 104; Id., 255; Id., 565; Id., 646; 26 CA 114; Id., 242; 27 CA 601; Id., 654; 28 CA 64; Id., 161; Id., 402; Id., 444; Id., 474; Id., 612; Id., 645; Id., 721; 29 CA 207; Id., 274; Id., 421; Id., 679; 30 CA 68; 31 CA 614; Id., 614; Id., 660; 32 CA 21; Id., 193; Id., 476; 33 CA 143; Id., 184; Id., 288; Id., 311; Id., 457; Id., 468; Id., 849; 34 CA 223; Id., 261; Id., 610; 35 CA 279; Id., 699; Id., 740; Id., 781. Subdiv. (3): Robbery in the second degree pursuant to Sec. 53a-135(a)(1) is not a lesser included offense of robbery in the first degree pursuant to this section. Id., 839. Cited. 36 CA 401; Id., 556; Id., 718; Id., 831; 37 CA 35; Id., 219; Id., 482; Id., 589; Id., 619; Id., 672; Id., 733; 39 CA 63; Id., 82; Id., 384; Id., 478; Id., 502; Id., 579; Id., 617; Id., 840; 40 CA 21; Id., 328; Id., 526; 41 CA 47; Id., 391; Id., 515; Id., 695; 42 CA 472; Id., 669; Id., 810; 43 CA 142; 44 CA 26; Id., 280; Id., 476; Id., 561; 45 CA 6; Id., 270; Id., 390; Id., 658. A showing that victim had custody or control over appropriated property is sufficient to support a charge of larceny; testimony of sole witness sufficient to establish guilt beyond reasonable doubt. 49 CA 486. Subdiv. (3) requires that evidence show either actual use of a dangerous instrument or its threatened use, demonstrated by either an actual display or words combined with an overt display of the threatened instrument. 71 CA 585. Court's failure to instruct jury on the affirmative defense of inoperability of gun involved in the incident at issue, as provided for in text of statute relative to charge of robbery in the first degree, constituted plain error and violated defendant's constitutional right to fair trial. Id., 865. Subdiv. (3) requires use or threatened use of a dangerous instrument. 81 CA 367. Evidence was sufficient to sustain a conviction under Subdiv. (4). 83 CA 489. Subdiv. (4): There is no statutory monetary value of stolen property included as element of robbery in the first degree. 86 CA 507. Trial court did not err in permitting state to file an amended information charging defendant with robbery in the second degree in violation of Sec. 53a-135(a)(2) after trial had commenced in matter where defendant had originally been charged with robbery in the first degree in violation of Subdivs. (2), (3) and (4); because amended information charged lesser included offenses included within offenses that were charged in the original information, no due process violation arose. 87 CA 750. Proof beyond a reasonable doubt does not mean proof beyond all possible doubt; while every element must be proven beyond a reasonable doubt in order to find defendant guilty of the charged offense, each of the basic and inferred facts underlying the conclusion need not be proved beyond a reasonable doubt. 93 CA 257. Subdiv. (4): Defendant's statement to victim that she "wouldn't get hurt" if she did what she was told to do, combined with victim's testimony that defendant was holding something under his jacket and pointing it in her direction, provided sufficient evidence to support defendant's conviction of robbery in the first degree. Id., 650. Subdiv. (4): Defendant need only represent by his words or conduct that he possesses a firearm, and need not actually possess a firearm, to be convicted under Subdiv. 141 CA 814. Subdiv. (1): The act of punching victim in the jaw provided sufficient evidence to satisfy statutory requirement of intent to cause the victim serious injury. 154 CA 271. No constitutional violation against defendant's right not to be placed in double jeopardy exists for convictions under Subdivs. (1) and (3) because a charge under Subdiv. (1) is a separate and distinct offense from a charge under Subdiv. (3). 170 CA 254. Subdiv. (2): Conviction as accessory to attempted robbery in the first degree does not require state to demonstrate that accused intended for an accomplice to possess a deadly weapon. 184 CA 24. Section provides for both principal and accessorial liability, therefore a jury instruction regarding accessory liability with regard to robbery in the first degree is unnecessary. 192 CA 68. Subdiv. (4): The state's burden of proof is not to demonstrate that a reasonable person believed that a perpetrator possessed a handgun, but that the perpetrator represented that he had or would use a gun. 218 CA 31.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-135. - Robbery in the second degree: Class C felony.

(a) A person is guilty of robbery in the second degree when such person (1) commits robbery, as defined in section 53a-133, and (A) is aided by another person actually present; or (B) in the course of the commission of the crime or of immediate flight therefrom, such person or another participant in the crime displays or threatens the use of what such person represents by such person's words or conduct to be a deadly weapon or a dangerous instrument; or (2) in the course of committing a larceny while on the premises of a bank, Connecticut credit union or federal credit union, as those terms are defined in section 36a-2, intimidates an employee of the bank, Connecticut credit union or federal credit union by intentionally engaging in conduct that causes another person to reasonably fear for his or her physical safety or the physical safety of another for the purpose of: (A) Preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking of the property; or (B) compelling the owner of such property or another person to deliver up the property or to engage in other conduct which aids in the commission of the larceny. (b) Robbery in the second degree is a class C felony. (1969, P.A. 828, S. 137; P.A. 75-411, S. 2; P.A. 92-260, S. 59; P.A. 12-186, S. 1.) History: P.A. 75-411 clarified Subsec. (a)(2), including references to display of weapon and to actions in course of commission of

crime or in course of immediate flight from commission of crime; P.A. 92-260 amended Subsec. (a) to add “as defined in section 53a-133”; P.A. 12-186 amended Subsec. (a) to designate existing elements of crime as Subdiv. (1), redesignate existing Subdivs. (1) and (2) as Subparas. (A) and (B), add new Subdiv. (2) re elements of crime in course of committing larceny while on premises of a bank, Connecticut credit union or federal credit union, and make technical changes. Cited. 171 C. 47; Id., 105; 174 C. 142; 176 C. 270; 178 C. 287; 179 C. 576; 182 C. 207; 183 C. 156; 185 C. 260; 191 C. 506; 197 C. 309; 198 C. 158; 201 C. 125; Id., 489; 202 C. 224; 203 C. 506; 204 C. 630; 210 C. 435; 224 C. 445; 235 C. 469. Cited. 2 CA 11; 12 CA 375; 13 CA 420; 14 CA 159; Id., 205; 36 CA 401; 37 CA 35; 39 CA 384; 43 CA 801. Subsec. (a): Cited. 169 C. 161; 173 C. 545; 176 C. 227; Id., 367; 179 C. 98; Id., 381; 182 C. 476; Id., 533; 184 C. 366; 187 C. 602; 190 C. 327; 194 C. 241; Id., 297; 197 C. 677; 199 C. 557; 200 C. 350; 209 C. 143; 211 C. 1; 229 C. 178; 230 C. 608; Id., 686; 235 C. 67; Id., 145; Id., 502. Cited. 6 CA 247; 9 CA 656; 10 CA 330; 12 CA 239; 16 CA 264; Id., 455; 17 CA 247; 25 CA 428; 26 CA 779; 31 CA 47; 33 CA 143; Id., 184; Id., 468. Robbery in second degree pursuant to this section is not a lesser included offense of robbery in the first degree pursuant to Sec. 53a-134(a)(3). 35 CA 839. Cited. 36 CA 774; 41 CA 817. Court's failure to instruct jury on the lesser included offense of robbery in the second degree in violation of statute where there was uncontroverted evidence from two state's witnesses that the gun was inoperable constituted plain error and violated defendant's constitutional right to fair trial. 71 CA 865. To prove defendant guilty of conspiracy to commit robbery in the second degree in violation of Subdiv. (2), state needs to prove defendant and co-conspirator specifically had an agreement to display a deadly weapon or dangerous instrument and that defendant had specific intent that such a weapon or instrument would be displayed. 138 CA 228; judgment affirmed, see 315 C. 451. Subsec. contains no language indicating the legislature's intent to bar multiple punishments for the perpetrators of single second degree robberies who, in committing such offenses, violate multiple subdivisions of section. 175 CA 566. Subdiv. (1)(B): A defendant need not have a deadly weapon or dangerous instrument, but need only represent by his words or conduct that he is so armed. 203 CA 219.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-136. - Robbery in the third degree: Class D felony.

(a) A person is guilty of robbery in the third degree when he commits robbery as defined in section 53a-133. (b) Robbery in the third degree is a class D felony. (1969, P.A. 828, S. 138; P.A. 92-260, S. 60.) History: P.A. 92-260 amended Subsec. (a) to add “as defined in section 53a-133”. Cited. 169 C. 247; 171 C. 105; 181 C. 388; 185 C. 260; 188 C. 591; 190 C. 428; 192 C. 618; 197 C. 314; 198 C. 285; 199 C. 557; 202 C. 224; 205 C. 61; 209 C. 23; 210 C. 435; 218 C. 432; 219 C. 160; 239 C. 235. Rational basis exists for legislature to classify larceny from the person as a more serious offense than simple robbery and therefore the classification did not violate defendant's right to equal protection of the laws. 246 C. 132. Cited. 5 CA 500; 7 CA 27; 8 CA 454; Id., 620; 13 CA 420; Id., 596; 14 CA 205; 16 CA 318; Id., 433; 17 CA 226; 19 CA 423; 20 CA 513; Id., 643; 21 CA 248; Id., 291; 22 CA 216; 24 CA 316; Id., 518; 26 CA 114; 27 CA 780; 35 CA 839; 39 CA 579; Id., 810; 40 CA 250; 44 CA 307; 46 CA 616; Id., 778. Subsec. (a): Cited. 185 C. 402; 201 C. 125; Id., 559; 211 C. 101; 220 C. 487; 242 C. 523. Cited. 8 CA 35; 10 CA 330; 14 CA 493; 35 CA 201; 38 CA 531; 41 CA 255; Id., 584. Jury could reasonably find that defendant's threat was part of the same continuous transaction as the larceny; use or threatened use of a firearm is not an element of the crime. 100 CA 122. Cited. 33 CS 599; 37 CS 520.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-136a. - Robbery involving occupied motor vehicle. Penalty.

Any person who commits robbery by taking a motor vehicle from the person of another knowing that such motor vehicle is occupied by such other person shall be imprisoned for a term of three years which shall not be suspended and shall be in addition and consecutive to any term of imprisonment imposed for such offense. (P.A. 93-204.) Cited. 46 CA 691. Section is a sentence enhancement provision and not a separate crime, notwithstanding the requirement of proof of an additional element to establish a violation of section. 100 CA 565.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-137. - Definitions.

The following definitions are applicable to this part: (1) “Written instrument” means any instrument or article containing written or printed matter or the equivalent thereof, used for the purpose of reciting, embodying, conveying or recording information or constituting a symbol or evidence of value, right, privilege or identification, which is capable of being used to the advantage or disadvantage of some person. (2) “Complete written instrument” means a written instrument which purports to be a genuine written instrument fully drawn with respect to every essential feature thereof. An endorsement, attestation, acknowledgment or other similar signature or statement is deemed both a complete written instrument in itself and a part of the main instrument in which it is contained or to which it attaches. (3) “Incomplete written instrument” means a written instrument which contains some matter by way of content or authentication but which requires additional matter in order to render it a complete written instrument. (4) A person “falsely makes” a written instrument when (A) such person makes or draws a complete written instrument in its entirety, or an incomplete written instrument, which purports to be an authentic creation of its ostensible maker or drawer, but which is not such either because the ostensible maker or drawer is fictitious or because, if real, the ostensible maker or drawer did not authorize the making or drawing thereof, or (B) such person signs his or her own name to a written instrument, thereby falsely and fraudulently representing that he or she has authority to sign in such capacity. (5) A person “falsely completes” a written instrument when (A) such person, by adding, inserting or changing matter, transforms an incomplete written instrument into a complete written

instrument, without the authority of any person entitled to grant it, so that such complete written instrument appears or purports to be in all respects an authentic creation of or fully authorized by its ostensible maker or drawer, or (B) such person signs his or her own name to a written instrument, thereby falsely and fraudulently representing that he or she has authority to sign in such capacity. (6) A person “falsely alters” a written instrument when (A) such person, without the authority of any person entitled to grant it, changes a written instrument, whether it be in complete or incomplete form, by means of erasure, obliteration, deletion, insertion of new matter or transposition of matter or in any other manner, so that such instrument in its thus altered form appears or purports to be in all respects an authentic creation of or fully authorized by its ostensible maker or drawer, or (B) such person signs his or her own name to a written instrument, thereby falsely and fraudulently representing that he or she has authority to sign in such capacity. (7) “Forged instrument” means a written instrument which has been falsely made, completed or altered. (1969, P.A. 828, S. 139; P.A. 10-180, S. 4.) History: P.A. 10-180 amended Subdivs. (4), (5) and (6) to add Subpara. (B) including within definition when person signs his or her own name to a written instrument, thereby falsely and fraudulently representing that he or she has authority to sign in such capacity, and made technical changes throughout. Cited. 207 C. 555; 235 C. 502. Cited. 11 CA 161; 37 CA 72; 47 CA 1. Cited. 34 CS 606.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-138. - Forgery in the first degree: Class C felony.

(a) A person is guilty of forgery in the first degree when, with intent to defraud, deceive or injure another, he falsely makes, completes or alters a written instrument or issues or possesses any written instrument which he knows to be forged, which is or purports to be, or which is calculated to become or represent if completed: (1) Part of an issue of money, stamps, securities or other valuable instruments issued by a government or governmental instrumentality; or (2) part of an issue of stock, bonds or other instruments representing interests in or claims against a corporate or other organization or its property. (b) Forgery in the first degree is a class C felony. (1969, P.A. 828, S. 140; P.A. 76-292, S. 1.) History: P.A. 76-292 made first degree forgery a Class C, rather than a Class D, felony. Cited. 11 CA 161; 37 CA 72; 47 CA 1. Cited. 34 CS 606.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-139. - Forgery in the second degree: Class D felony.

(a) A person is guilty of forgery in the second degree when, with intent to defraud, deceive or injure another, he falsely makes, completes or alters a written instrument or issues or possesses any written instrument which he knows to be forged, which is or purports to be, or which is calculated to become or represent if completed: (1) A deed, will, codicil, contract, assignment, commercial instrument or other instrument which does or may evidence, create, transfer, terminate or otherwise affect a legal right, interest, obligation or status; or (2) a public record or an instrument filed or required or authorized by law to be filed in or with a public office or public servant; or (3) a written instrument officially issued or created by a public office, public servant or governmental instrumentality; or (4) a prescription of a duly licensed physician or other person authorized to issue the same for any drug or any instrument or device used in the taking or administering of drugs for which a prescription is required by law. (b) “Drugs” as used in this section includes all drugs except controlled drugs as defined in section 21a-240. (c) Forgery in the second degree is a class D felony. (1969, P.A. 828, S. 141; 1971, P.A. 871, S. 38; P.A. 76-292, S. 2.) History: 1971 act removed exception re narcotic drugs in Subsec. (b); P.A. 76-292 made second degree forgery a Class D felony rather than a Class A misdemeanor. Cited. 201 C. 125; 207 C. 555. Defendant may be found guilty of forgery in the second degree if the state establishes that defendant, with intent to deceive another, falsely made, possessed or altered a written instrument that he or she knew to be forged. 252 C. 229. Cited. 8 CA 342; 11 CA 161; 28 CA 521; 37 CA 72; 42 CA 790; 47 CA 1. Defendant's true identity is related directly to the crime and therefore defendant must be provided with “Miranda” warnings prior to being asked his or her identity as part of booking process. 103 CA 544. Whether the victim was in fact deceived is not an element of forgery in the second degree, belief of the victim is immaterial. 165 CA 791. Cited. 34 CS 606. Subsec. (a): Cited. 169 C. 581; 195 C. 421; 198 C. 68; Id., 158; 199 C. 146; 235 C. 469. Cited. 5 CA 473; 14 CA 1; 24 CA 493. Altered medical document can reasonably be found to be “other instrument” under Subdiv. (1) as such document may affect a legal right or interest; Subdivs. (1) to (4) are not mutually exclusive. 146 CA 17.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-140. - Forgery in the third degree: Class B misdemeanor.

(a) A person is guilty of forgery in the third degree when, with intent to defraud, deceive or injure another, he falsely makes, completes or alters a written instrument, or issues or possesses any written instrument which he knows to be forged. (b) Forgery in the third degree is a class B misdemeanor. (1969, P.A. 828, S. 142; 1971, P.A. 871, S. 39.) History: 1971 act referred to issuance of instrument which person knows to be forged rather than to alteration of such an instrument. Cited. 194 C. 233; 204 C. 441; 207 C. 109; 232 C. 431; judgment superseded by en banc reconsideration, see 235 C. 502; 235 C. 469. Cited. 8 CA 342; 11 CA 161; 33 CA 339; judgment reversed in part, see 232 C. 431; judgment reversed on issues of sufficiency of evidence and jury misconduct, see 235 C. 502; 37 CA 72; Id., 437; 42 CA 790; 47 CA 1. Subsec. (a): The fact that insurer did not rely on the forged document had no bearing on question of whether defendant's conduct was sufficient for a conviction under Subsec. 119 CA 581. Cited. 34 CS 606; Id., 656.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-141. - Criminal

simulation: Class D felony.

(a) A person is guilty of criminal simulation when: (1) With intent to defraud, he makes or alters any object in such manner that it appears to have an antiquity, rarity, source or authorship which it does not in fact possess; or (2) with knowledge of its true character and with intent to defraud, he issues or possesses an object so simulated. (b) Criminal simulation is a class D felony. (1969, P.A. 828, S. 143; P.A. 07-206, S. 2.) History: P.A. 07-206 changed penalty from class A misdemeanor to class D felony. Cited. 11 CA 161; 47 CA 1.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-142. - Forgery of symbols: Class A misdemeanor.

(a) A person is guilty of forgery of symbols of value when, with intent to defraud, deceive or injure another, he falsely makes, completes or alters a written instrument or issues or possesses any written instrument which he knows to be forged, which is or purports to be, or which is calculated to become or represent if completed part of an issue of tokens, public transportation transfers, certificates or other articles manufactured and designed for use as symbols of value usable in place of money for the purchase of property or services. (b) Forgery of symbols of value is a class A misdemeanor. (1969, P.A. 828, S. 144.) Cited. 11 CA 161; 47 CA 1.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-142a. - Filing a false record: Class D felony.

(a) A person is guilty of filing a false record against real or personal property when with intent to defraud, deceive, injure or harass another, he or she files, or causes to be filed with a municipality, a record he or she knows, or reasonably should know, is false. As used in this section, "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, and includes any record that is recorded in the office of the town clerk. (b) A person is guilty of filing a false record under sections 42a-9-501 to 42a-9-526, inclusive, when with intent to defraud, deceive, injure or harass another, he or she files, or causes to be filed with the Secretary of the State or a municipality, a record he or she knows, or reasonably should know, is false. (c) Filing of a false record is a class D felony. (P.A. 17-99, S. 46.) History: P.A. 17-99 effective January 1, 2018.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-143. - Unlawfully using slugs: Definitions.

The following definitions are applicable to sections 53a-144 and 53a-145: (1) "Coin machine" means a coin box, turnstile, vending machine or other mechanical or electronic device or receptacle designed (A) to receive a coin or bill or token made for the purpose, and (B) in return for the insertion or deposit thereof, automatically to offer, to provide, to assist in providing or to permit the acquisition of some property or some service. (2) "Slug" means an object or article which, by virtue of its size, shape or any other quality, is capable of being inserted or deposited in a coin machine as an improper substitute for a genuine coin, bill or token. (3) "Value" of a slug means the value of the coin, bill or token for which it is capable of being substituted. (1969, P.A. 828, S. 145.) Cited. 11 CA 161.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-144. - Unlawfully using slugs in the first degree: Class B misdemeanor.

(a) A person is guilty of unlawfully using slugs in the first degree when he makes, possesses or disposes of slugs with intent to enable a person to insert or deposit them in a coin machine, and the value of such slugs exceeds one hundred dollars. (b) Unlawfully using slugs in the first degree is a class B misdemeanor. (1969, P.A. 828, S. 146.) Cited. 11 CA 161.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-145. - Unlawfully using slugs in the second degree: Class C misdemeanor.

(a) A person is guilty of unlawfully using slugs in the second degree when: (1) With intent to defraud the owner of a coin machine, he inserts or deposits a slug in such machine; or (2) he makes, possesses or disposes of a slug with intent to enable a person to insert or deposit it in a coin machine. (b) Unlawfully using slugs in the second degree is a class C misdemeanor. (1969, P.A. 828, S. 147.) Cited. 11 CA 161; 12 CA 74.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-146. - Definitions.

For purposes of this part: (1) An "official proceeding" is any proceeding held or which may be held before any legislative, judicial, administrative or other agency or official authorized to take evidence under oath, including any referee, hearing examiner, commissioner or notary or other person taking evidence in connection with any proceeding. (2) "Benefit" means monetary advantage, or anything regarded by the beneficiary as a monetary advantage, including benefit to any person or entity in whose welfare the beneficiary is interested. (3) "Public servant" is an officer or employee of government or a quasi-public agency, as defined in section 1-120, elected or appointed, and any person participating as advisor, consultant or otherwise, paid or unpaid, in performing a governmental function. (4) "Government" includes any branch, subdivision or agency of the state or any locality

within it. (5) "Labor official" means any duly appointed or elected representative of a labor organization or any duly appointed or elected trustee or representative of an employee welfare trust fund. (6) "Witness" is any person summoned, or who may be summoned, to give testimony in an official proceeding. (7) "Juror" is any person who has been drawn or summoned to serve or act as a juror in any court. (8) "Physical evidence" means any article, object, document, record or other thing of physical substance which is or is about to be produced or used as evidence in an official proceeding. (9) "Person selected to be a public servant" means any person who has been nominated or appointed to be a public servant. (1969, P.A. 828, S. 148; P.A. 80-479, S. 1; P.A. 99-240, S. 12; June 11 Sp. Sess. P.A. 08-3, S. 7.) History: P.A. 80-479 substituted "monetary advantage" for "gain or advantage" in Subdiv. (2), specified "paid or unpaid" advisors or consultants in Subdiv. (3) and added Subdiv. (9) defining "person selected to be a public servant"; P.A. 99-240 made definitions applicable to new Sec. 53a-151a but specific reference not added since said Sec. already included in existing reference to "this part" and made a technical change in Subdiv. (2) for purposes of gender neutrality; June 11 Sp. Sess. P.A. 08-3 redefined "public servant" in Subdiv. (3) to include reference to quasi-public agency. Cited. 172 C. 458; 200 C. 664; 201 C. 379. Cited. 2 CA 204; 22 CA 449; 40 CA 643. Section defines official proceeding as broadly covering presently instituted proceedings, as well as future proceedings that "may be held"; definition of witness includes those who have already been summoned to testify, as well as those who may be called to testify in the future. 160 CA 251.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-147. - Bribery: Class C felony.

(a) A person is guilty of bribery if he promises, offers, confers or agrees to confer upon a public servant or a person selected to be a public servant, any benefit as consideration for the recipient's decision, opinion, recommendation or vote as a public servant or a person selected to be a public servant. (b) Bribery is a class C felony. (1969, P.A. 828, S. 149; P.A. 80-479, S. 2; P.A. 03-259, S. 46.) History: P.A. 80-479 included bribery of persons selected to be public servants in provisions and bribery consisting of promises of benefits for recipient's decision, opinion, recommendation of vote, deleting reference to "other exercise of discretion"; P.A. 03-259 amended Subsec. (b) to change bribery from a class D felony to a class C felony. Offense of offering gratuity requires element of proof, specific intent, which is not needed to prove greater offense of bribery; it is no defense for crime of bribery that police officer had no authority to take action desired by bribe given; covers crime of bribery in broad terms and is not limited to administration of justice and attempts to influence legislation. 172 C. 458. Sec. 29-9 is not lesser included offense to this charge, and acceptance of guilty plea to said section was nullity. Id., 608. Cited. 1 CA 524; 5 CA 125; 9 CA 15; 14 CA 322; 21 CA 386. The term "offer" is undefined, but section language is similar to federal bribery statute, 18 USC 201(b), and, under federal law, a bribery conviction must be based on more than evidence of mere preparation, but must progress to the point that defendant made an offer that consisted of an expression of a desire and an ability to pay the public official for performing a proscribed act. 156 CA 650.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-148. - Bribe receiving: Class C felony.

(a) A public servant or a person selected to be a public servant is guilty of bribe receiving if he solicits, accepts or agrees to accept from another person any benefit for, because of, or as consideration for his decision, opinion, recommendation or vote. (b) Bribe receiving is a class C felony. (1969, P.A. 828, S. 150; P.A. 80-479, S. 3; P.A. 92-260, S. 61; P.A. 03-259, S. 47.) History: P.A. 80-479 applied provisions to persons selected to be public servants and reworded Subsec. (a); P.A. 92-260 amended Subsec. (a) to replace "another" with "another person"; P.A. 03-259 amended Subsec. (b) to change bribe receiving from a class D felony to a class C felony. Offense under Sec. 29-9 is not a lesser included offense. 201 C. 379. Cited. 208 C. 411; 214 C. 657; 229 C. 716. Cited. 5 CA 125; 14 CA 322; 17 CA 486; 20 CA 386; 22 CA 449.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-148a. - Failure to report bribery: Class A misdemeanor.

(a) A public servant, as defined in section 53a-146, is guilty of failure to report bribery when the public servant: (1) Knows that (A) another person has attempted to bribe such public servant, as defined in section 53a-147, or (B) such public servant has witnessed either (i) a person attempting to bribe another public servant, as defined in section 53a-147, or (ii) another public servant commit the crime of bribe receiving, as defined in section 53a-148; and (2) does not, as soon as reasonably practicable, report such crime to a law enforcement agency. (b) Failure to report bribery is a class A misdemeanor. (June 11 Sp. Sess. P.A. 08-3, S. 6.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-149. - Bribery of a witness: Class C felony.

(a) A person is guilty of bribery of a witness if he offers, confers or agrees to confer upon a witness any benefit to influence the testimony or conduct of such witness in, or in relation to, an official proceeding. (b) Bribery of a witness is a class C felony. (1969, P.A. 828, S. 151; P.A. 03-259, S. 48.) History: P.A. 03-259 amended Subsec. (b) to change bribery of a witness from a class D felony to a class C felony. Cited. 192 C. 98. Cited. 12 CA 74. State not required to establish existence of official proceeding at time of defendant's offer because definitions in Sec. 53a-146 encompass future proceedings that may be held and witnesses who may be summoned, and because crime of bribery is committed as soon as offer is made and, thus, it is irrelevant whether offer was made before or after institution of official proceeding; section is specific intent crime, requiring that act be made with the intent of

influencing testimony or conduct. 160 CA 251. Trial court's interpretation of the term "influence" as meaning to alter comports with the state Supreme Court's construction of the relevant statutory language. 164 CA 459.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-150. - Bribe receiving by a witness: Class C felony.

(a) A witness is guilty of bribe receiving by a witness if he solicits, accepts or agrees to accept any benefit from another person upon an agreement or understanding that such benefit will influence his testimony or conduct in, or in relation to, any official proceeding. (b) Bribe receiving by a witness is a class C felony. (1969, P.A. 828, S. 152; P.A. 03-259, S. 51.) History: P.A. 03-259 amended Subsec. (b) to change bribe receiving by a witness from a class D felony to a class C felony.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-151. - Tampering with a witness: Class C felony.

(a) A person is guilty of tampering with a witness if, believing that an official proceeding is pending or about to be instituted, he induces or attempts to induce a witness to testify falsely, withhold testimony, elude legal process summoning him to testify or absent himself from any official proceeding. (b) Tampering with a witness is a class C felony. (1969, P.A. 828, S. 153; P.A. 03-259, S. 52.) History: P.A. 03-259 amended Subsec. (b) to change tampering with a witness from a class D felony to a class C felony. Cited. 193 C. 526; 196 C. 242; 197 C. 369; 200 C. 664; 204 C. 330; 228 C. 147; Id., 918; 230 C. 686; Id., 698. Cited. 1 CA 647; 12 CA 74; 26 CA 758; 30 CA 95; judgment reversed, see 228 C. 147; 33 CA 143; 46 CA 741. Defendant's claim that statute is so vague and indefinite that it violates the due process clause of Art. I, Sec. 8 of the state constitution and the fourteenth amendment to the federal constitution because it did not clearly define his conduct—telephoning victim despite police warnings not to contact her and instructing her to tell police that “nothing ever happened”—is without merit; language of statute plainly warns potential perpetrators that statute applies to any conduct that is intended to prompt witness to testify falsely or to refrain from testifying in an official proceeding that the perpetrator believes to be pending or imminent; legislature's unqualified use of word “induce” clearly informs persons of ordinary intelligence that any conduct, physical or verbal, can potentially give rise to criminal liability. 74 CA 473. Supreme Court made clear that liability under section hinges on mental state of the perpetrator in engaging in the conduct at issue, not on whether he must overcome by coercive means the will of a witness reluctant to do so; as interpreted in our case law, section provides fair warning of the conduct that it prohibits. 83 CA 672. Section can be violated even if witness may be independently willing to provide false testimony; person became a “witness” who may be summoned to testify in an official proceeding once defendant began discussing defendant's case with the person. 138 CA 420. Defendant may not avoid liability by inducing a witness' false testimony through the use of an intermediary instead of communicating directly with the witness. 143 CA 438. Cited. 39 CS 428; 41 CS 525; 43 CS 46. Subsec. (a): Subsec. applies whenever defendant believes that an official proceeding will probably occur, even if the police are only at the investigation stage and regardless of whether an official proceeding is actually pending or about to be instituted; “about to be instituted” signifies probability rather than temporal proximity; section does not apply when defendant believes that only an investigation, but not an official proceeding, is likely to occur; the jury may consider defendant's attempt to prevent a potential witness from speaking with the police as evidence of his intent to induce the witness to engage in conduct prohibited by section. 312 C. 551. Cited. 41 CA 584. The “pending or about to be instituted” element may be satisfied when facts support the inference that defendant reasonably could have contemplated that an official proceeding was likely to arise; it is enough under statute to satisfy required belief that an official proceeding is “about to be instituted” and is therefore imminent if defendant, knowing he has been implicated in a crime, threatens a likely witness to that crime to withhold evidence from the police; it is sufficient to qualify as tampering that defendant attempted to discourage the witness from speaking to the police, as opposed to testifying at trial, when there was evidence that defendant believed an official proceeding was imminent. 110 CA 608.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-151a. - Intimidating a witness: Class B felony.

(a) A person is guilty of intimidating a witness when, believing that an official proceeding is pending or about to be instituted, such person uses, attempts to use or threatens the use of physical force against a witness or another person with intent to (1) influence, delay or prevent the testimony of the witness in the official proceeding, or (2) induce the witness to testify falsely, withhold testimony, elude legal process summoning the witness to testify or absent himself or herself from the official proceeding. (b) Intimidating a witness is a class B felony. (P.A. 99-240, S. 1; P.A. 17-24, S. 1.) History: P.A. 17-24 amended Subsec. (b) to change intimidating a witness from a class C felony to a class B felony. The phrase “believing that an official proceeding is pending or about to be instituted” is satisfied as long as the defendant believes that an official proceeding will probably occur, and it does not matter whether an official proceeding is actually pending or is about to be instituted. 321 C. 729. Jury reasonably could have concluded that Facebook messages sent to witness by defendant forecasted future physical harm and were sent with the intent to influence, delay or prevent testimony at an official proceeding. 152 CA 590.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-152. - Bribery of a juror: Class C felony.

(a) A person is guilty of bribery of a juror if he offers, confers or agrees to confer upon a juror any benefit as consideration for the

juror's decision or vote. (b) Bribery of a juror is a class C felony. (1969, P.A. 828, S. 154; P.A. 73-639, S. 10.) History: P.A. 73-639 made bribery of a juror a Class C, rather than a Class D, felony.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-153. - Bribe receiving by a juror: Class C felony.

(a) A juror is guilty of bribe receiving by a juror if he solicits, accepts or agrees to accept from another person any benefit as consideration for his decision or vote. (b) Bribe receiving by a juror is a class C felony. (1969, P.A. 828, S. 155; P.A. 73-639, S. 11; P.A. 92-260, S. 62.) History: P.A. 73-639 made bribe receiving by a juror a Class C, rather than a Class D, felony; P.A. 92-260 amended Subsec. (a) to replace “another” with “another person”.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-154. - Tampering with a juror: Class D felony.

(a) A person is guilty of tampering with a juror if he influences any juror in relation to any official proceeding to or for which such juror has been drawn, summoned or sworn. (b) Tampering with a juror is a class D felony. (1969, P.A. 828, S. 156.) Cited. 170 C. 601. Cited. 38 CS 464.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-155. - Tampering with or fabricating physical evidence: Class D felony.

(a) A person is guilty of tampering with or fabricating physical evidence if, believing that a criminal investigation conducted by a law enforcement agency or an official proceeding is pending, or about to be instituted, such person: (1) Alters, destroys, conceals or removes any record, document or thing with purpose to impair its verity or availability in such criminal investigation or official proceeding; or (2) makes, presents or uses any record, document or thing knowing it to be false and with purpose to mislead a public servant who is or may be engaged in such criminal investigation or official proceeding. (b) Tampering with or fabricating physical evidence is a class D felony. (1969, P.A. 828, S. 157; P.A. 15-211, S. 9.) History: P.A. 15-211 amended Subsec. (a) by adding provision re criminal investigation conducted by law enforcement agency and making technical and conforming changes. Cited. 214 C. 540; 236 C. 514; 237 C. 339. Section applies, no matter what stage the police have actually reached in their investigation, provided defendant believes it is probable that an official proceeding will arise; omission of the term “investigation” from section excludes situations in which defendant believes only an investigation, but not an official proceeding, is likely to take place. 314 C. 354. Cited. 1 CA 540; 6 CA 394; 25 CA 624. Section does not require a temporal proximity between the alleged act and the subsequent official proceeding; element re pending or about to be instituted official proceeding was satisfied when defendant reasonably could have contemplated that an official proceeding was likely to arise. 147 CA 53. Subsec. (a)(1): The word “conceal” is not defined in the section or elsewhere in the Penal Code, but a commonly understood meaning is to prevent disclosure or recognition of something and a jury could reasonably find that the defendant's placing of his vehicle in a private driveway with several other vehicles after striking the victim with his vehicle was an act of concealment. 227 CA 636.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-156. - Perjury: Class D felony.

(a) A person is guilty of perjury if, in any official proceeding, such person intentionally, under oath or in an unsworn declaration under sections 1-65aa to 1-65hh, inclusive, makes a false statement, swears, affirms or testifies falsely, to a material statement which such person does not believe to be true. (b) In any prosecution for an offense under this section, it shall be an affirmative defense that the actor was coerced into committing such offense by another person in violation of section 53a-192. (c) Perjury is a class D felony. (1969, P.A. 828, S. 158; P.A. 10-33, S. 9; 10-180, S. 7.) History: P.A. 10-33 added reference to an unsworn declaration under Secs. 1-65aa to 1-65hh; P.A. 10-180 amended Subsec. (a) to make technical changes, added new Subsec. (b) re affirmative defense of coercion and redesignated existing Subsec. (b) as Subsec. (c), effective June 8, 2010. Cited. 175 C. 279; 189 C. 92; 193 C. 474; 200 C. 243. One-witness-plus-corroboration rule discussed. 204 C. 472. Cited. 4 CA 359; 5 CA 552; 9 CA 686; 10 CA 605; 17 CA 395.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-157a. - False statement on a certified payroll: Class D felony.

(a) A person is guilty of false statement on a certified payroll when such person intentionally makes a false written statement on a certified payroll submitted pursuant to section 31-53 which such person does not believe to be true and which statement is intended to mislead a contracting authority or the Labor Commissioner in the exercise of his authority or the fulfillment of his duties under chapter 557. (b) False statement on a certified payroll is a class D felony. (P.A. 93-392, S. 7; P.A. 13-144, S. 1.) History: P.A. 13-144 changed “false statement in the first degree” to “false statement on a certified payroll” and made technical changes.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-157b. (Formerly Sec. 53a-157). - False statement: Class A misdemeanor.

(a) A person is guilty of false statement when such person (1) intentionally makes a false written statement that such person does not

believe to be true with the intent to mislead a public servant in the performance of such public servant's official function, and (2) makes such statement under oath or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable. (b) False statement is a class A misdemeanor. (1969, P.A. 828, S. 159; P.A. 93-392, S. 6; P.A. 13-144, S. 2.) History: P.A. 93-392 amended Subsecs. (a) and (b) to classify the intentional making of a false written statement other than on a certified payroll as false statement "in the second degree"; Sec. 53a-157 transferred to Sec. 53a-157b in 1995; P.A. 13-144 changed "false statement in the second degree" to "false statement" and made technical changes. Annotations to former section 53a-157: Cited. 186 C. 265; 200 C. 310; Id., 743; 221 C. 93; 227 C. 1; 238 C. 588. Cited. 6 CA 143; 9 CA 686; 28 CA 733; 34 CA 694; 35 CA 714; 36 CA 556. Cited. 38 CS 340; Id., 695; 40 CS 145. Annotations to present section: Cited. 233 C. 527; 235 C. 679.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-158. - Bribery of a labor official: Class D felony.

(a) A person is guilty of bribery of a labor official if he offers, confers or agrees to confer upon a labor official any benefit with intent to influence him in respect to any of his acts, decisions or duties as such labor official. (b) Bribery of a labor official is a class D felony. (1969, P.A. 828, S. 160.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-159. - Bribe receiving by a labor official: Class D felony.

(a) A labor official is guilty of bribe receiving by a labor official if he solicits, accepts or agrees to accept any benefit from another person upon an agreement or understanding that such benefit will influence him in respect to any of his acts, decisions or duties as such labor official. (b) Bribe receiving by a labor official is a class D felony. (1969, P.A. 828, S. 161.) Cited. 229 C. 479.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-160. - Commercial bribery: Class D felony.

(a) A person is guilty of commercial bribery when he confers, or agrees to confer, any benefit upon any employee, agent or fiduciary without the consent of the latter's employer or principal, with intent to influence his conduct in relation to his employer's or principal's affairs. (b) Commercial bribery is a class D felony. (1969, P.A. 828, S. 162; P.A. 03-259, S. 44.) History: P.A. 03-259 amended Subsec. (b) to change commercial bribery from a class A misdemeanor to a class D felony. Cited. 14 CA 236.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-161. - Receiving a commercial bribe: Class D felony.

(a) An employee, agent or fiduciary is guilty of receiving a commercial bribe when, without consent of his employer or principal, he solicits, accepts or agrees to accept any benefit from another person upon an agreement or understanding that such benefit will influence his conduct in relation to his employer's or principal's affairs. (b) Receiving a commercial bribe is a class D felony. (1969, P.A. 828, S. 163; P.A. 03-259, S. 45.) History: P.A. 03-259 amended Subsec. (b) to change receiving a commercial bribe from a class A misdemeanor to a class D felony. Cited. 229 C. 479. Cited. 20 CA 386.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-161a. - Bid rigging: Class D felony.

No person, firm, corporation, association or partnership who bids, or intends to bid, for any contract to be awarded by any commission, agency or department of the state or any political subdivision of the state shall induce or attempt to induce any other person, firm, corporation, association or partnership to submit or not to submit a bid or proposal for the purpose of restricting competition. Any person who violates the provisions of this section shall be guilty of a class D felony. (P.A. 80-454, S. 1.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-161b. - Disclosure of bid or proposal: Class A misdemeanor.

Unless otherwise required by law, the prices quoted in a bid or proposal for any contract to be awarded by any commission, agency or department of the state or any political subdivision of the state shall not be disclosed by the bidder or offeror prior to the opening, in the case of a bid, or prior to the award, in the case of a proposal, directly or indirectly to any other bidder or offeror or to any competitor. Any person who violates the provisions of this section shall be guilty of a class A misdemeanor. (P.A. 80-454, S. 2.) Cited. 14 CA 322.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-161c. - Receiving kickbacks: Class D felony.

(a) A person is guilty of receiving kickbacks when he: (1) By force, intimidation or threat of procuring dismissal from employment induces any person who is employed in the construction, completion or repair of any public building, public work, or building or work financed in whole or in part by loans or grants from the state, or who has a contract with the state, to give up any part of the compensation to which he is entitled; (2) knowingly solicits, accepts or agrees to accept any benefit, in cash or in kind, from another person upon an agreement or understanding that such benefit will influence such person's conduct in relation to referring an

individual or arranging for the referral of an individual for the furnishing of any goods, facilities or services to such other person under contract to provide goods, facilities or services to a local, state or federal agency; or (3) by force, intimidation or threat, such person induces another person who has a contract with the state to give up any part of the compensation to which such other person is entitled. For the purposes of this section and section 53a-161d, “refer” means to send, direct or recommend and “referral” means the act of sending, directing or recommending. For purposes of this subsection, “benefit” shall not include forms of remuneration listed in 42 CFR Section 1001.952. (b) Receiving kickbacks is a class D felony. (P.A. 80-290; P.A. 96-169, S. 11.) History: P.A. 96-169 substituted “when he: (1) By” for “whenever he by”, added Subdivs. (2) and (3) and added definitions of “refer”, “referral” and “benefit”. Cited. 229 C. 479.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-161d. - Paying a kickback: Class D felony.

(a) A person is guilty of paying a kickback when he knowingly offers or pays any benefit, in cash or kind, to any person with intent to influence such person: (1) To refer an individual, or to arrange for the referral of an individual, for the furnishing of any goods, facilities or services for which a claim for benefits or reimbursement has been filed with a local, state or federal agency; or (2) to purchase, lease, order or arrange for or recommend the purchasing, leasing or ordering of any goods, facilities or services for which a claim of benefits or reimbursement has been filed with a local, state or federal agency. (b) Paying a kickback is a class D felony. (P.A. 96-169, S. 12; June Sp. Sess. P.A. 98-1, S. 38, 121.) History: June Sp. Sess. P.A. 98-1 made a technical change in Subsec. (a), effective June 24, 1998.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-162. - Rigging: Class D felony.

(a) A person is guilty of rigging if, with intent to prevent a publicly exhibited sporting or other contest from being conducted in accordance with the rules and usages purporting to govern it, he: (1) Confers or offers or agrees to confer any benefit upon, or threatens any injury to, a participant, official or other person associated with the contest or exhibition; or (2) tampers with any person, animal or thing. (b) Rigging is a class D felony. (1969, P.A. 828, S. 164.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-163. - Soliciting or accepting benefit for rigging: Class A misdemeanor.

(a) A person is guilty of soliciting or accepting benefit for rigging if he knowingly solicits, accepts or agrees to accept any benefit the giving of which would be criminal under section 53a-162. (b) Soliciting or accepting benefit for rigging is a class A misdemeanor. (1969, P.A. 828, S. 165.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-164. - Participation in a rigged contest: Class A misdemeanor.

(a) A person is guilty of participation in a rigged contest if he knowingly engages in, sponsors, produces, judges or otherwise participates in a publicly exhibited sporting or other contest knowing that the contest is not being conducted in compliance with the rules and usages purporting to govern it, by reason of conduct which would be criminal under section 53a-162. (b) Participation in a rigged contest is a class A misdemeanor. (1969, P.A. 828, S. 166; 1971, P.A. 871, S. 40.) History: 1971 act substituted “section 53a-162” for “this section” in Subsec. (a).

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-165. - Hindering prosecution defined.

As used in sections 53a-165aa, 53a-166 and 53a-167, a person “renders criminal assistance” when, with intent to prevent, hinder or delay the discovery or apprehension of, or the lodging of a criminal charge against, another person whom such person knows or believes has committed a felony or is being sought by law enforcement officials for the commission of a felony, or with intent to assist another person in profiting or benefiting from the commission of a felony, such person: (1) Harbors or conceals such other person; or (2) warns such other person of impending discovery or apprehension; or (3) provides such other person with money, transportation, weapon, disguise or other means of avoiding discovery or apprehension; or (4) prevents or obstructs, by means of force, intimidation or deception, any person from performing an act which might aid in the discovery or apprehension of such other person or in the lodging of a criminal charge against such other person; or (5) suppresses, by an act of concealment, alteration or destruction, any physical evidence which might aid in the discovery or apprehension of such other person or in the lodging of a criminal charge against such other person; or (6) aids such other person to protect or expeditiously profit from an advantage derived from such crime. (1969, P.A. 828, S. 167; P.A. 02-97, S. 6.) History: P.A. 02-97 made definition applicable to Sec. 53a-165aa and made technical changes, including changes for purposes of gender neutrality. Cited. 205 C. 17; 223 C. 595. Cited. 7 CA 470.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-165aa. - Hindering prosecution in the first degree: Class C felony.

(a) A person is guilty of hindering prosecution in the first degree when such person renders criminal assistance to another person

who has committed a class A or B felony or an unclassified felony for which the maximum penalty is imprisonment for more than ten years and such other person committed such felony with intent to intimidate or coerce the civilian population or a unit of government. (b) Hindering prosecution in the first degree is a class C felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court. (P.A. 02-97, S. 3.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-166. - Hindering prosecution in the second degree: Class C felony.

(a) A person is guilty of hindering prosecution in the second degree when such person renders criminal assistance to another person who has committed a class A or class B felony or an unclassified felony for which the maximum penalty is imprisonment for more than ten years. (b) Hindering prosecution in the second degree is a class C felony. (1969, P.A. 828, S. 168; P.A. 78-37, S. 1; P.A. 02-97, S. 4; P.A. 03-259, S. 49.) History: P.A. 78-37 classified rendering assistance to person who committed an unclassified offense punishable by maximum imprisonment of more than 10 years as hindering prosecution in the first degree; P.A. 02-97 changed the name of the offense from “hindering prosecution in the first degree” to “hindering prosecution in the second degree” and made technical changes, including a change for purposes of gender neutrality; P.A. 03-259 amended Subsec. (b) to change hindering prosecution in the second degree from a class D felony to a class C felony. Cited. 200 C. 310; 223 C. 595. Cited. 7 CA 470; 22 CA 601; 28 CA 721. Cited. 38 CS 521.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-167. - Hindering prosecution in the third degree: Class D felony.

(a) A person is guilty of hindering prosecution in the third degree when such person renders criminal assistance to another person who has committed a class C, D or E felony or an unclassified felony for which the maximum penalty is imprisonment for ten years or less but more than one year. (b) Hindering prosecution in the third degree is a class D felony. (1969, P.A. 828, S. 169; P.A. 78-37, S. 2; P.A. 02-97, S. 5; P.A. 03-259, S. 50; P.A. 13-258, S. 7.) History: P.A. 78-37 classified assisting person who committed an unclassified offense punishable by maximum imprisonment of 1 to 10 years as hindering prosecution in the second degree; P.A. 02-97 changed the name of the offense from “hindering prosecution in the second degree” to “hindering prosecution in the third degree” and made technical changes, including a change for purposes of gender neutrality; P.A. 03-259 amended Subsec. (b) to change hindering prosecution in the third degree from a class A misdemeanor to a class D felony; P.A. 13-258 amended Subsec. (a) to add reference to a class E felony. Cited. 205 C. 17. Cited. 1 CA 540; 30 CA 712.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-167a. - Interfering with an officer: Class A misdemeanor or class D felony.

(a) A person is guilty of interfering with an officer when such person obstructs, resists, hinders or endangers any peace officer or firefighter in the performance of such peace officer's or firefighter's duties. (b) Interfering with an officer is a class A misdemeanor, except that, if such violation causes the death or serious physical injury of another person, such person shall be guilty of a class D felony. (1971, P.A. 871, S. 50; P.A. 76-225; P.A. 01-84, S. 11, 26; P.A. 05-180, S. 4; P.A. 08-150, S. 52; P.A. 10-36, S. 22; 10-110, S. 51; P.A. 13-300, S. 1; P.A. 19-108, S. 6; P.A. 22-117, S. 12.) History: P.A. 76-225 reworded Subsec. (a) to eliminate redundant reference to interference with peace officer or fireman and made interference with an officer a Class A misdemeanor rather than a Class D felony; P.A. 01-84 amended Subsec. (a) to replace “fireman” with “firefighter” and make other technical changes for purposes of gender neutrality, effective July 1, 2001; P.A. 05-180 amended Subsec. (a) to include a special policeman appointed under Sec. 29-18b within purview of subsection; P.A. 08-150 amended Subsec. (a) to include Department of Motor Vehicles inspector appointed under Sec. 14-8 and certified pursuant to Sec. 7-294d within purview of section; P.A. 10-36 amended Subsec. (a) to replace “Department of Motor Vehicles inspector appointed” with “motor vehicle inspector designated”, add “motor vehicle inspector's” re performance of duties and make a technical change, effective July 1, 2010; P.A. 10-110 made a technical change in Subsec. (a); P.A. 13-300 amended Subsec. (b) to establish class D felony penalty if violation causes death or serious physical injury of another; P.A. 19-108 amended Subsec.(a) to delete references to motor vehicle inspector; P.A. 22-117 amended Subsec. (a) to delete references to special policeman appointed under Sec. 29-18b, effective May 27, 2022. Cited. 182 C. 242; 189 C. 1; 191 C. 433; 194 C. 347; 195 C. 668; 198 C. 43; 205 C. 456; 211 C. 389; 220 C. 38; 230 C. 400; 234 C. 78; 236 C. 214. Refusal to comply with police command to provide identification following a “Terry” stop may constitute a violation of section even if such refusal is unaccompanied by any physical force or other affirmative act; statute broadly proscribes conduct that hinders, obstructs or impedes a police officer in performance of duties, irrespective of whether offending conduct is active or passive. 280 C. 824. Re 2003 revision, Appellate Court's determination that evidence was insufficient to support defendant's conviction and that defendant lacked requisite intent was improper in case where defendant, when asked to produce license and registration, swore at officer and left scene, and potential applicability of Sec. 14-217 to present case does not preclude conviction under this section which was drafted expansively to encompass wide range of conduct. 285 C. 447. Evidence was not sufficient to convict defendant under section due to state's failure to pursue a theory of guilt predicated on threatening language and where the trial court did not instruct the jury on the true threat doctrine. 321 C. 729. Cited. 1 CA 540; Id., 709; 5 CA 616. Statute meets requirement of fair notice to defendant. 6 CA 407. Cited. 7 CA 257; 8 CA 153; 10 CA 486; Id., 532; 12 CA 364; 14 CA 10; 15 CA 58; Id., 161; 18 CA 104; 21 CA 326; 22 CA 10; Id., 683; 23 CA 83; Id., 447; Id., 479; 24 CA 473; judgment reversed in part, see 221 C. 788; Id., 598; 27 CA 49; Id., 103; 28 CA

369; 30 CA 45; 31 CA 178; 36 CA 106; judgment reversed, see 234 C. 78; 37 CA 276; 38 CA 56; 40 CA 601; 42 CA 507; 43 CA 76; 45 CA 369; 46 CA 118. Broad intent is to prohibit conduct that hampers activities of police in performance of their duties, including physical resistance as well as defendant's conduct in this case, in which, after officer saw defendant in window and ordered him at gunpoint to get down and show his hands, defendant reentered building and fled through another window. 66 CA 357. Legislature did not intend failure to identify oneself instantly and voicing of declaratory statements, such as "this isn't Russia", to constitute interference or obstruction under section. 86 CA 363. Interfering with an officer is lesser offense included in greater offense of assault of public safety personnel and thus conviction of both offenses for same act constituted double jeopardy violation. Id., 607. Conviction reversed in case where defendant, when asked to produce license and registration, swore at officer and left scene to bring brother to hospital because section requires physical struggle, attempt to escape or to destroy evidence and there was not sufficient evidence to support conviction under section. 93 CA 349; judgment reversed, see 285 C. 447. Evidence was sufficient to support conviction for interfering with an officer. 96 CA 341. Defendant who placed arresting officer in head lock was in violation of section regardless of whether officer had probable cause for making the arrest. 98 CA 350. Under facts presented, conviction of assault of public safety personnel under Sec. 53a-167c(a)(5) and interfering with officer under this section does not violate double jeopardy because each crime required proof of different facts. 124 CA 294. Text message to witness telling him not to write statement to police and to "keep [his] mouth shut" could not be construed to be fighting words that by their very utterance inflict injury or tend to incite an immediate breach of peace. 152 CA 590. Conviction of both interfering with a peace officer under this section and assault of public safety personnel under Sec. 53a-167c(a)(1) does not constitute double jeopardy when evidence demonstrates that the two crimes did not stem from the same conduct. 167 CA 281; judgment affirmed, see 328 C. 648. Cited. 33 CS 4. Construed. Id., 515. Intention to interfere is necessary element of offense; charge to jury also required knowledge of officer's duty; unlawful entry by officer would not be "in the performance of his duties", so proof of lawfulness is essential element of state's case and Sec. 53a-23 is applicable. 34 CS 531. Evidence was sufficient to sustain conviction. Id., 549. Cited. 36 CS 89; 37 CS 767; 38 CS 364; Id., 400; Id., 665; 39 CS 347; 43 CS 46. Subsec. (a): Cited. 221 C. 788. In order to sustain a conviction under statute, there must be a finding that police officers had been acting in the performance of their duties. 261 C. 553. Defendant acted with the intent to interfere with the performance of the officers' duties; defendant's act does not have to be successful. 1 CA 669. Cited. 5 CA 496; 9 CA 255; 13 CA 667; 17 CA 104; 21 CA 260; 23 CA 123; 24 CA 195; Id., 489; 25 CA 3, 5; 32 CA 224; 33 CA 509; 41 CA 584; 46 CA 791. There was sufficient evidence to support conviction of interfering with an officer where defendant provided police with a false name when asked for his name at crime scene and again while being booked for drug offenses at police headquarters. 110 CA 778. Conviction of both interfering with officer under Subsec. and assault of peace officer under Sec. 53a-167c(a)(1) constitutes double jeopardy. 119 CA 556.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-167b. - Failure to assist peace officer or firefighter: Class A misdemeanor.

(a) A person is guilty of failure to assist a peace officer or firefighter when, commanded by a peace officer or firefighter authorized to command assistance, such person refuses to assist such peace officer or firefighter in the execution of such peace officer's or firefighter's duties. (b) Failure to assist a peace officer or firefighter is a class A misdemeanor. (1971, P.A. 871, S. 51; P.A. 01-84, S. 12, 26; P.A. 05-180, S. 5; P.A. 08-150, S. 53; P.A. 10-36, S. 23; 10-110, S. 52; P.A. 19-108, S. 7; P.A. 22-117, S. 13.) History: P.A. 01-84 replaced "fireman" with "firefighter" and made other technical changes for purposes of gender neutrality, effective July 1, 2001; P.A. 05-180 changed the name of the offense from "failure to assist a peace officer or firefighter" to "failure to assist a peace officer, special policeman or firefighter" and included a special policeman appointed under Sec. 29-18b within purview of section; P.A. 08-150 included Department of Motor Vehicles inspector appointed under Sec. 14-8 and certified pursuant to Sec. 7-294d within purview of section and changed name of offense from "failure to assist a peace officer, special policeman or firefighter" to "failure to assist a peace officer, special policeman, motor vehicle inspector or firefighter"; P.A. 10-36 amended Subsec. (a) to replace "Department of Motor Vehicles inspector appointed" with "motor vehicle inspector designated", add "motor vehicle inspector's" re execution of duties and make technical changes, effective July 1, 2010; P.A. 10-110 made a technical change in Subsec. (a); P.A. 19-108 deleted references to motor vehicle inspector; P.A. 22-117 deleted references to special policeman appointed under Sec. 29-18b, effective May 27, 2022. Cited. 216 C. 820. Section not facially unconstitutional under fourth or fourteenth amendments. 217 C. 73. Cited. 218 C. 483. Cited. 22 CA 683; 31 CA 443.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-167c. - Assault of public safety, emergency medical, public transit or health care personnel: Class C felony.

(a) A person is guilty of assault of public safety, emergency medical, public transit or health care personnel when, with intent to prevent a reasonably identifiable peace officer, firefighter or employee of an emergency medical service organization, as defined in section 53a-3, emergency room physician or nurse, health care employee as defined in section 19a-490q, employee of the Department of Correction, member or employee of the Board of Pardons and Paroles, probation officer, employee of the Judicial Branch assigned to provide pretrial or post-conviction secure detention and programming services to juveniles accused of the commission of a delinquent act, liquor control agent, state or municipal animal control officer, security officer, employee of the Department of Children and Families assigned to provide direct services to children and youths in the care or custody of the department, employee of a municipal police department assigned to provide security at the police department's lockup and holding facility, active individual member of a volunteer canine search and rescue team, as defined in section 5-249, or public transit

employee from performing his or her duties, and while such peace officer, firefighter, employee, physician, nurse, health care employee, member, liquor control agent, animal control officer, security officer, probation officer or active individual member is acting in the performance of his or her duties, (1) such person causes physical injury to such peace officer, firefighter, employee, physician, nurse, member, liquor control agent, animal control officer, security officer, probation officer or active individual member, or (2) such person throws or hurls, or causes to be thrown or hurled, any rock, bottle, can or other article, object or missile of any kind capable of causing physical harm, damage or injury, at such peace officer, firefighter, employee, physician, nurse, member, liquor control agent, animal control officer, security officer, probation officer or active individual member, or (3) such person uses or causes to be used any mace, tear gas or any like or similar deleterious agent against such peace officer, firefighter, employee, physician, nurse, member, liquor control agent, animal control officer, security officer, probation officer or active individual member, or (4) such person throws or hurls, or causes to be thrown or hurled, any paint, dye or other like or similar staining, discoloring or coloring agent or any type of offensive or noxious liquid, agent or substance at such peace officer, firefighter, employee, physician, nurse, member, liquor control agent, animal control officer, security officer, probation officer or active individual member, or (5) such person throws or hurls, or causes to be thrown or hurled, any bodily fluid including, but not limited to, urine, feces, blood or saliva at such peace officer, firefighter, employee, physician, nurse, member, liquor control agent, animal control officer, security officer, probation officer or active individual member. For the purposes of this section, "public transit employee" means a person employed by the state, a political subdivision of the state, a transit district formed under chapter 103a or a person with whom the Commissioner of Transportation has contracted in accordance with section 13b-34 to provide transportation services who operates a vehicle or vessel providing public ferry service or fixed route bus service or performs duties directly related to the operation of such vehicle or vessel, or who, as part of the provision of public rail service, is a train operator, conductor, inspector, signal person or station agent and "security officer" has the same meaning as provided in section 29-152u. (b) Assault of public safety, emergency medical, public transit or health care personnel is a class C felony. If any person who is confined in an institution or facility of the Department of Correction is sentenced to a term of imprisonment for assault of an employee of the Department of Correction under this section, such term shall run consecutively to the term for which the person was serving at the time of the assault. (c) In any prosecution under this section involving assault of a health care employee, as defined in section 19a-490q, it shall be an affirmative defense that the defendant is a person with a disability as described in subdivision (13), (15) or (20) of section 46a-51 and the defendant's conduct was a clear and direct manifestation of the disability, except that for the purposes of this subsection, "mental disability", as defined in subdivision (20) of section 46a-51, does not include any abnormality manifested only by repeated criminal or antisocial conduct. (P.A. 73-639, S. 19; P.A. 90-157, S. 2; 90-250, S. 2; P.A. 93-246, S. 1; P.A. 94-62; P.A. 98-41; P.A. 99-26, S. 28; 99-204; P.A. 01-84, S. 13, 26; P.A. 03-6, S. 1; 03-19, S. 126; P.A. 04-234, S. 2; 04-241, S. 3; 04-257, S. 120; P.A. 05-108, S. 7; 05-180, S. 6; P.A. 06-196, S. 185; P.A. 08-150, S. 54; P.A. 09-191, S. 2; P.A. 10-36, S. 24; P.A. 11-175, S. 4; P.A. 13-111, S. 1; P.A. 15-211, S. 15; P.A. 17-216, S. 3; P.A. 19-108, S. 8; P.A. 22-117, S. 14; P.A. 23-46, S. 9.) History: P.A. 90-157 applied provisions to assaults of employees of an emergency medical service organization; P.A. 90-250 applied provisions to employees of the department of correction, specified that assault must occur while peace officer, fireman or correction department employee is acting in performance of his duties and added provision re consecutive sentences for persons sentenced for assault of correction department employees; P.A. 93-246 applied provisions to assault of an employee or member of the board of parole or probation officer; P.A. 94-62 applied the provisions to emergency room physicians and emergency room nurses; P.A. 98-41 applied provisions to an assault of an employee of the Judicial Branch assigned to provide pretrial secure detention and programming services to juveniles accused of the commission of a delinquent act or an assault of an employee of the Department of Children and Families performing duties at Long Lane School; P.A. 99-26 revised the category of employees of the Department of Children and Families to which provisions apply by replacing an employee "performing duties at Long Lane School" with an employee "assigned to provide direct services to children and youth in the care or custody of the department"; P.A. 99-204 added Subsec. (a)(5) re throwing or hurling any bodily fluid at specified personnel and changed the name of the offense to "assault of public safety or emergency medical personnel" where appearing; P.A. 01-84 replaced "fireman" with "firefighter" in Subsec. (a), effective July 1, 2001; P.A. 03-6 amended Subsec. (a) to apply provisions to assault of an employee of a municipal police department assigned to provide security at the police department's lockup and holding facility and make a technical change for the purpose of gender neutrality; P.A. 03-19 made a technical change in Subsec. (a), effective May 12, 2003; P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004; P.A. 04-241 applied provisions to assaults of active individual members of volunteer canine search and rescue teams; P.A. 04-257 amended Subsec. (a) to delete reference to an employee of the Board of Parole, effective June 14, 2004; P.A. 05-108 amended Subsec. (a) to restore reference to an employee of the Board of Pardons and Paroles, effective June 7, 2005; P.A. 05-180 amended Subsec. (a) to apply provisions to assault of a special policeman appointed under Sec. 29-18b; P.A. 06-196 made a technical change in Subsec. (a), effective June 7, 2006; P.A. 08-150 amended Subsec. (a) to apply provisions to assault of Department of Motor Vehicles inspector appointed under Sec. 14-8 and certified pursuant to Sec. 7-294d; P.A. 09-191 amended Subsec. (a) to define and apply provisions to a "public transit employee", and changed name of the offense to "assault of public safety, emergency medical or public transit personnel"; P.A. 10-36 amended Subsec. (a) to replace "Department of Motor Vehicles inspector appointed" with "motor vehicle inspector designated", effective July 1, 2010; P.A. 11-175 amended Subsec. (a) to apply provisions to assault of a "health care employee as defined in section 19a-490q" and added Subsec. (c) re disability defense for defendant being prosecuted for assault of a health care employee; P.A. 13-111 amended Subsec. (a) by adding references to liquor control agent; P.A. 15-211 amended Subsec. (a) to add references to state or municipal animal control officer and security officer, redefine "public transit employee" by adding provision re

public rail service and add definition of “security officer”; P.A. 17-216 amended Subsec. (c) by replacing “a defense” with “an affirmative defense” and defining “mental disability”; P.A. 19-108 amended Subsec. (a) to delete references to motor vehicle inspector; P.A. 22-117 amended Subsec. (a) to delete references to special policeman appointed under Sec. 29-18b, effective May 27, 2022; P.A. 23-46 amended Subsec. (a) to include Judicial Branch employee assigned to provide post-conviction secure detention, effective July 1, 2023.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-167d. - Assault of a prosecutor: Class C felony.

(a) A person is guilty of assault of a prosecutor when such person, with intent to intimidate or harass, or to retaliate against, another person on account of the performance by such other person of such other person's duties as a prosecutor employed by the Division of Criminal Justice, causes physical injury to such other person. (b) Assault of a prosecutor is a class C felony. (P.A. 01-25.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-167e. - Aggravated assault of a public transit employee: Class C felony.

(a) A person is guilty of aggravated assault of a public transit employee when such person (1) commits assault of a person who is a public transit employee, as provided in section 53a-167c, and (2) in the commission of such offense, uses or is armed with and threatens the use of, or displays or represents by such person's words or conduct, that such person possesses a knife or box-cutter, or a pistol, revolver, shotgun, rifle, machine gun or other firearm. (b) Aggravated assault of a public transit employee is a class C felony, except that such person shall be fined not more than twenty thousand dollars. (P.A. 18-167, S. 11.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-167f. - Abuse of an oath document: Class D Felony.

(a) A person is guilty of abuse of an oath document, executed subsequent to an oath taken by a judicial officer pursuant to section 1-25, when he or she disseminates said oath document to a person by telegraph or mail, by electronically transmitting a facsimile through connection with a telephone network, by computer network, as defined in section 53a-250, or by any other form of written communication, with the intent to defraud, deceive, intimidate, injure or harass a judicial officer. (b) Abuse of an oath document is a class D felony. (P.A. 21-104, S. 55.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-168. - Escape: Definitions.

For purposes of sections 53a-169 to 53a-171, inclusive: (1) “Correctional institution” means the facilities defined in section 1-1 and any other correctional facility established by the Commissioner of Correction. (2) “Custody” means restraint by a public servant pursuant to an arrest or court order other than a Probate Court order directed against a person who is not in the custody of the Commissioner of Correction when such order is issued. (1969, P.A. 828, S. 170; 1971, P.A. 871, S. 41; P.A. 80-216, S. 1.) History: 1971 act replaced reference to Sec. 53a-170 with reference to Sec. 53a-171; P.A. 80-216 clarified meaning of custody as it applies to probate court orders. Cited. 240 C. 97. Cited. 37 CA 276.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-169. - Escape in the first degree: Class C felony.

(a) A person is guilty of escape in the first degree (1) if he escapes from a correctional institution or (2) if he escapes from any public or private, nonprofit halfway house, group home or mental health facility or community residence to which he was transferred pursuant to subsection (e) of section 18-100 or section 18-100c and he is in the custody of the Commissioner of Correction or is required to be returned to the custody of said commissioner upon his release from such facility or (3) if he escapes from a work detail or school on the premises of the correctional institution or (4) if he fails to return from a furlough authorized under section 18-101a or (5) if he fails to return from work release or education release as authorized under sections 18-90a and 18-100 or (6) if he escapes from a hospital for mental illness in which he has been confined under the provisions of section 17a-582, 17a-584, 17a-593, 17a-594 or 17a-596 or (7) if, while under the jurisdiction of the Psychiatric Security Review Board, but not confined to a hospital for mental illness, he leaves the state without authorization of the board. (b) Escape in the first degree is a class C felony. (1969, P.A. 828, S. 171; P.A. 73-639, S. 12; P.A. 74-338, S. 47, 94; P.A. 78-92, S. 2; P.A. 80-216, S. 2; P.A. 82-12; P.A. 84-236, S. 1; P.A. 85-506, S. 25, 32; P.A. 89-383, S. 2, 16; P.A. 98-39.) History: P.A. 73-639 replaced offense of escape from a correctional institution with offense of escape in the first degree which includes escapes from correctional institutions and escapes from work details or schools on institution premises; P.A. 74-338 specified failure to return from furlough as first degree escape; P.A. 78-92 specified escapes from halfway house, group home or mental health facility and failure to return from work-release or education release as first degree escape; P.A. 80-216 specified escape from halfway house, group home or mental health facility is first degree escape if escapee is in correction commissioner's custody or is to be returned to his custody upon release from the facility; P.A. 82-12 added Subsec. (a)(6) re person who escapes from a state hospital or treatment facility; P.A. 84-236 amended Subsec. (a)(2) to include escapes from community residences; P.A. 85-506 amended Subsec. (a)(6) to replace “state hospital or other treatment facility” with “hospital for mental illness” and replace reference to repealed Sec. 53a-47 with “section 17-257c, 17-257e,

17-257n, 17-257o or 17-257q”, and added Subdiv. (7) concerning a person under the jurisdiction of the psychiatric security review board who leaves the state; P.A. 89-383 amended Subsec. (a)(2) to include a person who escapes from his abode to which he was released pursuant to Sec. 18-100(f), effective July 5, 1989, to July 1, 1994 (Revisor's note: The amendment to this section contained in P.A. 89-393 was deleted by the Revisors following its expiration on July 1, 1994); P.A. 98-39 amended Subsec. (a)(2) to add reference to Sec. 18-100c. See Sec. 18-101a re consideration of prisoner's failure to return from furlough as crime of escape. Illegal confinement is no defense to escape from correctional institution. 169 C. 438. Cited. 184 C. 157. Held constitutional as to both due process and equal protection clauses of fourteenth amendment to U.S. Constitution. Id., 222. Defendant's acts did not constitute violation of statute as it was amended as of date of acts as he was not then under jurisdiction of Commissioner of Correction. 185 C. 517. Cited. 216 C. 402; 226 C. 497; 234 C. 301. Cited. 36 CA 440; 39 CA 333; Id., 407; Id., 789. Cited. 35 CS 544. Subsec. (a): Cited. 213 C. 38. Subdiv. (2): Proof of single failure to report insufficient to prove guilt of “escape”. 216 C. 402. Subdiv. (2): Decision of Appellate Court in 35 CA 1 overruled to the extent that it permits conviction for escape to rest solely on jury's finding that defendant repeatedly did not report to supervising officer as scheduled. 234 C. 301. Cited. 235 C. 748; 236 C. 209; Id., 266; 241 C. 322. Cited. 29 CA 817; 35 CA 1; 36 CA 680; Id., 813, 815. Subdiv. (2) simply identifies another environment—a community residence—from which an unauthorized departure, or to which a failure to return, is possible and made culpable; escape is a general intent crime, and all that is necessary to prove the element of intent is that defendant have the general intent to perform the acts that constitute the offense. 121 CA 443. Subdiv. (3): Equating failure to return from parole with escape held not violative of constitutional right to due process and equal protection. 36 CS 71.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-170. - Escape in the second degree: Class D felony.

(a) A person is guilty of escape in the second degree if he escapes from any correctional institution while employed at work outside such correctional institution. (b) Escape in the second degree is a class D felony. (1969, P.A. 828, S. 173; P.A. 73-639, S. 14; P.A. 92-260, S. 63.) History: P.A. 73-639 substituted “escape in the second degree” for “escape while at work”; P.A. 92-260 made technical changes in Subsec. (a) by repositioning and rephrasing language.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-171. - Escape from custody: Class C felony or class A misdemeanor.

(a) A person is guilty of escape from custody if such person (1) escapes from custody, or (2) has been adjudicated as delinquent, and escapes from or fails to return from an authorized leave to a state or private facility or institution in which such person has been placed by the court. (b) If a person has been arrested for, charged with or convicted of a felony, escape from such custody is a class C felony, otherwise, escape from custody is a class A misdemeanor. (1969, P.A. 828, S. 172; 1971, P.A. 16; P.A. 00-209, S. 2; P.A. 18-31, S. 42.) History: 1971 act changed escape from custody after arrest or charge for, or conviction of, a felony from a Class D to a Class C felony; P.A. 00-209 added Subsec. (a)(2) re person who has been convicted as delinquent and fails to return from an authorized leave or escapes from a facility or institution in which such person was assigned or placed and made technical changes; P.A. 18-31 amended Subsec. (a)(2) by replacing “convicted” with “adjudicated”, deleting provision re commitment to Department of Children and Families, deleting Subpara. (A) re failure to return from leave authorized under Sec. 17a-8a, deleting Subpara. (B) designator, adding provision re failure to return from authorized leave and replacing provision re person assigned or placed by Commissioner of Children and Families with provision re person placed by the court, effective July 1, 2018. Cited. 173 C. 35; 188 C. 406; 196 C. 309; 197 C. 588; 207 C. 270; 211 C. 398; 220 C. 270. Cited. 3 CA 684; 12 CA 604; 23 CA 160; Id., 615; 24 CA 287; 36 CA 691; 37 CA 276; Id., 733. Knowledge of being charged with a felony, rather than a misdemeanor, is not an essential element. 114 CA 155.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-171a. - Aiding escape from hospital or sanatorium: Class A misdemeanor.

(a) A person is guilty of aiding escape from a hospital or sanatorium when he aids the escape from a hospital or sanatorium of any person committed thereto as mentally ill or as drug dependent. (b) Aiding escape from a hospital or sanatorium is a class A misdemeanor. (1971, P.A. 871, S. 42; P.A. 76-336, S. 11.) History: P.A. 76-336 reworded Subsec. (a) for clarity and grammatical sense inserting “when he aids the escape from a hospital or sanatorium”.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-172. - Failure to appear in the first degree: Class D felony.

(a) A person is guilty of failure to appear in the first degree when (1) while charged with the commission of a felony and while out on bail or released under other procedure of law, such person wilfully fails to appear when legally called according to the terms of such person's bail bond or promise to appear, or (2) while on probation for conviction of a felony, such person wilfully fails to appear when legally called for any court hearing relating to a violation of such probation. (b) Failure to appear in the first degree is a class D felony. (1969, P.A. 828, S. 174; P.A. 92-260, S. 64; P.A. 98-26, S. 1; P.A. 10-180, S. 1.) History: P.A. 92-260 made technical changes in Subsec. (a) by repositioning and rephrasing language; P.A. 98-26 added Subsec. (a)(2) re failure to appear for a violation of probation hearing; P.A. 10-180 amended Subsec. (a) to replace in Subdiv. (2) “a violation of probation hearing” with

“any court hearing relating to a violation of such probation” and make technical changes. Cited. 176 C. 421; 221 C. 407; 222 C. 556; 223 C. 283; 227 C. 829; 229 C. 285; Id., 529; 236 C. 112; 242 C. 296. Cited. 4 CA 154; 6 CA 402; 12 CA 621; 13 CA 413; 17 CA 556; 20 CA 205; 24 CA 316; 25 CA 575; 27 CA 279; 29 CA 801; judgment reversed, see 229 C. 285; 30 CA 9; Id., 190; 34 CA 191; 36 CA 691; 37 CA 437; 39 CA 816; 41 CA 47; 43 CA 142; Id., 552. In order to prove the wilful element, state must prove beyond a reasonable doubt either that defendant received and deliberately ignored a notice to appear or that he intentionally embarked on a course of conduct designed to prevent him from receiving such notice. 108 CA 772.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-173. - Failure to appear in the second degree: Class A misdemeanor.

(a) A person is guilty of failure to appear in the second degree when (1) while charged with the commission of a misdemeanor or a motor vehicle violation for which a sentence to a term of imprisonment may be imposed and while out on bail or released under other procedure of law, such person wilfully fails to appear when legally called according to the terms of such person's bail bond or promise to appear, or (2) while on probation for conviction of a misdemeanor or motor vehicle violation, such person wilfully fails to appear when legally called for any court hearing relating to a violation of such probation. (b) Failure to appear in the second degree is a class A misdemeanor. (1969, P.A. 828, S. 175; P.A. 87-343, S. 2, 4; P.A. 92-260, S. 65; P.A. 98-26, S. 2; P.A. 10-180, S. 2.) History: P.A. 87-343 included persons charged with a motor vehicle violation for which a sentence to a term of imprisonment may be imposed; P.A. 92-260 made technical changes in Subsec. (a) by repositioning and rephrasing language; P.A. 98-26 added Subsec. (a)(2) re failure to appear for a violation of probation hearing; P.A. 10-180 amended Subsec. (a) to replace in Subdiv. (2) “a violation of probation hearing” with “any court hearing relating to a violation of such probation” and make technical changes. See Sec. 54-2e re issuance of rearrest warrant or capias for failure to appear. Cited. 227 C. 829; 234 C. 301. Cited. 6 CA 247; 8 CA 542; 11 CA 644; 13 CA 638; 17 CA 226; 20 CA 811; 38 CA 85; 43 CA 142; 45 CA 722. Pursuant to section, to support a conviction for failure to appear, state must prove beyond a reasonable doubt either that defendant received and deliberately ignored a notice to appear or that he intentionally embarked on a course of conduct designed to prevent him from receiving such notice. 61 CA 118. Cited. 35 CS 587.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-174. - Unauthorized conveyance of items into correctional or humane institution or to inmate: Class D felony. Unauthorized conveyance of letter into or from, or use of false name to enter, correctional institution: Class A misdemeanor.

(a) Any person not authorized by law who conveys or passes, or causes to be conveyed or passed, into any correctional or humane institution or the grounds or buildings thereof, or to any inmate of such an institution who is outside the premises thereof and known to the person so conveying or passing or causing such conveying or passing to be such an inmate, any controlled drug, as defined in section 21a-240, any intoxicating liquors, any firearm, weapon, dangerous instrument or explosive of any kind, any United States currency, or any rope, ladder or other instrument or device for use in making, attempting or aiding an escape, shall be guilty of a class D felony. The unauthorized conveying, passing or possession of any rope or ladder or other instrument or device, adapted for use in making or aiding an escape, into any such institution or the grounds or buildings thereof, shall be presumptive evidence that it was so conveyed, passed or possessed for such use. (b) Any person not authorized by law who conveys into any such institution any letter or other missive which is intended for any person confined therein, or who conveys from within the enclosure to the outside of such institution any letter or other missive written or given by any person confined therein, shall be guilty of a class A misdemeanor. (c) Any person or visitor who enters or attempts to enter a correctional institution or facility by using a misleading or false name or title shall be guilty of a class A misdemeanor. (1969, P.A. 828, S. 176; 1971, P.A. 871, S. 43; 1972, P.A. 12; P.A. 73-639, S. 16.) History: 1971 act applied provisions to humane institutions and replaced reference to “narcotic or hypnotic” drugs with reference to “controlled” drugs in Subsec. (a) and added Subsec. (c) re use of false or misleading name in entrance in or attempt to enter a correctional facility; 1972 act specified conveyance of U.S. currency into correctional or humane institution or to one of its inmates as Class D felony; P.A. 73-639 prohibited conveyance of any “dangerous instrument”. Cited. 42 CA 264.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-174a. - Possession of weapon or dangerous instrument in correctional institution: Class B felony.

(a) A person is guilty of possession of a weapon or dangerous instrument in a correctional institution when, being an inmate of such institution, he knowingly makes, conveys from place to place or has in his possession or under his control any firearm, weapon, dangerous instrument, explosive, or any other substance or thing designed to kill, injure or disable. (b) Possession of a weapon or dangerous instrument in a correctional institution is a class B felony. (1971, P.A. 871, S. 55; P.A. 73-639, S. 17.) History: P.A. 73-639 applied provisions with respect to possession of dangerous instruments. Cited. 169 C. 428; 195 C. 1; 227 C. 711; Id., 751; 230 C. 591; 235 C. 748, 749; 240 C. 97. Cited. 32 CA 448; 36 CA 41; 39 CA 789; 44 CA 499.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-174b. - Conveyance or use of electronic wireless communication device in correctional institution: Class A misdemeanor.

(a) A person is guilty of conveyance or use of an electronic wireless communication device in a correctional institution when such person, without authorization by the Commissioner of Correction or the commissioner's designee, (1) conveys or possesses with

intent to convey an electronic wireless communication device to any inmate of a correctional institution while such inmate is in such institution, or (2) uses an electronic wireless communication device to take a photographic or digital image in a correctional institution. (b) Conveyance or use of an electronic wireless communication device in a correctional institution is a class A misdemeanor. (P.A. 05-87, S. 1; P.A. 10-36, S. 25.) History: P.A. 10-36 restructured provisions by designating existing provisions re elements of offense as Subsec. (a) and penalty for offense as Subsec. (b), naming offense “conveyance or use of an electronic wireless communication device in a correctional institution” in Subsecs. (a) and (b) and making conforming changes, effective July 1, 2010.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-175. - Riot in the first degree: Class A misdemeanor.

(a) A person is guilty of riot in the first degree when simultaneously with six or more other persons he engages in tumultuous and violent conduct and thereby intentionally or recklessly causes or creates a grave risk of causing public alarm, and in the course of and as a result of such conduct, a person other than one of the participants suffers physical injury or substantial property damage occurs. (b) Riot in the first degree is a class A misdemeanor. (1969, P.A. 828, S. 177.) Cited. 32 CA 224.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-176. - Riot in the second degree: Class B misdemeanor.

(a) A person is guilty of riot in the second degree when, simultaneously with two or more other persons, he engages in tumultuous and violent conduct and thereby intentionally or recklessly causes or creates a grave risk of causing public alarm. (b) Riot in the second degree is a class B misdemeanor. (1969, P.A. 828, S. 178.) Cited. 32 CA 224.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-177. - Unlawful assembly: Class B misdemeanor.

(a) A person is guilty of unlawful assembly when he assembles with two or more other persons for the purpose of engaging in conduct constituting the crime of riot, or when, being present at an assembly which either has or develops such a purpose, he remains there with intent to advance that purpose. (b) Unlawful assembly is a class B misdemeanor. (1969, P.A. 828, S. 179.) Cited. 32 CA 224.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-178. - Inciting to riot: Class A misdemeanor.

(a) A person is guilty of inciting to riot when he advocates, urges or organizes six or more persons to engage in tumultuous and violent conduct of a kind likely to cause public alarm. (b) Inciting to riot is a class A misdemeanor. (1969, P.A. 828, S. 180; P.A. 92-260, S. 66.) History: P.A. 92-260 amended Subsec. (a) to replace “create” with “cause”.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-179. - Criminal advocacy: Class D felony.

(a) A person is guilty of criminal advocacy when (1) he advocates the overthrow of the existing form of government of this state or any subdivision thereof by imminent dangerous action, or (2) with knowledge of its contents, he publishes, sells or distributes any document which advocates such imminent dangerous action. (b) Criminal advocacy is a class D felony. (1969, P.A. 828, S. 181.) Cited. 197 C. 436.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-179a. - Inciting injury to persons or property: Class C felony.

(a) A person is guilty of inciting injury to persons or property when, in public or private, orally, in writing, in printing or in any other manner, he advocates, encourages, justifies, praises, incites or solicits the unlawful burning, injury to or destruction of any public or private property or advocates, encourages, justifies, praises, incites or solicits any assault upon any organization of the armed forces of the United States, as defined in section 27-103, or of this state, as defined in section 27-2, or the police force of this or any other state or upon any officer or member thereof or the organized police or fire departments of any municipality or any officer or member thereof, or the killing or injuring of any class or body of persons, or of any individual. (b) Inciting injury to persons or property is a class C felony. (1971, P.A. 871, S. 52; P.A. 18-72, S. 15.) History: P.A. 18-72 made technical changes in Subsec. (a). Cited. 234 C. 78. Cited. 36 CA 821. Section not void for vagueness and overbreadth. 48 CA 148. Provisions codified common law distinction between solicitation an attempt and solicitation not an attempt under Sec. 53a-49(a)(1). 65 CA 145. Subsec. (a): Statute not unconstitutionally void for vagueness and overbreadth; requirement of intent that must be read into statute preserves it from constitutional demise under first amendment. 41 CS 525. Cited. 43 CS 46.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-179b. - Rioting at correctional institution: Class B felony.

(a) A person is guilty of rioting at a correctional institution when he incites, instigates, organizes, connives at, causes, aids, abets,

assists or takes part in any disorder, disturbance, strike, riot or other organized disobedience to the rules and regulations of such institution. (b) Rioting at a correctional institution is a class B felony. (1971, P.A. 871, S. 53.) Cited. 190 C. 143; 227 C. 711; Id., 751; 237 C. 454; 240 C. 97. Statute not constitutionally vague or overbroad. 30 CA 224. Cited. 32 CA 224; 39 CA 333; 44 CA 264. Cited. 43 CS 46.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-179c. - Inciting to riot at correctional institution: Class C felony.

(a) A person is guilty of inciting to riot at a correctional institution when he incites, instigates, organizes, connives at, causes, aids, abets or takes part in any meeting of inmates of a correctional institution, the purpose of which is to foment unrest, disorder, disturbance, strike, riot or other organized disobedience to the rules and regulations of the institution. (b) Inciting to riot at a correctional institution is a class C felony. (1971, P.A. 871, S. 54.) Cited. 32 CA 224.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-180. - Falsely reporting an incident in the first degree: Class D or C felony.

(a) A person is guilty of falsely reporting an incident in the first degree when, knowing the information reported, conveyed or circulated to be false or baseless, such person: (1) Initiates or circulates a false report or warning of an alleged occurrence or impending occurrence of a fire, explosion, catastrophe or emergency under circumstances in which it is likely that public alarm or inconvenience will result; (2) reports, by word or action, to any official or quasi-official agency or organization having the function of dealing with emergencies involving danger to life or property, an alleged occurrence or impending occurrence of a fire, explosion or other catastrophe or emergency which did not in fact occur or does not in fact exist; (3) violates subdivision (1) or (2) of this subsection with intent to cause a large scale emergency response; or (4) violates subdivision (1), (2) or (3) of this subsection with specific intent to falsely report another person or group of persons because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person or group of persons. For purposes of this section, "large scale emergency response" means an on-site response to any such reported incident by five or more first responders, and "first responder" means any peace officer or firefighter or any ambulance driver, emergency medical responder, emergency medical technician or paramedic, as those terms are defined in section 19a-175. (b) Falsely reporting an incident in the first degree is a (1) class D felony for a violation of subdivision (1), (2) or (3) of subsection (a) of this section, or (2) class C felony for a violation of subdivision (4) of subsection (a) of this section. (c) In addition to any sentence imposed pursuant to subsection (b) of this section, if (1) a person is convicted of an offense in violation of subdivision (3) of subsection (a) of this section that resulted in a large scale emergency response, (2) any agency or department of the state or political subdivision of the state requests financial restitution for costs associated with such emergency response, and (3) the court finds that the agency or department of the state or political subdivision of the state incurred costs associated with such emergency response as a result of such offense, the court shall order the offender to make financial restitution under terms that the court determines are appropriate. In determining the appropriate terms of financial restitution, the court shall consider: (A) The financial resources of the offender and the burden restitution will place on other obligations of the offender; (B) the offender's ability to pay based on installments or other conditions; (C) the rehabilitative effect on the offender of the payment of restitution and the method of payment; and (D) other circumstances, including the financial burden and impact on the agency or department of the state or political subdivision of the state, that the court determines make the terms of restitution appropriate. If the court determines that the current financial resources of the offender or the offender's current ability to pay based on installments or other conditions are such that no appropriate terms of restitution can be determined, the court may forego setting such terms. The court shall articulate its findings on the record with respect to each of the factors set forth in subparagraphs (A) to (D), inclusive, of this subsection. Restitution ordered by the court pursuant to this subsection shall be based on easily ascertainable damages for actual expenses associated with such emergency response. Restitution ordered by the court pursuant to this subsection shall be imposed or directed by a written order of the court containing the amount of actual expenses associated with such emergency response, as ascertained by the court. The order of the court shall direct that a certified copy of the order be delivered by certified mail to the agency or department of the state or political subdivision of the state. Such order is enforceable in the same manner as an order pursuant to subsection (c) of section 53a-28. (1969, P.A. 828, S. 182; P.A. 81-353, S. 1; Nov. 15 Sp. Sess. P.A. 01-2, S. 1, 9; P.A. 17-72, S. 1; July Sp. Sess. P.A. 20-1, S. 24.) History: P.A. 81-353 increased the penalty from a class B to a class A misdemeanor; Nov. 15 Sp. Sess. P.A. 01-2 renamed offense by replacing "falsely reporting an incident" with "falsely reporting an incident in the first degree" where appearing, amended Subsec. (a) to make a technical change for purposes of gender neutrality, delete in Subdiv. (1) a false report or warning re a "crime" and delete former Subdiv. (3) re a gratuitous report to a law enforcement officer or agency re an offense or incident, said provision being reenacted as Sec. 53a-180c by same act, and amended Subsec. (b) to increase penalty from a class A misdemeanor to a class D felony, effective January 1, 2002; P.A. 17-72 amended Subsec. (a) by adding Subdiv. (3) re large scale emergency response and added Subsec. (c) re financial restitution in case of a violation of Subsec. (a)(3); July Sp. Sess. P.A. 20-1 amended Subsec. (a) by adding Subdiv. (4) re a violation of Subdiv. (1), (2) or (3) and amended Subsec. (b) by designating existing penalty as Subdiv. (1) for a violation of Subsec. (a)(1), (a)(2) or (a)(3) and adding Subdiv. (2) re class C felony. Cited. 186 C. 265; 188 C. 161; 200 C. 743; 216 C. 301; 219 C. 529; Id., 557; 221 C. 93; 223 C. 635; 224 C. 627; 227 C. 1; 238 C. 588. Cited. 14 CA 548; 19 CA 396; 29 CA 843; 36 CA 556. Evidence was sufficient to sustain a guilty verdict under section. 55 CA 475. Cited. 34 CS 666.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-180a. - Falsely reporting an incident resulting in serious physical injury or death: Class C or B felony.

(a) A person is guilty of falsely reporting an incident resulting in serious physical injury or death when such person commits the crime of (1) falsely reporting an incident in the first degree as provided in subdivision (1), (2) or (3) of subsection (a) of section 53a-180, (2) falsely reporting an incident in the second degree as provided in subdivision (1), (2) or (3) of subsection (a) of section 53a-180c, or (3) falsely reporting an incident in the first degree as provided in subdivision (4) of subsection (a) of section 53a-180 or falsely reporting an incident in the second degree as provided in subdivision (4) of subsection (a) of section 53a-180c, and such false report described in subdivision (1), (2) or (3) of this subsection results in the serious physical injury or death of another person. (b) Falsely reporting an incident resulting in serious physical injury or death is a (1) class C felony for a violation of subdivision (1) or (2) of subsection (a) of this section, or (2) class B felony for a violation of subdivision (3) of subsection (a) of this section. (P.A. 81-353, S. 2; P.A. 92-260, S. 67; Nov. 15 Sp. Sess. P.A. 01-2, S. 3, 9; July Sp. Sess. P.A. 20-1, S. 25.) History: P.A. 92-260 amended Subsec. (b) to make technical changes in the name of the offense; Nov. 15 Sp. Sess. P.A. 01-2 amended Subsec. (a) to make a technical change for purposes of gender neutrality, replace reference to the crime of “falsely reporting an incident as provided in section 53a-180” with “falsely reporting an incident in the first degree as provided in section 53a-180” and add reference to the crime of “falsely reporting an incident in the second degree as provided in section 53a-180c” and amended Subsec. (b) to increase the penalty from a class D to a class C felony, effective January 1, 2002; July Sp. Sess. P.A. 20-1 amended Subsec. (a) by designating existing provision re falsely reporting an incident in the first degree as Subdiv. (1) and adding reference to Subsec. (a)(1), (a)(2) or (a)(3) of Sec. 53a-180, designating existing provision re falsely reporting an incident in the second degree as Subdiv. (2) and adding references to Subsec. (a)(1), (a)(2) or (a)(3) of Sec. 53a-180c, adding Subdiv. (3) re falsely reporting an incident in the first degree as provided in Sec. 53a-180(a)(4) or in the second degree as provided in Sec. 53a-180c(a)(4) and adding reference to Subdiv. (1), (2) or (3) and amended Subsec. (b) by designating existing provision re class C felony as Subdiv. (1), adding reference to violation of Subsec. (a)(1) or (a)(2) and adding Subdiv. (2) re class B felony for violation of Subsec. (a)(3).

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-180aa. - Breach of the peace in the first degree: Class D felony.

(a) A person is guilty of breach of the peace in the first degree when, with intent to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof, such person places a nonfunctional imitation of an explosive or incendiary device or an imitation of a hazardous substance in a public place or in a place or manner likely to be discovered by another person. (b) For the purposes of this section: (1) “Hazardous substance” means any physical, chemical, biological or radiological substance or matter which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health, and (2) “public place” means any area that is used or held out for use by the public whether owned or operated by public or private interests. (c) Breach of the peace in the first degree is a class D felony. (Nov. 15 Sp. Sess. P.A. 01-2, S. 5, 9.) History: Nov. 15 Sp. Sess. P.A. 01-2 effective January 1, 2002.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-180b. - Falsely reporting an incident concerning serious physical injury or death: Class D or C felony.

(a) A person is guilty of falsely reporting an incident concerning serious physical injury or death when such person commits the crime of falsely reporting an incident in the second degree as provided in (1) subdivision (1), (2) or (3) of subsection (a) of section 53a-180c, or (2) subdivision (4) of subsection (a) of section 53a-180c, and such false report described in subdivision (1) or (2) of this subsection is of the alleged occurrence or impending occurrence of the serious physical injury or death of another person. (b) Falsely reporting an incident concerning serious physical injury or death is a (1) class D felony for a violation of subdivision (1) of subsection (a) of this section, or (2) class C felony for a violation of subdivision (2) of subsection (a) of this section. (P.A. 97-147, S. 2; Nov. 15 Sp. Sess. P.A. 01-2, S. 4, 9; July Sp. Sess. P.A. 20-1, S. 26.) History: Nov. 15 Sp. Sess. P.A. 01-2 amended Subsec. (a) to replace “the crime of falsely reporting an incident as provided in section 53a-180” with “the crime of falsely reporting an incident in the second degree as provided in section 53a-180c” and make a technical change for purposes of gender neutrality, effective January 1, 2002; July Sp. Sess. P.A. 20-1 amended Subsec. (a) by designating existing provision re falsely reporting an incident in the second degree as Subdiv. (1), adding reference to Subsec. (a)(1), (a)(2) or (a)(3) of Sec. 53a-180c, adding Subdiv. (2) re violation of Sec. 53a-180c(a)(4) and making a conforming change and amended Subsec. (b) by designating existing provision re class D felony as Subdiv. (1), adding reference to violation of Subsec. (a)(1) and adding Subdiv. (2) re class C felony for violation of Subsec. (a)(2).

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-180c. - Falsely reporting an incident in the second degree: Class A misdemeanor or Class E felony.

(a) A person is guilty of falsely reporting an incident in the second degree when, knowing the information reported, conveyed or circulated to be false or baseless, such person gratuitously reports to a law enforcement officer or agency (1) the alleged occurrence of an offense or incident which did not in fact occur, (2) an allegedly impending occurrence of an offense or incident which in fact is not about to occur, (3) false information relating to an actual offense or incident or to the alleged implication of some person therein,

or (4) violates subdivision (1), (2) or (3) of this subsection with specific intent to falsely report another person or group of persons because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person or group of persons. (b) Falsely reporting an incident in the second degree is a (1) class A misdemeanor for a violation of subdivision (1), (2) or (3) of subsection (a) of this section, or (2) class E felony for a violation of subdivision (4) of subsection (a) of this section. (Nov. 15 Sp. Sess. P.A. 01-2, S. 2, 9; July Sp. Sess. P.A. 20-1, S. 27.) History: Nov. 15 Sp. Sess. P.A. 01-2 effective January 1, 2002; July Sp. Sess. P.A. 20-1 amended Subsec. (a) by adding Subdiv. (4) re a violation of Subdiv. (1), (2) or (3) and amended Subsec. (b) by designating existing provision re class A misdemeanor as Subdiv. (1), adding reference to violation of Subsec. (a)(1), (a)(2) or (a)(3) and adding Subdiv. (2) re class E felony for violation of Subsec. (a)(4).

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-180d. - Misuse of the emergency 9-1-1 system: Class B or A misdemeanor.

(a) A person is guilty of misuse of the emergency 9-1-1 system when such person (1) dials or otherwise causes E 9-1-1 to be called for the purpose of making a false alarm or complaint, (2) purposely reports false information which could result in the dispatch of emergency services, or (3) violates subdivision (1) or (2) of this subsection with specific intent to make a false alarm or complaint or report false information about another person or group of persons because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person or group of persons. (b) Misuse of the emergency 9-1-1 system is a (1) class B misdemeanor for a violation of subdivision (1) or (2) of subsection (a) of this section, or (2) class A misdemeanor for a violation of subdivision (3) of subsection (a) of this section. (P.A. 07-106, S. 6; July Sp. Sess. P.A. 20-1, S. 28.) History: July Sp. Sess. P.A. 20-1 amended Subsec. (a) by adding Subdiv. (3) re violation of Subdiv. (1) or (2) and amended Subsec. (b) by designating existing provision re class B misdemeanor as Subdiv. (1), adding reference to violation of Subsec. (a)(1) or (a)(2) and adding Subdiv. (2) re class A misdemeanor for violation of Subsec. (a)(3).

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-181. - Breach of the peace in the second degree: Class B misdemeanor.

(a) A person is guilty of breach of the peace in the second degree when, with intent to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof, such person: (1) Engages in fighting or in violent, tumultuous or threatening behavior in a public place; or (2) assaults or strikes another; or (3) threatens to commit any crime against another person or such other person's property; or (4) publicly exhibits, distributes, posts up or advertises any offensive, indecent or abusive matter concerning any person; or (5) in a public place, uses abusive or obscene language or makes an obscene gesture; or (6) creates a public and hazardous or physically offensive condition by any act which such person is not licensed or privileged to do. For purposes of this section, "public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests. (b) Breach of the peace in the second degree is a class B misdemeanor. (1969, P.A. 828, S. 183; P.A. 92-260, S. 68; P.A. 98-55; Nov. 15 Sp. Sess. P.A. 01-2, S. 6, 9.) History: P.A. 92-260 amended Subsec. (a)(6) to replace "public, hazardous or physically offensive condition" with "public and hazardous or physically offensive condition" and amended Subsec. (b) to make a technical change in the name of the offense; P.A. 98-55 added Subsec. (a)(7) re placing a nonfunctional imitation of an explosive or incendiary device in a public place and defined "public place", and amended Subsec. (b) to add exception making a violation of Subdiv. (7) a class A misdemeanor; Nov. 15 Sp. Sess. P.A. 01-2 renamed offense by replacing "breach of the peace" with "breach of the peace in the second degree" where appearing, deleted Subsec. (a)(7) re placing of a nonfunctional imitation of an explosive or incendiary device in a public place, said provision being reenacted as part of Sec. 53a-180aa by same act, and made technical changes for purposes of gender neutrality, and amended Subsec. (b) to delete exception that made a violation of Subsec. (a)(7) a class A misdemeanor, effective January 1, 2002. Cited. 190 C. 371; 191 C. 433; 194 C. 347; 195 C. 668; 205 C. 456; 217 C. 73; 237 C. 613; Id., 633; 243 C. 115. Cited. 3 CA 410; 6 CA 334; Id., 407; 9 CA 255; 10 CA 499; 12 CA 74; Id., 306; Id., 481; 13 CA 139; 14 CA 6; Id., 10; Id., 548; 15 CA 641; 17 CA 234; Id., 339; 26 CA 157; 28 CA 344; 29 CA 683; 36 CA 135. Statute found not to be unconstitutionally vague on its face and not to be overbroad. 56 CA 264. Cited. 33 CS 93; 34 CS 548. Obscene gesture must be erotic in a significant way and must appeal to prurient interest in sex or portray sex in patently offensive way. Id., 575. Not unconstitutionally vague or overly broad. 35 CS 587. Cited. 36 CS 89; Id., 609. Whether defendant's vituperations addressed to the police officer constituted breach of the peace under statute discussed. 38 CS 349. Cited. 39 CS 359; 43 CS 46. Notice of conduct to be precise; history prior to penal code. 6 Conn. Cir. Ct. 667. Cited. Id., 751, 752. Subsec. (a): Cited. 198 C. 43; 214 C. 378; 227 C. 153; 233 C. 903. Subdiv. (1): Does not require proof of actual physical contact on part of defendant with a victim; when applied to speech, parameters of the violent, threatening or tumultuous behavior prohibited by section are consistent with "fighting words"; judgment of Appellate Court in 36 CA 625 reversed. 237 C. 613. Subdiv. (3): To avoid invalidation on grounds of overbreadth, judicial gloss adopted that when a police officer is the only person upon whose sensibilities the inflammatory language could have played, a conviction can be supported only for extremely offensive behavior supporting an inference that the actor wished to provoke the policeman to violence. 265 C. 145. Subdiv. (3): Statements made that "more of what happened to your son is going to happen to you" and "I'm going to be there to watch it happen", when spoken to one whose son had suffered serious physical injuries, did not constitute a true threat due to subsequent apology and lack of other animosity between the parties; to ensure that only serious expressions of an intention to commit an act of unlawful violence are punished, as the first amendment requires, state must do more than demonstrate that a statement could be interpreted as a threat. 313 C. 434. Evidence sufficient to support finding that defendant intended to "inconvenience, [annoy] or alarm" victim by posting victim's diary entries on Facebook even though victim was not invited by

defendant to view the posts. 321 C. 688. Subdiv. (5): This part of statute is confined to language which constitutes “fighting” words and defendant's repeated vile, racist and threatening epithets were of such a nature. 1 CA 669. Cited. Id., 709. Statute meets requirements of fair notice to defendant. 6 CA 407. Cited. 14 CA 440; 27 CA 103; 36 CA 625; judgment reversed, see 237 C. 613; 37 CA 500; judgment reversed in part, see 237 C. 633; 38 CA 306; 41 CA 847. The distinction that may be drawn between the “fighting words” as contemplated under Subdiv. (1) and those under Subdiv. (5) can be found under the totality of the circumstances which gives rise to the words; Subdiv. (1) proscribes fighting words uttered in a violent, tumultuous or threatening manner, whereas Subdiv. (5) proscribes fighting words that tend to induce immediate violence by the person or persons to whom the words are uttered because of their raw effect; the core meaning of Subdiv. (5) remains intact—fighting words may arise in different contexts not confined to abusive or obscene language—and is not unconstitutionally vague. 78 CA 98. There is no indication that legislature did not intend to create separate crimes prohibited by this section and Sec. 53a-62(a)(2). 81 CA 248. Subdiv. (1): Defendant engaged in fighting or violent or tumultuous behavior with intent to cause annoyance, alarm and inconvenience by spitting on victim's face because spitting is an unsanitary act, likely to spread potentially deadly disease and is almost universally regarded as contemptuous, is calculated to incite others to act in retaliation and actual physical contact of defendant with victim is not required. 102 CA 551. Defendant's statement that “you better watch yourself” to staff after exiting day-care center did not meet “fighting words” or “true threat” exceptions to first amendment speech protections justifying revocation of probation for committing breach of the peace under section. 183 CA 354; judgment reversed, see 183 C. 354. Subdiv. 1: Does not cover commercial settings that are not open to the public. 200 CA 401. Cited. 38 CS 581; 39 CS 504.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-181a. - Creating a public disturbance: Infraction.

(a) A person is guilty of creating a public disturbance when, with intent to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he (1) engages in fighting or in violent, tumultuous or threatening behavior; or (2) annoys or interferes with another person by offensive conduct; or (3) makes unreasonable noise. (b) Creating a public disturbance is an infraction. (P.A. 83-276, S. 2; P.A. 92-260, S. 69.) History: P.A. 92-260 amended Subsec. (b) to make a technical change. Cited. 228 C. 795; 243 C. 115. No right to jury trial. 9 CA 255. Cited. 12 CA 258; 24 CA 195; Id., 541; 28 CA 344; 32 CA 656; judgment reversed in part, see 232 C. 345. Classification by legislature of infractions as noncriminal acts payable by fine operates as a presumption that infractions do not constitute criminal offenses for purposes of double jeopardy analysis, albeit one that is rebuttable by clear proof to the contrary; protections afforded by federal double jeopardy clause were not implicated by trial court's erroneous sua sponte dismissal of charge against defendant when trial court plainly did not evaluate the state's evidence and failed to make a determination that the evidence was legally insufficient to sustain a conviction. 134 CA 346. Subsec. (a): Cited. 237 C. 613. “Offensive conduct” defined; legislative intent to proscribe conduct which actually involves physical violence or portends imminent physical violence. 12 CA 481. Cited. 36 CA 625; judgment reversed, see 237 C. 613. Language in Subdivs. (1) and (2) is similar to that of disorderly conduct statute in Sec. 53a-182, and therefore, based on prior court interpretations of Sec. 53a-182, is not facially vague. 134 CA 175.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-181b. - Intimidation based on bigotry or bias: Class D felony.

Section 53a-181b is repealed, effective October 1, 2000. (P.A. 90-137, S. 1, 3; P.A. 00-72, S. 11.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-181c. - Stalking in the first degree: Class D felony.

(a) A person is guilty of stalking in the first degree when such person commits stalking in the second degree as provided in section 53a-181d, and (1) such person has previously been convicted of a violation of section 53a-181d, (2) such conduct violates a court order in effect at the time of the offense, (3) such person is twenty-two years of age or older and the other person is under sixteen years of age, or (4) such person intentionally directs such conduct at the other person, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person. (b) Stalking in the first degree is a class D felony. (P.A. 92-237, S. 1; P.A. 12-114, S. 11; P.A. 21-56, S. 1.) History: P.A. 12-114 amended Subsec. (a) to delete “this section or” re previous conviction in Subdiv. (1) and make technical changes; P.A. 21-56 amended Subsec. (a) to make technical changes, add language re person 22 years of age or older in Subdiv. (3) and add Subdiv. (4) re conduct due to perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person; P.A. 21-56 amended Subsec. (a) to make technical changes, add language re person 22 years of age or older in Subdiv. (3) and add Subdiv. (4) re conduct due to perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person. See chapter 968a re address confidentiality program. See Sec. 54-1k re issuance of protective order in stalking cases. State was required to prove beyond reasonable doubt that defendant knowingly engaged in a course of conduct directed at a specific person that would reasonably cause fear or emotional distress; course of conduct means two or more acts and there was sufficient evidence that defendant committed two acts with the intent to follow, lie in wait for, monitor, surveil or observe. 346 C. 432. Cited. 46 CA 661. Cited. 43 CS 46.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-181d. - Stalking in the second degree: Class A misdemeanor.

(a) For the purposes of this section: (1) "Course of conduct" means two or more acts, including, but not limited to, acts in which a person directly, indirectly or through a third party, by any action, method, device or means, including, but not limited to, electronic or social media, (A) follows, lies in wait for, monitors, observes, surveils, threatens, harasses, communicates about or with or sends unwanted gifts to, a person, or (B) interferes with a person's property; (2) "Emotional distress" means significant mental or psychological suffering or distress that may or may not require medical or other professional treatment or counseling; and (3) "Personally identifying information" means: (A) Any information that can be used to distinguish or trace an individual's identity, such as name, prior legal name, alias, mother's maiden name, Social Security number, date or place of birth, address, telephone number or biometric data; (B) Any information that is linked or linkable to an individual, such as medical, financial, education, consumer or employment information, data or records; or (C) Any other sensitive private information that is linked or linkable to a specific identifiable individual, such as gender identity, sexual orientation or any sexually intimate visual depiction. (b) A person is guilty of stalking in the second degree when: (1) Such person knowingly engages in a course of conduct directed at or concerning a specific person that would cause a reasonable person to (A) fear for such specific person's physical safety or the physical safety of a third person; (B) suffer emotional distress; or (C) fear injury to or the death of an animal owned by or in possession and control of such specific person; (2) Such person with intent to harass, terrorize or alarm, and for no legitimate purpose, engages in a course of conduct directed at or concerning a specific person that would cause a reasonable person to fear that such person's employment, business or career is threatened, where (A) such conduct consists of the actor telephoning to, appearing at or initiating communication or contact to such other person's place of employment or business, including electronically, through video-teleconferencing or by digital media, provided the actor was previously and clearly informed to cease such conduct, and (B) such conduct does not consist of constitutionally protected activity; or (3) Such person, for no legitimate purpose and with intent to harass, terrorize or alarm, by means of electronic communication, including, but not limited to, electronic or social media, discloses a specific person's personally identifiable information without consent of the person, knowing, that under the circumstances, such disclosure would cause a reasonable person to: (A) Fear for such person's physical safety or the physical safety of a third person; or (B) Suffer emotional distress. (c) For the purposes of this section, a violation may be deemed to have been committed either at the place where the communication originated or at the place where it was received. (d) Stalking in the second degree is a class A misdemeanor. (P.A. 92-237, S. 2; P.A. 12-114, S. 12; P.A. 17-31, S. 1; P.A. 21-56, S. 2.) History: P.A. 12-114 added new Subsec. (a) defining "course of conduct", redesignated existing Subsecs. (a) and (b) as Subsecs. (b) and (c), and amended redesignated Subsec. (b) to replace former elements of crime with Subdiv. (1) re course of conduct that would cause reasonable person to fear for safety and Subdiv. (2) re course of conduct that would cause reasonable person to fear that person's employment, business or career is threatened; P.A. 17-31 amended Subsec. (a) to redefine "course of conduct" and to define "emotional distress", and amended Subsec. (b)(1) to designate existing provision re fear for physical safety as Subpara. (A) and to add Subpara. (B) re emotional distress; P.A. 21-56 amended Subsec. (a) by designating existing definition of "course of conduct" as Subdiv. (1) and making technical changes and redesignating existing Subdivs. (1) and (2) as Subparas. (A) and (B) in same, designating existing definition of "emotional distress" as Subdiv. (2) and adding Subdiv. (3) defining "personally identifying information", amended Subsec. (b) by adding "or concerning", adding "specific" in Subpara. (A) and adding Subpara. (C) re fear injury to or death of an animal in Subdiv. (1), by replacing "intentionally" with "with intent to harass, terrorize or alarm", adding "or concerning", making a technical change and adding "including electronically, through video-teleconferencing or by digital media" in Subdiv. (2) and by adding Subdiv. (3) re use of electronic or social media to disclose personally identifiable information, added new Subsec. (c) re place where violation is committed and redesignated existing Subsec. (c) as Subsec. (d). See chapter 968a re address confidentiality program. See Sec. 54-1k re issuance of protective order in stalking cases. Cited. 44 CA 84. Held to be not unconstitutionally vague. 46 CA 661. Proof of verbal threats or harassing gestures not essential to prove violation of section; section can be violated without defendant's uttering a syllable, writing a word or making a gesture. 121 CA 520. Section requires that any "following" be "wilful" and "repeated", and the following must have a predatory thrust to it; section does not encompass following that is aimless, unintentional, accidental or undertaken for a lawful purpose. 139 CA 553. Defendant not guilty under section because there was no evidence of a second act directed specifically against plaintiff to satisfy the "course of conduct" element. 166 CA 844. Constitutionality of statute under attack for vagueness or overbreadth discussed. 43 CS 46.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-181e. - Stalking in the third degree: Class B misdemeanor.

(a) A person is guilty of stalking in the third degree when such person recklessly causes another person to reasonably (1) fear for his or her physical safety, or (2) suffer emotional distress, as defined in section 53a-181d, by wilfully and repeatedly following or lying in wait for such other person. (b) Stalking in the third degree is a class B misdemeanor. (P.A. 95-214, S. 1; P.A. 17-31, S. 2.) History: P.A. 17-31 amended Subsec. (a) by designating existing provision re fear for physical safety as Subdiv. (1), adding Subdiv. (2) re emotional distress and making technical changes. See chapter 968a re address confidentiality program. See Sec. 54-1k re issuance of protective order in stalking cases.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-181f. - Electronic stalking: Class D felony.

(a) A person is guilty of electronic stalking when such person, with the intent to kill, injure, harass or intimidate, uses any interactive computer service or electronic communication service, electronic communication system or electronic monitoring system to place

another person under surveillance or otherwise to engage in a course of conduct that: (1) Places such other person in reasonable fear of the death of or serious bodily injury to (A) such person, (B) an immediate family member of such person, or (C) an intimate partner of such person; or (2) causes, attempts to cause or would be reasonably expected to cause substantial emotional distress to a person described in subparagraph (A), (B) or (C) of subdivision (1) of this subsection. (b) For purposes of subsection (a) of this section, (1) “immediate family member” means (A) a spouse, parent, brother or sister or a child of the person or person to whom the person stands in loco parentis, or (B) any person living in the household and related to the person by blood or marriage, and (2) “intimate partner” means a (A) former spouse, (B) person who has a child in common with the person regardless of whether they are or have been married or are living or have lived together at any time, or (C) person in, or who has recently been in, a dating relationship with the person. (c) Electronic stalking is a class D felony. (P.A. 15-175, S. 1; P.A. 21-102, S. 8.) History: P.A. 21-102 substantially modified Subsec. (a) by changing elements of offense and replacing “recklessly” with “with the intent” as the mens rea for the offense, added new Subsec. (b) re definitions and redesignated existing Subsec. (b) re penalty as Subsec. (c) and increased penalty in same from a class B misdemeanor to a class D felony.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-181i. - Intimidation based on bigotry or bias: Definitions.

For the purposes of sections 53a-181j to 53a-181l, inclusive: (1) “Disability” means physical disability, mental disability or intellectual disability; (2) “Gender identity or expression” means a person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s assigned sex at birth; (3) “Mental disability” means one or more mental disorders, as defined in the most recent edition of the American Psychiatric Association’s “Diagnostic and Statistical Manual of Mental Disorders”; (4) “Intellectual disability” has the same meaning as provided in section 1-1g; and (5) “Physical disability” means any chronic physical handicap, infirmity or impairment, whether congenital or resulting from bodily injury, organic processes or changes or from illness, including, but not limited to, blindness, epilepsy, deafness or being hard of hearing or reliance on a wheelchair or other remedial appliance or device. (P.A. 04-135, S. 1; P.A. 11-129, S. 20; P.A. 17-202, S. 101.) History: Pursuant to P.A. 11-129, “mental retardation” was changed editorially by the Revisors to “intellectual disability”; P.A. 17-202 amended Subdiv. (5) by replacing “hearing impairment” with “being hard of hearing” in definition of “physical disability”.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-181j. - Intimidation based on bigotry or bias in the first degree: Class C felony.

(a) A person is guilty of intimidation based on bigotry or bias in the first degree when such person maliciously, and with specific intent to intimidate or harass another person motivated in whole or in substantial part by the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person, causes physical injury to such other person or to a third person. (b) Intimidation based on bigotry or bias in the first degree is a class C felony, for which three thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine. (P.A. 00-72, S. 1; P.A. 04-135, S. 2; P.A. 17-111, S. 5; P.A. 21-78, S. 17.) History: P.A. 04-135 amended Subsec. (a) to add “disability” and “gender identity or expression” as bases; P.A. 17-111 amended Subsec. (a) to add “sex” and to replace “serious physical injury” with “physical injury” and amended Subsec. (b) to add provision re minimum fine and remitting or reducing fine; P.A. 21-78 amended Subsec. (a) by replacing “because of” with “motivated in whole or in substantial part by”. See Sec. 52-571c re action for damages and other relief for violation of this section.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-181k. - Intimidation based on bigotry or bias in the second degree: Class D felony.

(a) A person is guilty of intimidation based on bigotry or bias in the second degree when such person maliciously, and with specific intent to intimidate or harass another person or group of persons motivated in whole or in substantial part by the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person or group of persons, does any of the following: (1) Causes physical contact with such other person or group of persons, (2) damages, destroys or defaces any real or personal property of such other person or group of persons, or (3) threatens, by word or act, to do an act described in subdivision (1) or (2) of this subsection, if there is reasonable cause to believe that an act described in subdivision (1) or (2) of this subsection will occur. (b) Intimidation based on bigotry or bias in the second degree is a class D felony, for which one thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine. (P.A. 00-72, S. 2; P.A. 04-135, S. 3; P.A. 17-111, S. 6; P.A. 21-78, S. 18.) History: P.A. 04-135 amended Subsec. (a) to add “disability” and “gender identity or expression” as bases; P.A. 17-111 amended Subsec. (a) to add “sex”, and add references to group of persons, and amended Subsec. (b) to add provision re minimum fine and remitting or reducing fine; P.A. 21-78 amended Subsec. (a) by replacing “because of” with “motivated in whole or in substantial part by”. See Sec. 52-571c re action for damages and other relief for violation of this section. Subsec. (a): Subdiv. (3) not unconstitutionally vague or overbroad. 265 C. 145. Subdiv. (3) is not unconstitutionally overbroad because it prohibits only true threats, not all threats, and is not unconstitutionally void for vagueness in context of defendant’s actions and words. 104 CA 46. Evidence was sufficient for jury to reasonably determine that defendant had requisite specific intent to intimidate or harass victim on basis of victim’s actual or perceived sexual orientation, which evidence included statement to police replete with disparaging remarks against homosexuals and

defendant's statement prior to incident that victim was homosexual. 118 CA 711.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-181l. - Intimidation based on bigotry or bias in the third degree: Class E felony.

(a) A person is guilty of intimidation based on bigotry or bias in the third degree when such person, with specific intent to intimidate or harass another person or group of persons motivated in whole or in substantial part by the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person or persons: (1) Damages, destroys or defaces any real or personal property, or (2) threatens, by word or act, to do an act described in subdivision (1) of this subsection or advocates or urges another person to do an act described in subdivision (1) of this subsection, if there is reasonable cause to believe that an act described in said subdivision will occur. (b) Intimidation based on bigotry or bias in the third degree is a class E felony, for which one thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine. (P.A. 00-72, S. 3; P.A. 04-135, S. 4; P.A. 17-111, S. 7; P.A. 21-78, S. 19.) History: P.A. 04-135 amended Subsec. (a) to add "disability" and "gender identity or expression" as bases; P.A. 17-111 amended Subsec. (a) to add "sex", and amended Subsec. (b) to change offense from a class A misdemeanor to a class E felony and to add provision re minimum fine and remitting or reducing such fine; P.A. 21-78 amended Subsec. (a) by replacing "because of" with "motivated in whole or in substantial part by". See Sec. 52-571c re action for damages and other relief for violation of this section.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-182. - Disorderly conduct: Class C misdemeanor.

(a) A person is guilty of disorderly conduct when, with intent to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof, such person: (1) Engages in fighting or in violent, tumultuous or threatening behavior; or (2) by offensive or disorderly conduct, annoys or interferes with another person; or (3) makes unreasonable noise; or (4) without lawful authority, disturbs any lawful assembly or meeting of persons; or (5) obstructs vehicular or pedestrian traffic; or (6) congregates with other persons in a public place and refuses to comply with a reasonable official request or order to disperse; or (7) commits simple trespass, as provided in section 53a-110a, and observes, in other than a casual or cursory manner, another person (A) without the knowledge or consent of such other person, (B) while such other person is inside a dwelling, as defined in section 53a-100, and not in plain view, and (C) under circumstances where such other person has a reasonable expectation of privacy. (b) Disorderly conduct is a class C misdemeanor. (1969, P.A. 828, S. 184; P.A. 01-83, S. 1.) History: P.A. 01-83 amended Subsec. (a) to make a technical change for purposes of gender neutrality and add Subdiv. (7) re a person who commits simple trespass and observes another person inside a dwelling under certain circumstances. Cited. 188 C. 557; 194 C. 347; 224 C. 914; 228 C. 795; 234 C. 78; 237 C. 613; Id., 633. Cited. 5 CA 616; 9 CA 15; Id., 255; 11 CA 24; 12 CA 258; Id., 306; Id., 364; Id., 481; 17 CA 156; Id., 234; Id., 339; 22 CA 303; 26 CA 157; 28 CA 344; 29 CA 283; judgment reversed, see 228 C. 795; 36 CA 106; judgment reversed, see 234 C. 78. Evidence sufficient to support conviction for disorderly conduct. 96 CA 341. Cited. 34 CS 612; 36 CS 129; 37 CS 767; 38 CS 472; Id., 665. Subsec. (a): Cited. 179 C. 328. Subdiv. (3): Under statute, disorderly conduct may occur in a place that is not public. 194 C. 347. Cited. 221 C. 788. Subdiv. (2): Plain language of section unconstitutionally vague, court construed it to provide it with constitutional content for the future; judgment of Appellate Court in 29 CA 283 reversed. 228 C. 795. Cited. 230 C. 183; 237 C. 619. Cited. 8 CA 153; Id., 517; 36 CA 625; judgment reversed, see 237 C. 613; 40 CA 643. Subdiv. (2): Held unconstitutional on its face where conduct occurred prior to judicial gloss placed on statute. 46 CA 661. Subdiv. (2) should be read and applied as follows: A person is guilty of disorderly conduct when, with the predominant intent previously defined or with reckless disregard for the risks of his or her conduct, the person, by conduct that is grossly offensive under contemporary community standards to a person who actually overhears it or sees it, disturbs or impedes the lawful activity of another person. 83 CA 724. There was sufficient evidence presented by the state and the court reasonably could have inferred on the basis of the size of defendants' belongings and their position on the sidewalk that defendants intended to cause inconvenience, annoyance and alarm and did obstruct sidewalk. 108 CA 146. Expression of political views found not to constitute disorderly conduct. 33 CS 93. Subdiv. (2): Failure of charge to limit application of section to "fighting words" deprived defendant of freedom of speech constitutional guarantee. 34 CS 689.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-182a. - Obstructing free passage: Class C misdemeanor.

(a) Unless a person is engaging in any activity which is expressive of rights guaranteed under the Constitution of the United States or the Constitution of this state, a person is guilty of obstructing free passage when, after being warned by a law enforcement officer not to do so, he (1) stands, sits or lies in or upon any public street, curb, crosswalk, walkway area, mall or the portion of private property utilized for public use, so as to obstruct unreasonably the free passage of pedestrians thereon, or (2) obstructs unreasonably or prevents free access to the entrance to any building open to the public. (b) Obstructing free passage is a class C misdemeanor. (P.A. 83-221; P.A. 92-260, S. 70.) History: P.A. 92-260 amended Subsec. (a) to make technical changes. Cited. 28 CA 344. Cited. 43 CS 46.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-182b. - Harassment in the first degree: Class D felony.

(a) A person is guilty of harassment in the first degree when, with the intent to harass, annoy, alarm or terrorize another person, he threatens to kill or physically injure that person or any other person, and communicates such threat by telephone, or by telegraph, mail, computer network, as defined in section 53a-250, or any other form of written communication, in a manner likely to cause annoyance or alarm and has been convicted of a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, a class A felony, a class B felony, except a conviction under section 53a-86 or 53a-122, a class C felony, except a conviction under section 53a-87, 53a-152 or 53a-153, or a class D felony under sections 53a-60 to 53a-60c, inclusive, 53a-72a, 53a-72b, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216. For the purposes of this section, "convicted" means having a judgment of conviction entered by a court of competent jurisdiction. (b) For the purposes of this section, such offense may be deemed to have been committed either at the place where the communication originated or at the place where it was received. (c) The court may order any person convicted under this section to be examined by one or more psychiatrists. (d) Harassment in the first degree is a class D felony. (P.A. 90-282, S. 1; P.A. 95-143, S. 1; P.A. 12-5, S. 22; P.A. 14-233, S. 4; 14-234, S. 2.) History: P.A. 95-143 amended Subsec. (a) to include communication of the threat by computer network; P.A. 12-5 amended Subsec. (a) to add reference to provisions of Sec. 53a-54b in effect prior to April 25, 2012, re conviction of a capital felony, effective April 25, 2012; P.A. 14-233 amended Subsec. (b) to replace "telephone call was made or" with "communication originated or at the place" and make a technical change; P.A. 14-234 made identical changes as P.A. 14-233. Cited. 45 CA 408. Cited. 43 CS 46.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-183. - Harassment in the second degree: Class C misdemeanor.

(a) A person is guilty of harassment in the second degree when with intent to harass, terrorize or alarm another person, and for no legitimate purpose, such person: (1) Communicates with a person by telegraph or mail, electronically transmitting a facsimile through connection with a telephone network, electronic mail or text message or any other electronically sent message, whether by digital media account, messaging program or application, or otherwise by computer, computer service or computer network, as defined in section 53a-250, or any other form of communication, in a manner likely to cause terror, intimidation or alarm; (2) makes a telephone call or engages in any other form of communication, whether or not a conversation ensues, in a manner likely to cause terror, intimidation or alarm; or (3) communicates or shares a photograph, video or words or engages in any other form of communication to a digital, electronic, online or other meeting space, in a manner likely to cause terror, intimidation or alarm. (b) For the purposes of this section, such offense may be deemed to have been committed either at the place where the communication originated or at the place where it was received. (c) The court may order any person convicted under this section to be examined by one or more psychiatrists. (d) Harassment in the second degree is a class C misdemeanor. (1969, P.A. 828, S. 185; 1971, P.A. 871, S. 44; P.A. 89-103, S. 2; P.A. 90-282, S. 2; P.A. 95-143, S. 2; P.A. 12-114, S. 13; P.A. 21-56, S. 5.) History: 1971 act substituted "telegraph" for "telephone" in Subsec. (a)(2); P.A. 89-103 amended Subsec. (a)(2) to include communicating by electronically transmitting a facsimile through connection with a telephone network; P.A. 90-282 changed name of offense to harassment in the second degree; P.A. 95-143 amended Subsec. (a)(2) to include communication by computer network; P.A. 12-114 amended Subsec. (b) to substitute "where the communication originated" for "where the telephone call was made" and make technical changes; P.A. 21-56 amended Subsec. (a) by substantially revising existing elements of offense and adding Subdiv. (3) re communicating or sharing a photograph, video or words to a digital, electronic, online or other meeting space. Cited. 204 C. 4; 209 C. 52. Cited. 4 CA 520; 5 CA 79; 8 CA 598; 43 CA 527; 44 CA 84. Section applies to communications made by means of a cellular telephone. 117 CA 493. Cited. 39 CS 428; 43 CS 46. Internet service provider has federal immunity from tort liability for damages related to e-mail sent via provider's service. 46 CS 406. Subsec. (a): Cited. 223 C. 731. Contrary to prior interpretations, Subsec. prohibits not only harassing or alarming conduct, but offending speech as well, that is not protected by first amendment including, in particular, true threats; defendant did not have fair warning that she could be prosecuted under Subsec. solely on basis of content of her speech, therefore conviction reversed. 310 C. 337. Subdiv. (3): Harassment and threatening are separate and distinct crimes and in this case harassment is not a lesser included offense of threatening. 1 CA 647. Cited. 25 CA 503. Subdiv. (2): Section does not require state to prove defendant engaged in a direct communication with the person whom he intended to harass. 40 CA 544. Cited. 41 CA 847; 43 CA 527. Subdiv. (3): Is not unconstitutionally vague either on its face or as applied to defendant's conduct. 46 CA 661. Subdiv. (2): Not unconstitutionally overbroad or vague. 49 CA 617. Subdiv. (3): Statute is not unconstitutionally overbroad; statute prohibits purposeful telephone harassment and does not involve first amendment concerns since it proscribes conduct and not the content of calls; section is not unconstitutionally vague as applied to defendant's conduct. 55 CA 475, but see 310 C. 337. Criminal violation of a protective order pursuant to Sec. 53a-110b and harassment in the second degree pursuant to Subdiv. (3) constitute separate offenses for double jeopardy purposes. 61 CA 118. Defendant who made 5 phone calls to victim was not placed in double jeopardy for multiple convictions of harassment under section because fact that victim listened to the messages consecutively did not transform defendant's separate offenses into one act or one offense and the phrase "a telephone call" coupled with the phrase "likely to cause annoyance" shows legislative intent to punish each call made with the requisite intent. 93 CA 582. A person's speech during a telephone call may be evidence of the person's intent in physically making the telephone call, but cannot be basis for conviction under section without implicating the person's freedom of speech rights; it is the physical act of placing the call and causing a ring at the receiving end that constitutes the actus reus under Subdiv. (3). 120 CA 330, but see 310 C. 337. Subdiv. (3): Legislature intended the standard of conduct for provision re "annoyance or alarm" to be that perceived as such by a reasonable person operating under contemporary community standards; section unconstitutionally applied to defendant's speech in violation of first amendment re defendant's telephone call to the office of his ex-wife's attorney because the evidence of the harassing manner of

defendant's telephone call rested entirely on the content of the speech he conveyed. 128 CA 546. Subdiv. (2): Subdiv. does not unconstitutionally prohibit certain forms of speech protected by first amendment to U.S. Constitution. 155 CA 560. Subdiv. (2): Unconstitutional as applied because conviction was dependent upon content of e-mail, rather than the manner in which it was communicated, therefore violating defendant's right to free speech. Id., 758. Subdiv. (3): Freedom of speech subject to reasonable regulation of place and manner of exercise; not necessary to limit application of statute to "fighting words"; the prohibition is against purposeful harassment by means of device readily susceptible of abuse; trespasser upon our privacy. 34 CS 689.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-183a. - Obstructing or interfering with the lawful taking of wildlife: Class C misdemeanor.

(a) No person shall obstruct or interfere with the lawful taking of wildlife by another person at the location where the activity is taking place with intent to prevent such taking. (b) A person violates this section when he intentionally or knowingly: (1) Drives or disturbs wildlife for the purpose of disrupting the lawful taking of wildlife where another person is engaged in the process of lawfully taking wildlife; (2) blocks, impedes or otherwise harasses another person who is engaged in the process of lawfully taking wildlife; (3) uses natural or artificial visual, aural, olfactory or physical stimuli to affect wildlife behavior in order to hinder or prevent the lawful taking of wildlife; (4) erects barriers with the intent to deny ingress or egress to areas where the lawful taking of wildlife may occur; (5) interjects himself into the line of fire; (6) affects the condition or placement of personal or public property intended for use in the lawful taking of wildlife in order to impair its usefulness or prevent its use; or (7) enters or remains upon private lands without the permission of the owner or his agent, with intent to violate this section. (c) For the purposes of this section, "taking" and "wildlife" shall be defined as in section 26-1. (d) Any person who violates any provision of this section shall be guilty of a class C misdemeanor. (P.A. 85-351; P.A. 90-322.) History: P.A. 90-322 amended Subsec. (a) to revise the elements of the offense by replacing "harass" with "obstruct", adding provision that the obstruction or interference occur "at the location where the activity is taking place" and deleting as an element interference or harassment of another person engaged in "acts in preparation" for the lawful taking of wildlife, inserted new Subsec. (b) to enumerate specific intentional or knowing acts that constitute a violation, and Subsec. (c) to define "taking" and "wildlife" and relettered former Subsec. (b) as Subsec. (d). Cited. 226 C. 265. Section does not violate first amendment to U.S. Constitution; it is narrowly drawn to serve significant state interests in public safety, raising revenue, wildlife management and protection of citizens' rights to hunt, and leaves open ample alternative means of communication. 260 C. 275. Cited. 43 CS 46.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-183b. - Interfering with an emergency call: Class A misdemeanor.

(a) A person is guilty of interfering with an emergency call when such person, with the intent of preventing another person from making or completing a 9-1-1 telephone call or a telephone call or radio communication to any law enforcement agency to request police protection or report the commission of a crime, physically or verbally prevents or hinders such other person from making or completing such telephone call or radio communication. (b) Interfering with an emergency call is a class A misdemeanor. (P.A. 03-43, S. 1.) See Sec. 53-210 re refusal to relinquish party line when needed for emergency call.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-183c. - Disruption of a funeral: Class A misdemeanor.

(a) For the purposes of this section: (1) "Funeral" means any ceremony or memorial service held in connection with the burial or cremation of an individual; and (2) "Boundary of the location", with respect to a funeral, means (A) in the case of a funeral that is held at a cemetery, the property line of the cemetery; (B) in the case of a funeral that is held at a mortuary, the property line of the mortuary; (C) in the case of a funeral that is held at a house of worship, the property line of the house of worship; and (D) in the case of a funeral that is held at any other type of location, the reasonable property line of that location. (b) With respect to any funeral, no individual may engage in an activity during the period beginning sixty minutes before and ending sixty minutes after such funeral, any part of which activity: (1) (A) Takes place within the boundaries of the location of such funeral or takes place within one hundred fifty feet of the point of the intersection between (i) the boundary of the location of such funeral; and (ii) a road, pathway, or other route of ingress to or egress from the location of such funeral; and (B) includes the individual wilfully making or assisting in the making of any noise or diversion that is not part of such funeral and that disturbs or tends to disturb the peace or good order of such funeral with the intent of disturbing the peace or good order of that funeral; or (2) (A) Is within three hundred feet of the boundary of the location of such funeral; and (B) includes the individual wilfully and without proper authorization impeding the ingress to or egress from such location with the intent to impede the ingress to or egress from such location. (c) Any individual who violates any provision of this section shall be guilty of a class A misdemeanor. (P.A. 07-98, S. 1; 07-187, S. 5.) History: P.A. 07-187 changed effective date of P.A. 07-98, S. 1 from October 1, 2007, to June 6, 2007, effective June 6, 2007.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-184 and 53a-184a. - Intoxication by drug; definition, commitment, treatment, penalty. Intoxication by alcohol or drug; definition, commitment, dismissal of criminal proceedings, unclassified misdemeanor.

Sections 53a-184 and 53a-184a are repealed. (1969, P.A. 828, S. 186; 1971, P.A. 871, S. 45; P.A. 74-280, S. 22, 25; P.A. 75-479, S.

11, 12, 25; P.A. 76-300, S. 2, 3, 4; P.A. 86-371, S. 34, 45; P.A. 89-390, S. 36, 37.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-185. - Loitering on school grounds: Class C misdemeanor.

(a) A person is guilty of loitering on school grounds when he loiters or remains in or about a school building or grounds, not having any reason or relationship involving custody of or responsibility for a pupil or any other license or privilege to be there. (b) Loitering on school grounds is a class C misdemeanor. (1969, P.A. 828, S. 187; P.A. 92-260, S. 71.) History: P.A. 92-260 amended Subsec. (b) to make a technical change in the name of the offense.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-186. - Public indecency: Class B misdemeanor.

(a) A person is guilty of public indecency when he performs any of the following acts in a public place: (1) An act of sexual intercourse as defined in subdivision (2) of section 53a-65; or (2) a lewd exposure of the body with intent to arouse or to satisfy the sexual desire of the person; or (3) a lewd fondling or caress of the body of another person. For the purposes of this section, "public place" means any place where the conduct may reasonably be expected to be viewed by others. (b) Public indecency is a class B misdemeanor. (1969, P.A. 828, S. 188; 1971, P.A. 871, S. 46; P.A. 76-336, S. 22; P.A. 92-260, S. 72.) History: 1971 act substituted "A person" for "Any person" for consistency with other statutes; P.A. 76-336 specified sexual intercourse as defined in Sec. 53a-65 and deleted reference to acts of deviate sexual conduct in Subsec. (a) for conformity with changes enacted re sex offenses; P.A. 92-260 made technical changes in Subsec. (a) by repositioning and rephrasing language. Cited. 18 CA 482; 29 CA 591; 37 CA 534. Cited. 38 CS 313; Id., 661.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-187. - Definitions. Applicability.

(a) The following definitions are applicable to sections 53a-188 and 53a-189: (1) "Wiretapping" means the intentional overhearing or recording of a telephonic or telegraphic communication or a communication made by cellular radio telephone by a person other than a sender or receiver thereof, without the consent of either the sender or receiver, by means of any instrument, device or equipment. The normal operation of a telephone or telegraph corporation and the normal use of the services and facilities furnished by such corporation pursuant to its tariffs shall not be deemed "wiretapping". (2) "Mechanical overhearing of a conversation" means the intentional overhearing or recording of a conversation or discussion, without the consent of at least one party thereto, by a person not present thereat, by means of any instrument, device or equipment. (3) "Unlawfully" means not specifically authorized by law. For purposes of this section, "cellular radio telephone" means a wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular radio telephones. (b) This section and sections 53a-188 and 53a-189 shall not apply to wiretapping by criminal law enforcement officials in the lawful performance of their duties and do not affect the admissibility of evidence in any proceedings other than a prosecution for eavesdropping or tampering with private communications. (1969, P.A. 828, S. 189; P.A. 86-403, S. 90, 132; P.A. 89-103, S. 3.) History: P.A. 86-403 made technical change in Subsec. (b); P.A. 89-103 amended Subsec. (a) to add reference to communications made by cellular radio telephone in the definition of wiretapping and to define "cellular radio telephone". Cited. 171 C. 524; 212 C. 195; 224 C. 593; 238 C. 692. Cited. 15 CA 529. Cordless telephone conversations are protected telephonic communications. 45 CS 497.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-188. - Tampering with private communications: Class A misdemeanor.

(a) A person is guilty of tampering with private communications when: (1) Knowing that he does not have the consent of the sender or receiver, he obtains from an employee, officer or representative of a telephone or telegraph corporation, by connivance, deception, intimidation or in any other manner, information with respect to the contents or nature of a telephonic or telegraphic communication; or (2) knowing that he does not have the consent of the sender or receiver, and being an employee, officer or representative of a telephone or telegraph corporation, he knowingly divulges to another person the contents or nature of a telephonic or telegraphic communication. (b) Tampering with private communications is a class A misdemeanor. (1969, P.A. 828, S. 190.) Cited. 171 C. 524; 212 C. 195; 238 C. 692.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-189. - Eavesdropping: Class D felony.

(a) A person is guilty of eavesdropping when he unlawfully engages in wiretapping or mechanical overhearing of a conversation. (b) Eavesdropping is a class D felony. (1969, P.A. 828, S. 191.) See Sec. 52-570d re prohibition on recording private telephonic communications and civil remedies for violation thereof. Cited. 171 C. 524; 197 C. 326; 212 C. 195; 216 C. 541; 224 C. 593; 238 C. 692. Cited. 8 CA 673; 15 CA 529. Cordless telephone conversations are protected telephonic communications. 45 CS 497.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-189a. - Voyeurism: Class D or C felony.

(a) A person is guilty of voyeurism when, (1) with malice, such person knowingly photographs, films, videotapes or otherwise records the image of another person (A) without the knowledge and consent of such other person, (B) while such other person is not in plain view, and (C) under circumstances where such other person has a reasonable expectation of privacy, (2) with intent to arouse or satisfy the sexual desire of such person or any other person, such person knowingly photographs, films, videotapes or otherwise records the image of another person (A) without the knowledge and consent of such other person, (B) while such other person is not in plain view, and (C) under circumstances where such other person has a reasonable expectation of privacy, (3) with the intent to arouse or satisfy the sexual desire of such person, commits simple trespass, as provided in section 53a-110a, and observes, in other than a casual or cursory manner, another person (A) without the knowledge or consent of such other person, (B) while such other person is inside a dwelling, as defined in section 53a-100, and not in plain view, and (C) under circumstances where such other person has a reasonable expectation of privacy, or (4) with intent to arouse or satisfy the sexual desire of such person or any other person, such person knowingly photographs, films, videotapes or otherwise records the genitals, pubic area or buttocks of another person or the undergarments or stockings that clothe the genitals, pubic area or buttocks of another person (A) without the knowledge and consent of such other person, (B) while such genitals, pubic area, buttocks, undergarments or stockings are not in plain view, and (C) under circumstances where such other person has a reasonable expectation of privacy, whether such other person is or is not in a public place. (b) For purposes of this section, "in plain view" does not include any view that is achieved by photographing, filming, videotaping or otherwise recording under or around a person's clothing, and "public place" means public place, as defined in section 53a-186. (c) Voyeurism is (1) a class D felony for a first offense, except as provided in subdivision (3) of this subsection, (2) a class C felony for any subsequent offense, and (3) a class C felony for a first offense when (A) such person has been previously convicted of an offense enumerated in subsection (f) of section 53a-29, or (B) the intended subject of the offense is a person under sixteen years of age. (d) Notwithstanding the provisions of section 54-193, no person may be prosecuted for an offense under subdivision (1), (2) or (4) of subsection (a) of this section except within five years from the date of the offense, or within five years from the date the subject of the offense discovers the existence of the photograph, film, videotape or other recording that constitutes a violation of subdivision (1), (2) or (4) of subsection (a) of this section, whichever is later. (P.A. 99-143, S. 1; P.A. 03-114, S. 1; P.A. 06-187, S. 42; 06-196, S. 292; P.A. 15-213, S. 1; P.A. 19-14, S. 1.) History: P.A. 03-114 increased the penalty from a class A misdemeanor to a class D felony; P.A. 06-187 amended Subsec. (a) to designate elements of the offense committed with the mens rea of malice as new Subdiv. (1), redesignate existing Subdivs. (1), (2) and (3) as Subparas. (A), (B) and (C) of new Subdiv. (1) and reenact elements of the offense committed with the mens rea of "intent to arouse or satisfy the sexual desire of such person or any other person" as new Subdiv. (2), effective July 1, 2006; P.A. 06-196 changed effective date of P.A. 06-187, S. 42 from July 1, 2006, to October 1, 2006, effective June 7, 2006; P.A. 15-213 amended Subsec. (a) to add Subdiv. (3) re with intent to arouse or satisfy sexual desire a person commits simple trespass and add Subdiv. (4) re with intent to arouse or satisfy sexual desire a person photographs, films, videotapes or otherwise records genitals, pubic area or buttocks, undergarments or stockings of another person, amended Subsec. (b) to designate existing provision re class D felony as Subdiv. (1) and add Subdivs. (2) and (3) re class C felonies, and added Subsec. (c) re time for prosecuting offense; P.A. 19-14 added Subsec. (a)(4)(C) re reasonable expectation of privacy, added new Subsec. (b) to define "in plain view", redesignated existing Subsecs. (b) and (c) as Subsecs. (c) and (d), and made a technical change. The "not in plain view" element of section refers to the plain view of the public generally, meaning that a person must not be in a position where any member of the public, lawfully situated, could plainly view the person being recorded. 328 C. 219. The perspective from which the "not in plain view" element of voyeurism must be evaluated is that of the defendant, not that of the general public. 166 CA 613; judgment reversed, see 328 C. 219.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-189b. - Disseminating voyeuristic material: Class D felony.

(a) A person is guilty of disseminating voyeuristic material when such person disseminates a photograph, film, videotape or other recorded image of another person without the consent of such other person and knowing that such photograph, film, videotape or image was taken, made or recorded in violation of section 53a-189a. (b) Disseminating voyeuristic material is a class D felony. (P.A. 99-143, S. 2.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-189c. - Unlawful dissemination of an intimate image: Class A misdemeanor or class D felony.

(a) A person is guilty of unlawful dissemination of an intimate image when (1) such person intentionally disseminates by electronic or other means a photograph, film, videotape or other recorded image of (A) the genitals, pubic area or buttocks of another person with less than a fully opaque covering of such body part, or the breast of such other person who is female with less than a fully opaque covering of any portion of such breast below the top of the nipple, or (B) another person engaged in sexual intercourse, as defined in section 53a-193, (2) such person disseminates such image without the consent of such other person, knowing that such other person understood that the image would not be so disseminated, and (3) such other person suffers harm as a result of such dissemination. For purposes of this subsection, "disseminate" means to sell, give, provide, lend, trade, mail, deliver, transfer, publish, distribute, circulate, present, exhibit, advertise or otherwise offer, and "harm" includes, but is not limited to, subjecting such other person to hatred, contempt, ridicule, physical injury, financial injury, psychological harm or serious emotional distress. (b) The provisions of subsection (a) of this subsection shall not apply to: (1) Any image described in subsection (a) of this section of such other person if such image resulted from voluntary exposure or engagement in sexual intercourse by such other person, in a public

place, as defined in section 53a-181, or in a commercial setting; (2) Any image described in subsection (a) of this section of such other person, if such other person is not clearly identifiable, unless other personally identifying information is associated with or accompanies the image; or (3) Any image described in subsection (a) of this section of such other person, if the dissemination of such image serves the public interest. (c) Unlawful dissemination of an intimate image to (1) a person by any means is a class A misdemeanor, and (2) more than one person by means of an interactive computer service, as defined in 47 USC 230, an information service, as defined in 47 USC 153, or a telecommunications service, as defined in section 16-247a, is a class D felony. (d) Nothing in this section shall be construed to impose liability on the provider of an interactive computer service, as defined in 47 USC 230, an information service, as defined in 47 USC 153, or a telecommunications service, as defined in section 16-247a, for content provided by another person. (P.A. 15-213, S. 8; P.A. 21-102, S. 9.) History: P.A. 21-102 amended Subsec. (a) by defining “harm”, Subsec. (b)(2) by adding language re other personally identifying information associated with or accompanying image, and Subsec. (c) by designating existing penalty as Subdiv. (1) and adding Subdiv. (2) re a class D felony.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-190. - Bigamy: Class D felony.

(a) A person is guilty of bigamy when he marries or purports to marry another person in this state if either is lawfully married; or so marries or purports to marry another person in any other state or country in violation of the laws thereof, and knowingly cohabits and lives with such other person in this state as husband and wife. (b) It shall be an affirmative defense to the charge of bigamy that at the time of the subsequent marriage or purported marriage: (1) The actor reasonably believed, based on persuasive and reliable information, that the prior spouse was dead; or (2) a court had entered a judgment purporting to terminate or annul any prior disqualifying marriage and the actor did not know that such judgment was invalid; or (3) the single person did not know that the other person was legally married. (c) Bigamy is a class D felony. (1969, P.A. 828, S. 192; 1971, P.A. 871, S. 47; P.A. 92-260, S. 73.) History: 1971 act substituted “A person” for “Any person” for conformity with other statutes; P.A. 92-260 made technical changes.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-191. - Incest: Class D felony.

(a) A person is guilty of incest when he marries a person whom he knows to be related to him within any of the degrees of kindred specified in section 46b-21. (b) Incest is a class D felony. (1969, P.A. 828, S. 193; P.A. 80-346, S. 2; P.A. 92-260, S. 74.) History: P.A. 80-346 substituted “such person” for “he” or “him”, eliminating unnecessary distinctions based on sex and removed reference to engaging in sexual intercourse with relative as incest; P.A. 92-260 made technical changes in Subsec. (a) by replacing “such person” with “he” or “him” as appropriate. Cited. 189 C. 321; 210 C. 244. Relationship as half-uncle and half-niece is void. 213 C. 637.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-192. - Coercion: Class A misdemeanor or class D felony.

(a) A person is guilty of coercion when he compels or induces another person to engage in conduct which such other person has a legal right to abstain from engaging in, or to abstain from engaging in conduct in which such other person has a legal right to engage, by means of instilling in such other person a fear that, if the demand is not complied with, the actor or another will: (1) Commit any criminal offense; or (2) accuse any person of a criminal offense; or (3) expose any secret tending to subject any person to hatred, contempt or ridicule, or to impair any person's credit or business repute; or (4) take or withhold action as an official, or cause an official to take or withhold action. (b) It shall be an affirmative defense to prosecution based on subdivision (2), (3) or (4) of subsection (a) of this section that the actor believed the accusation or secret to be true or the proposed official action justified and that his purpose was limited to compelling the other person to behave in a way reasonably related to the circumstances which were the subject of the accusation, exposure or proposed official action, as by desisting from further misbehavior or making good a wrong done. (c) Coercion is a class A misdemeanor except, if the threat is to commit a felony, coercion is a class D felony. (1969, P.A. 828, S. 194; 1971, P.A. 871, S. 48; P.A. 92-260, S. 75.) History: 1971 act referred simply to coercion rather than to “criminal” coercion in Subsec. (c); P.A. 92-260 made technical changes. Cited. 240 C. 766. Cited. 8 CA 351; 18 CA 694; 40 CA 1.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-192a. - Trafficking in persons: Class A felony.

(a) A person is guilty of trafficking in persons when such person (1) knowingly compels or induces another person to engage in conduct involving sexual contact with one or more third persons, or provide labor or services that such person has a legal right to refrain from providing, by means of (A) the use of force against such other person or a third person, or by the threat of use of force against such other person or a third person, (B) fraud, or (C) coercion, as provided in section 53a-192, (2) (A) knowingly compels or induces another person to engage in conduct involving sexual contact with one or more third persons that constitutes sexual contact for which such third person may be charged with a criminal offense, and (B) such person who is compelled or induced to engage in such conduct is under eighteen years of age, or (3) otherwise knowingly commits an act that constitutes sex trafficking. For the purposes of this subsection, “sexual contact” means any contact with the intimate parts of another person, and “sex trafficking”

means the recruitment, harboring, transportation or provision of a person for the purpose of engaging in sexual conduct with another person in exchange for anything of value. (b) It shall be an affirmative defense in any prosecution or delinquency proceeding under this section that the defendant was under eighteen years of age and his or her participation in the offense was a result of having been a victim of conduct of another person that constitutes trafficking in persons in violation of subsection (a) of this section. (c) Trafficking in persons is a class A felony. (P.A. 06-43, S. 1; P.A. 10-36, S. 26; P.A. 13-166, S. 2; P.A. 15-195, S. 4; P.A. 16-71, S. 12; P.A. 17-32, S. 2; P.A. 21-103, S. 3.) History: P.A. 06-43 effective July 1, 2006; P.A. 10-36 amended Subsec. (a)(2) to replace “work” with “provide labor or services”, effective July 1, 2010; P.A. 13-166 amended Subsec. (a) to substantially revise elements of offense and add definition of “sexual contact”; P.A. 15-195 amended Subsec. (a) by designating existing provision re person compelling or inducing another person to engage in conduct involving more than one occurrence of sexual contact with one or more third persons as new Subdiv. (1), redesignating existing Subdivs. (1) to (3) as Subparas. (A) to (C) and adding new Subdiv. (2) re compelling or inducing another person who is under 18 to engage in conduct involving more than one occurrence of sexual contact with one or more third persons; P.A. 16-71 amended Subsec. (a) by deleting “more than one occurrence of” re trafficking that involves sexual contact with one or more third persons, by deleting former Subdiv. (2)(A) re prostitution and by deleting Subpara. (B) designator in Subdiv. (2); P.A. 17-32 amended Subsec. (a) by adding Subdiv. (3) re act that constitutes sex trafficking and defining “sex trafficking”, and amended Subsec. (b) by changing trafficking in persons from a class B felony to a class A felony; P.A. 21-103 amended Subsec. (a) by adding “knowingly” in Subdivs. (1), (2)(A) and (3), designating existing Subdiv. (2) as (2)(A) and eliminating age threshold in same, adding Subdiv. (2)(B) re a person under 18 years of age, and redefining “sex trafficking” to replace actions undertaken for a fee to those undertaken in exchange for anything of value, added new Subsec. (b) re an affirmative defense and redesignated existing Subsec. (b) as Subsec. (c). See Sec. 52-571i re action for damages for violation of this section.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-193. - Definitions.

The following definitions are applicable to this section and sections 53a-194 to 53a-210, inclusive: (1) Any material or performance is “obscene” if, (A) taken as a whole, it predominantly appeals to the prurient interest, (B) it depicts or describes in a patently offensive way a prohibited sexual act, and (C) taken as a whole, it lacks serious literary, artistic, educational, political or scientific value. Predominant appeal shall be judged with reference to ordinary adults unless it appears from the character of the material or performance or the circumstances of its dissemination to be designed for some other specially susceptible audience. Whether a material or performance is obscene shall be judged by ordinary adults applying contemporary community standards. In applying contemporary community standards, the state of Connecticut is deemed to be the community. (2) Material or a performance is “obscene as to minors” if it depicts a prohibited sexual act and, taken as a whole, it is harmful to minors. For purposes of this subdivision: (A) “Minor” means any person less than seventeen years old as used in section 53a-196 and less than sixteen years old as used in sections 53a-196a and 53a-196b, and (B) “harmful to minors” means that quality of any description or representation, in whatever form, of a prohibited sexual act, when (i) it predominantly appeals to the prurient, shameful or morbid interest of minors, (ii) it is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and (iii) taken as a whole, it lacks serious literary, artistic, educational, political or scientific value for minors. (3) “Prohibited sexual act” means erotic fondling, nude performance, sexual excitement, sado-masochistic abuse, masturbation or sexual intercourse. (4) “Nude performance” means the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state in any play, motion picture, dance or other exhibition performed before an audience. (5) “Erotic fondling” means touching a person's clothed or unclothed genitals, pubic area, buttocks, or if such person is a female, breast. (6) “Sexual excitement” means the condition of human male or female genitals when in a state of sexual stimulation or arousal. (7) “Sado-masochistic abuse” means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed. (8) “Masturbation” means the real or simulated touching, rubbing or otherwise stimulating a person's own clothed or unclothed genitals, pubic area, buttocks, or, if the person is female, breast, either by manual manipulation or with an artificial instrument. (9) “Sexual intercourse” means intercourse, real or simulated, whether genital-genital, oral-genital, anal-genital or oral-anal, whether between persons of the same or opposite sex or between a human and an animal, or with an artificial genital. (10) “Material” means anything tangible which is capable of being used or adapted to arouse prurient, shameful or morbid interest, whether through the medium of reading, observation, sound or in any other manner. Undeveloped photographs, molds, printing plates, and the like, may be deemed obscene notwithstanding that processing or other acts may be required to make the obscenity patent or to disseminate it. (11) “Performance” means any play, motion picture, dance or other exhibition performed before an audience. (12) “Promote” means to manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, advertise, produce, direct or participate in. (13) “Child sexual abuse material” means any visual depiction including any photograph, film, videotape, picture or computer-generated image or picture, whether made or produced by electronic, digital, mechanical or other means, of sexually explicit conduct, where the production of such visual depiction involves the use of a person under sixteen years of age engaging in sexually explicit conduct, provided whether the subject of a visual depiction was a person under sixteen years of age at the time the visual depiction was created is a question to be decided by the trier of fact. (14) “Sexually explicit conduct” means actual or simulated (A) sexual intercourse, including genital-genital, oral-genital, anal-genital or oral-anal physical contact, whether between persons of the same or opposite sex, or with an artificial genital, (B) bestiality, (C) masturbation, (D) sadistic or masochistic abuse, or (E) lascivious exhibition of the genitals or

public area of any person. (15) "Visual depiction" includes undeveloped film and videotape and data, as defined in subdivision (8) of section 53a-250, that is capable of conversion into a visual image and includes encrypted data. (1969, P.A. 828, S. 195; P.A. 74-124; P.A. 78-331, S. 21, 58; 78-345, S. 1, 4; P.A. 83-507; P.A. 85-496, S. 4; P.A. 92-260, S. 76; P.A. 04-139, S. 2; P.A. 14-192, S. 5; P.A. 24-118, S. 2.) History: P.A. 74-124 added provision re application of contemporary community standards in judgments concerning obscenity; P.A. 78-331 extended applicability of definitions to encompass Sec. 53a-196a; P.A. 78-345 amended Subsec. (b) to replace "nudity, sexual conduct, sexual excitement or sado-masochistic abuse" with reference to prohibited sexual acts, to redefine "minor" re 16-year-olds, to replace definition of "nudity" with definition of "nude performance", to delete definition of "sexual conduct", to define "prohibited sexual act", "erotic fondling", "masturbation", and "sexual intercourse" and to redefine "harmful to minors" as description or representation which lacks serious literary, artistic, educational, political or scientific value for minors rather than as something "utterly without redeeming social importance for minors" and redefined "material" in Subsec. (c) to specify something used or adapted to arouse "prurient, shameful or morbid" interest; P.A. 83-507 amended Subsec. (a) to redefine "obscene" by replacing (1) "its predominant appeal is to prurient, shameful or morbid interest in nudity, sex, excretion, sadism or masochism" with "it predominantly appeals to the prurient interest", (2) "it goes substantially beyond customary limits of candor in describing or representing such matters" with "it depicts or describes in a patently offensive way a prohibited sexual act" and (3) "it is utterly without redeeming social value" with "taken as a whole, it lacks serious literary, artistic, educational, political or scientific value", and reordered and redesignated the other definitions; P.A. 85-496 included reference to Sec. 53a-196c and added definition of "child pornography"; P.A. 92-260 made definitions applicable to "this section and sections 53a-194 to 53a-210, inclusive" rather than to "sections 53a-193 to 53a-196a, inclusive and section 53a-196c", replaced alphabetic Subsec. indicators with numeric indicators, amended Subsec. (1) to replace numeric Subdiv. indicators with alphabetic indicators and add "or performance" in provisions re judging predominant appeal and applying community standards, and amended Subsec. (2) to replace numeric Subdiv. indicators with alphabetic indicators and alphabetic Subpara. indicators with numeric indicators; P.A. 04-139 applied definitions to Secs. 53a-196e to 53a-196g, inclusive, amended Subdiv. (2) to make a technical change and to delete in Subpara. (A) applicability to Sec. 53a-196c of definition of a minor as a person less than 16 years old, redefined "child pornography" in Subdiv. (13) and added definitions of "sexually explicit conduct" and "visual depiction" as Subdivs. (14) and (15), respectively; P.A. 14-192 amended Subdiv. (13) to redefine "child pornography" by adding "digital"; P.A. 24-118 redefined "child pornography" as "child sexual abuse material" in Subdiv. (13). Cited. 193 C. 612. Defendant's challenge denied re prior interpretation of "live performance" and "before an audience" in Subdivs. (11) and (13), revision of 1999. 277 C. 155. Cited. 3 CA 80; 28 CA 91; 29 CA 591. Definition of obscenity is sufficiently explicit to inform a person of ordinary intelligence of what material would be in violation of the law; definition of "obscene" contained in section is presently immune from attack upon the grounds of vagueness or overbreadth at the federal level. 32 CS 639. Cited. 38 CS 570, 574. Subdiv. (11): Requirement in Sec. 53a-196d, through its incorporation of Sec. 53a-193(11) and (13), that the live performance depicted in the materials be "performed before an audience" means that there must be some recording or viewing of, or listening to, a live performance, or a reproduction of a live performance, by a person or persons other than the person or persons simultaneously engaged in the performance; the number of such persons recording, viewing or listening to the performance and whether they actually are present at the live performance or depicted in reproductions of it are irrelevant for purposes of determining whether an audience exists. 252 C. 579. The use of "performance" in this subdivision does not conflict with the use of "showing" in Subdiv. (4) since a performance is an exhibition and common meaning of exhibition is to show or display outwardly; context of section concerns depicting a prohibited sexual act such as a nude performance showing certain body parts, including photographs. 346 C. 432. Subdiv. (14): Subpara. (E): Although they should not be rigidly or mechanically applied, the factors set forth in *United States v. Dost*, 636 F. Supp. 828, factors are helpful in cases in which probable cause depends in part on whether the description in a search warrant affidavit of possibly lascivious images supports, as part of the totality of the circumstances, a reasonable inference that evidence of a crime will be found in the place to be searched. 335 C. 29.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-194. - Obscenity: Class B misdemeanor.

(a) A person is guilty of obscenity when, knowing its content and character, he promotes, or possesses with intent to promote, any obscene material or performance. (b) Obscenity is a class B misdemeanor. (1969, P.A. 828, S. 196.) State has burden of presenting evidence of contemporary community standards in prosecution for obscenity, except where performance is so offensive that no conceivable community standard would permit it. 174 C. 46. Cited. 193 C. 612. Cited. 28 CA 91. Obscenity statute is not so vague or overly broad as to violate federal standards; section is presently immune from attack upon the grounds of vagueness or overbreadth at the federal level. 32 CS 639. Cited. 33 CS 681; 38 CS 570. Cited. 6 Conn. Cir. Ct. 656.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-195. - Defense.

In any prosecution for obscenity it is a defense that the persons to whom allegedly obscene material was disseminated, or the audience to an allegedly obscene performance, consisted of persons or institutions having scientific, educational or governmental justification for possessing or viewing the same. (1969, P.A. 828, S. 197; P.A. 92-260, S. 77.) History: P.A. 92-260 made a technical change. Cited. 200 C. 664.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-196. - Obscenity as to minors: Class D felony.

(a) A person is guilty of obscenity as to minors when he knowingly promotes to a minor, for monetary consideration, any material or performance which is obscene as to minors. (b) For purposes of this section, “knowingly” means having general knowledge of or reason to know or a belief or ground for belief which warrants further inspection or inquiry as to (1) the character and content of any material or performance which is reasonably susceptible of examination by such person and (2) the age of the minor. (c) In any prosecution for obscenity as to minors, it shall be an affirmative defense that the defendant made (1) a reasonable mistake as to age, and (2) a reasonable bona fide attempt to ascertain the true age of such minor, by examining a draft card, driver's license, birth certificate or other official or apparently official document, exhibited by such minor, purporting to establish that such minor was seventeen years of age or older. (d) Obscenity as to minors is a class D felony. (1969, P.A. 828, S. 198; P.A. 85-496, S. 1; P.A. 92-260, S. 78.) History: P.A. 85-496 increased penalty from class A misdemeanor to class D felony; P.A. 92-260 made a technical change in Subsec. (c). Under revision of 1999, provision that proscribes “importation of two or more copies” was not limited to copies of the same image, but also included reproductions of two or more different images; section not limited to commercial importation of child pornography but also includes transmittal of images by personal computer; expert evidence is not necessary to establish that child depicted is real and not electronically generated; evidence that defendant sent images via electronic mail service routed through Virginia was sufficient to establish the proscribed activity of “importing” images. 277 C. 155. Cited. 36 CS 352.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-196a. - Employing a minor in an obscene performance: Class A felony.

(a) A person is guilty of employing a minor in an obscene performance when such person (1) employs any minor, whether or not such minor receives any consideration, for the purpose of promoting any material or performance which is obscene as to minors, notwithstanding that such material or performance is intended for an adult audience, or (2) permits any such minor to be employed, whether or not such minor receives any consideration, in the promotion of any material or performance which is obscene as to minors, notwithstanding that such material or performance is intended for an adult audience, and such person is the parent or guardian of such minor or otherwise responsible for the general supervision of such minor's welfare. (b) Employing a minor in an obscene performance is a class A felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which ten years of the sentence imposed may not be suspended or reduced by the court. (P.A. 77-577, S. 2; P.A. 78-345, S. 2, 4; P.A. 85-496, S. 2; P.A. 92-260, S. 79; P.A. 07-143, S. 6.) History: P.A. 78-345 restated provisions for conformity with Sec. 53a-193 as amended; P.A. 85-496 increased penalty from class B felony to class A felony; P.A. 92-260 made technical changes; P.A. 07-143 amended Subsec. (a) to make technical changes and amended Subsec. (b) to require any person found guilty to be sentenced to a term of imprisonment of which 10 years of the sentence imposed may not be suspended or reduced by the court, effective July 1, 2007. See Sec. 17a-47 re legal division within Department of Children and Families. Cited. 227 C. 207. Section is not unconstitutionally vague because there is a body of caselaw that makes clear that directing a child to pose fully or partially nude for photographs in an objectively sexual manner is an exhibition or showing within the meaning of the term “nude performance” and a violation of Subsec. (a)(1); Defendant's conviction under section did not violate defendant's first amendment rights since photographs of children need not depict them explicitly engaged in sexual acts to be patently offensive and thus harmful to minors; the photographs at issue were obscene and not protected by the first amendment. 346 C. 432. “Audience”, in Subsec. (a)(1), may consist of a single photographer of a live performance or a single person viewing photographs of the performance, whether or not any spectator was present at performance or depicted in photographs; Subsec. (a)(1) advances legislative purpose of prohibiting the exhibition and viewing of children engaged in sexual conduct, regardless of the number of spectators. 135 CA 215.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-196b. - Promoting a minor in an obscene performance: Class B felony.

(a) A person is guilty of promoting a minor in an obscene performance when he knowingly promotes any material or performance in which a minor is employed, whether or not such minor receives any consideration, and such material or performance is obscene as to minors notwithstanding that such material or performance is intended for an adult audience. (b) For purposes of this section, “knowingly” means having general knowledge of or reason to know or a belief or ground for belief which warrants further inspection or inquiry as to (1) the character and content of any material or performance which is reasonably susceptible of examination by such person and (2) the age of the minor employed. (c) Promoting a minor in an obscene performance is a class B felony. (P.A. 78-345, S. 3, 4; P.A. 85-496, S. 3; P.A. 92-260, S. 80.) History: P.A. 85-496 increased penalty from class C felony to class B felony; P.A. 92-260 made technical changes in Subsec. (a). Evidence, which included videos that did not depict a prohibited sexual act as defined in Sec. 53a-193(3) but served as corroboration of activities described in victim's testimony, was sufficient to sustain conviction of promoting a minor in an obscene performance. 308 C. 274. Cited. 28 CA 91.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-196c. - Importing child sexual abuse material: Class B felony.

(a) A person is guilty of importing child sexual abuse material when, with intent to promote child sexual abuse material, such person knowingly imports or causes to be imported into the state three or more visual depictions of child sexual abuse material of known content and character. (b) Importing child sexual abuse material is a class B felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court. (P.A. 85-496, S. 5; P.A. 04-139, S. 3; P.A. 07-143, S. 7; P.A. 24-118, S. 3.) History: P.A. 04-139 amended Subsec. (a) to

replace “any child pornography” with “three or more visual depictions of child pornography” and make a technical change for purposes of gender neutrality, deleted former Subsec. (b) providing that importation of two or more copies of any publication containing child pornography shall be prima facie evidence that such publications were imported with intent to promote child pornography, redesignated existing Subsec. (c) as new Subsec. (b) and amended said Subsec. to increase penalty from a class C felony to a class B felony; P.A. 07-143 amended Subsec. (b) to require any person found guilty to be sentenced to a term of imprisonment of which 5 years of the sentence imposed may not be suspended or reduced by the court, effective July 1, 2007; P.A. 24-118 replaced references to “child pornography” with “child sexual abuse material” throughout.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-196d. - Possessing child sexual abuse material in the first degree: Class B felony.

(a) A person is guilty of possessing child sexual abuse material in the first degree when such person knowingly possesses (1) fifty or more visual depictions of child sexual abuse material, or (2) one or more visual depictions of child sexual abuse material that depict the infliction or threatened infliction of serious physical injury, or (3) (A) a series of images in electronic, digital or other format, which is intended to be displayed continuously, consisting of two or more frames, or a film or videotape, consisting of two or more frames, that depicts (i) more than one child engaging in sexually explicit conduct, or (ii) more than one act of sexually explicit conduct by one or more children, or (B) any combination of a (i) series of images in electronic, digital or other format, which is intended to be displayed continuously, (ii) film, or (iii) videotape, which series, film or videotape each consists of two or more frames and depicts a single act of sexually explicit conduct by one child. (b) In any prosecution for an offense under this section, it shall be an affirmative defense that the acts of the defendant, if proven, would constitute a violation of section 53a-196h. (c) Possessing child sexual abuse material in the first degree is a class B felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court. (P.A. 95-143, S. 3; P.A. 04-139, S. 4; P.A. 07-143, S. 8; P.A. 10-112, S. 3; 10-191, S. 2; P.A. 14-192, S. 1; P.A. 24-118, S. 4.) History: P.A. 04-139 renamed offense by replacing “possessing child pornography” with “possessing child pornography in the first degree” where appearing, amended Subsec. (a) to replace provision that offense occurs when a person “knowingly possesses child pornography, as defined in subdivision (13) of section 53a-193” with “knowingly possesses fifty or more visual depictions of child pornography” and delete provision that possession of a photographic or other visual reproduction of a nude minor for a bona fide artistic, medical, scientific, educational, religious, governmental or judicial purpose is not a violation of subsection, and amended Subsec. (b) to increase penalty from a class D felony to a class B felony; P.A. 07-143 amended Subsec. (b) to require any person found guilty to be sentenced to a term of imprisonment of which 5 years of the sentence imposed may not be suspended or reduced by the court, effective July 1, 2007; P.A. 10-112 amended Subsec. (a) to designate existing provision re 50 or more visual depictions as Subdiv. (1) and add Subdiv. (2) re visual depictions of child pornography that depict infliction or threatened infliction of serious physical injury; P.A. 10-191 added new Subsec. (b) re affirmative defense and redesignated existing Subsec. (b) as Subsec. (c); P.A. 14-192 amended Subsec. (a) to add Subdiv. (3) re possession of series of images in electronic, digital or other format intended to be displayed continuously, or a film or videotape; P.A. 24-118 replaced references to “child pornography” with “child sexual abuse material” throughout. Trial court properly rejected defendant's claim that statute is unconstitutionally vague; there is no first amendment right to possess materials otherwise covered by definition of child pornography specified in Sec. 53a-193(13) when the person depicted is younger than 18, statute is not unconstitutional on its face and defendant having conceded that statute clearly gives fair notice that pornographic materials depicting children under 16 are prohibited and having admitted that he possessed materials depicting children under 16, statute is not unconstitutionally vague as applied to defendant; “minor”, for purposes of statute, means a person under 16 years of age. 252 C. 579.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-196e. - Possessing child sexual abuse material in the second degree: Class C felony.

(a) A person is guilty of possessing child sexual abuse material in the second degree when such person knowingly possesses (1) twenty or more but fewer than fifty visual depictions of child sexual abuse material, or (2) a series of images in electronic, digital or other format, which is intended to be displayed continuously, consisting of twenty or more frames, or a film or videotape, consisting of twenty or more frames, that depicts a single act of sexually explicit conduct by one child. (b) In any prosecution for an offense under this section, it shall be an affirmative defense that the acts of the defendant, if proven, would constitute a violation of section 53a-196h. (c) Possessing child sexual abuse material in the second degree is a class C felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which two years of the sentence imposed may not be suspended or reduced by the court. (P.A. 04-139, S. 5; P.A. 07-143, S. 9; P.A. 10-191, S. 3; P.A. 14-192, S. 2; P.A. 24-118, S. 5.) History: P.A. 07-143 amended Subsec. (b) to require any person found guilty to be sentenced to a term of imprisonment of which 2 years of the sentence imposed may not be suspended or reduced by the court, effective July 1, 2007; P.A. 10-191 added new Subsec. (b) re affirmative defense and redesignated existing Subsec. (b) as Subsec. (c); P.A. 14-192 amended Subsec. (a) to designate existing provision re possession of 20 or more but fewer than 50 visual depictions as Subdiv. (1) and add Subdiv. (2) re possession of series of images in electronic, digital or other format, intended to be displayed continuously, or a film or videotape; P.A. 24-118 replaced references to “child pornography” with “child sexual abuse material” throughout.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-196f. - Possessing

child sexual abuse material in the third degree: Class D felony.

(a) A person is guilty of possessing child sexual abuse material in the third degree when such person knowingly possesses (1) fewer than twenty visual depictions of child sexual abuse material, or (2) a series of images in electronic, digital or other format, which is intended to be displayed continuously, consisting of fewer than twenty frames, or a film or videotape, consisting of fewer than twenty frames, that depicts a single act of sexually explicit conduct by one child. (b) In any prosecution for an offense under this section, it shall be an affirmative defense that the acts of the defendant, if proven, would constitute a violation of section 53a-196h. (c) Possessing child sexual abuse material in the third degree is a class D felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which one year of the sentence imposed may not be suspended or reduced by the court. (P.A. 04-139, S. 6; P.A. 07-143, S. 10; P.A. 10-191, S. 4; P.A. 14-192, S. 3; P.A. 24-118, S. 6.) History: P.A. 07-143 amended Subsec. (b) to require any person found guilty to be sentenced to a term of imprisonment of which 1 year of the sentence imposed may not be suspended or reduced by the court, effective July 1, 2007; P.A. 10-191 added new Subsec. (b) re affirmative defense and redesignated existing Subsec. (b) as Subsec. (c); P.A. 14-192 amended Subsec. (a) to designate existing provision re possession of fewer than 20 visual depictions as Subdiv. (1) and add Subdiv. (2) re possession of series of images in electronic, digital or other format, intended to be displayed continuously, or a film or videotape; P.A. 24-118 replaced references to “child pornography” with “child sexual abuse material” throughout.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-196g. - Possessing child sexual abuse material: Affirmative defenses.

In any prosecution for a violation of section 53a-196d, 53a-196e, 53a-196f or 53a-196h, it shall be an affirmative defense that (1) the defendant (A) possessed fewer than three visual depictions, other than a series of images in electronic, digital or other format, which is intended to be displayed continuously, or a film or videotape, of child sexual abuse material, (B) did not knowingly purchase, procure, solicit or request such visual depictions or knowingly take any other action to cause such visual depictions to come into the defendant's possession, and (C) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any visual depiction or copy thereof, took reasonable steps to destroy each such visual depiction or reported the matter to a law enforcement agency and afforded that agency access to each such visual depiction, or (2) the defendant possessed a visual depiction of a nude person under sixteen years of age for a bona fide artistic, medical, scientific, educational, religious, governmental or judicial purpose. (P.A. 04-139, S. 7; P.A. 10-191, S. 5; P.A. 14-192, S. 4; P.A. 24-118, S. 7.) History: P.A. 10-191 made provisions applicable in prosecution for violation of Sec. 53a-196h; P.A. 14-192 amended Subdiv. (1)(A) to add provision re possession of series of images in electronic, digital or other format intended to be displayed continuously, or a film or videotape; P.A. 24-118 amended Subdiv. (1)(A) by replacing “child pornography” with “child sexual abuse material”.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-196h. - Possessing or transmitting child sexual abuse material by minor: Class A misdemeanor.

(a)(1) No person who is under eighteen years of age may knowingly possess any visual depiction of child sexual abuse material that the subject of such visual depiction knowingly and voluntarily transmitted by means of an electronic communication device to such person and in which the subject of such visual depiction is a person under sixteen years of age. (2) No person who is under sixteen years of age may knowingly and voluntarily transmit by means of an electronic communication device a visual depiction of child sexual abuse material in which such person is the subject of such visual depiction to another person who is under eighteen years of age. (b) As used in this section, “child sexual abuse material” and “visual depiction” have the same meanings as provided in section 53a-193, and “electronic communication device” means any electronic device that is capable of transmitting a visual depiction, including a computer, computer network and computer system, as those terms are defined in section 53a-250, and a cellular or wireless telephone. (c) Any person who violates the provisions of this section shall be guilty of a class A misdemeanor. (P.A. 10-191, S. 1; P.A. 17-25, S. 1; P.A. 24-118, S. 8.) History: P.A. 17-25 amended Subsec. (a) to delete “thirteen years of age or older but”; P.A. 24-118 amended Subsec. (a) by replacing references to “child pornography” with “child sexual abuse material” and amended Subsec. (b) to redefine “child pornography” as “child sexual abuse material”.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-196i. - Commercial sexual exploitation of a minor: Class C felony.

(a) For the purposes of this section: (1) “Advertisement for a commercial sex act” or “advertisement” means any advertisement or offer in electronic or print media which includes an explicit or implicit offer for a commercial sex act to occur in this state; (2) “Commercial sex act” means any act of sexual contact, as defined in section 53a-65, or sexual intercourse, as defined in section 53a-65, for which something of value is given to or received by any person; (3) “Depiction” means any photograph, film, videotape, visual material or printed material; and (4) “Person” has the meaning provided in section 53a-3, but does not include a government or a governmental instrumentality. (b) A person is guilty of commercial sexual exploitation of a minor when such person knowingly purchases advertising space for an advertisement for a commercial sex act that includes a depiction of a minor. (c) (1) In any prosecution for an offense under this section, it shall not be a defense that the defendant (A) did not know the age of the person depicted in the advertisement, (B) relied on an oral or written representation of the age of the person depicted in the advertisement, or (C) relied on the apparent age of the person depicted in the advertisement. (2) In any prosecution for an offense under this section,

it shall be an affirmative defense that the defendant, prior to purchasing advertising space for the advertisement, made a reasonable bona fide attempt to ascertain the true age of the person depicted in the advertisement by requiring the person depicted in the advertisement to produce a driver's license, marriage license, birth certificate or other government-issued or school-issued identity card that identifies the age of the person, provided the defendant retains and produces a copy or other record of the license, certificate or identity card used to ascertain the age of the person depicted in the advertisement. (d) Commercial sexual exploitation of a minor is a class C felony. (P.A. 12-141, S. 1.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-196j. - Harmful communication with a minor: Class A misdemeanor.

(a) As used in this section: (1) "Minor" means any person under eighteen years of age, or who the actor reasonably believes to be under eighteen years of age; (2) "Interactive computer service" has the same meaning as provided in section 53a-90a; (3) "Inappropriate relationship" means a relationship that is patently offensive to prevailing standards in the adult community as a whole with respect to what is a suitable relationship between an adult and a minor; and (4) "Harmful to the minor" means communication with a minor that is patently offensive to prevailing standards in the adult community as a whole with respect to what is a suitable form of communication between an adult and a minor. (b) A person, who is twenty-five years of age or older, is guilty of harmful communication with a minor when such person uses an interactive computer service or text message to knowingly persuade, induce, entice or coerce a minor, to: (1) Share a photographic or other recorded image of the minor for the purpose of providing sexual gratification to the person who requests that the image be shared, (2) share a photographic or other recorded image of the minor, which the person who requests the image then disseminates to one or more third persons for the purpose of providing sexual gratification to such third persons, (3) engage in any communication that is part of a pattern of communication or behavior designed to form or maintain an inappropriate relationship, or (4) engage in any communication that is harmful to the minor. (c) For the purposes of this section, a violation may be deemed to have been committed either at the place where the communication originated or at the place where it was received. (d) Harmful communication with a minor is a class A misdemeanor. (P.A. 23-123, S. 1.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-197 and 53a-198. - Disseminating indecent comic books: Class A misdemeanor. Failing to identify a comic book publication: Violation.

Sections 53a-197 and 53a-198 are repealed, effective October 1, 2004. (1969, P.A. 828, S. 199, 200; P.A. 92-260, S. 81; P.A. 04-139, S. 14.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-199. - Injunction against promoting any obscene material or performance.

An injunction may be granted against the promoting of any material or performance that is obscene or obscene as to minors or the possessing with intent to promote any such material. (1969, P.A. 828, S. 201.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-200. - Institution of action for adjudication of obscenity.

Whenever any state's attorney or assistant state's attorney has reasonable cause to believe that any person is knowingly promoting any material or performance that is obscene or obscene as to minors, he shall institute an action for an adjudication of the obscenity of such material or performance. Such action shall commence with the filing of an application for an injunction with a judge of the superior court for the judicial district wherein is located such material or performance. The complaint shall: (1) Be directed against the promoting of the material or performance; (2) designate as defendants and list the names and addresses, if known, of its promoters, or any person possessing it with intent to promote it; (3) allege its obscene nature; (4) seek an adjudication that it is obscene or obscene as to minors and an injunction against any promoting or possessing with intent to promote; (5) seek its surrender, seizure, destruction or termination. (1969, P.A. 828, S. 202; P.A. 74-183, S. 124, 291; P.A. 76-436, S. 514, 681; P.A. 78-280, S. 1, 127; P.A. 92-260, S. 82.) History: P.A. 74-183 replaced circuit court with court of common pleas and "circuit" with "county or judicial district", reflecting transfer of circuit court functions to court of common pleas in reorganization of judicial system, effective December 31, 1974; P.A. 76-436 replaced prosecuting attorneys with state's attorneys and assistant state's attorneys and court of common pleas with superior court, reflecting transfer of all trial jurisdiction to superior court, effective July 1, 1978; P.A. 78-280 deleted reference to counties; P.A. 92-260 made technical changes by replacing alphabetic with numeric Subdiv. indicators.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-201. - Presentation of material or evidence depicting performance. Probable cause determination. Time for trial and decision.

The prosecuting attorney, at the time of presenting the complaint and application to the court, shall also present the material or a witness or other evidence describing or depicting the performance. If, after examination, the court finds no probable cause to believe such material or performance obscene or obscene as to minors, the court shall dismiss the action. If, after examination, the court finds probable cause to believe such material or performance obscene or obscene as to minors, the court shall then proceed as in

other applications for an injunction. The person sought to be enjoined shall be entitled to a trial of the issues, commencing within one day after the close of all pleadings, and any decision by the court shall be rendered within two days of the conclusion of the trial. (1969, P.A. 828, S. 203; P.A. 92-260, S. 83.) History: P.A. 92-260 added provisions requiring that the court “dismiss the action” if it fails to find probable cause and that the court proceed as in other applications for an injunction “if, after examination, the court finds probable cause to believe such material or performance obscene or obscene as to minors”, provisions which were contained in former Sec. 53-244d which was repealed by 1969 P.A. 828, S. 214, the same act which enacted the penal code.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-202. - Third party may be made a party.

On or before the date set for trial, any person who promotes, or who possesses with intent to promote, the material or performance complained of in the application for an injunction may file an appearance and be made a party to the proceedings. (1969, P.A. 828, S. 204.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-203. - Jury trial.

Every person appearing shall be entitled, upon request, to a trial by jury and the court may order a trial of any issue to the jury. (1969, P.A. 828, S. 205; P.A. 92-260, S. 84.) History: P.A. 92-260 deleted an obsolete reference to “the criminal sessions of such court”. Cited. 17 CA 326; 40 CA 515.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-204. - Evidence.

At the trial, all parties shall be permitted to submit evidence, including the testimony of experts, pertaining but not limited to the following: (1) The elements or standards specified in the definitions of obscene and obscene as to minors; (2) the artistic, literary, scientific, educational or governmental merits of the material or performance; (3) the intent and knowledge of any defendant. (1969, P.A. 828, S. 206; P.A. 92-260, S. 85.) History: P.A. 92-260 made technical changes by replacing alphabetic with numeric Subdiv. indicators.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-205. - Judgment.

If the court or jury, as the case may be, finds the material or performance not to be obscene or obscene as to minors, the court shall enter judgment accordingly. If the court or jury, as the case may be, finds the material or performance to be obscene or obscene as to minors, the court shall enter judgment to such effect and may, in such judgment or in subsequent orders of enforcement thereof: (1) Enter an injunction against any defendant prohibiting him from promoting or possessing such material or performance, under such conditions and within such time as the court may order; (2) direct any resident defendant to dispose of all such material in his possession or under his control under such conditions and within such time as the court may order; or (3) if any defendant fails fully to comply with the judgment or order of the court, direct the state police or any organized local police department to seize and destroy all such material in the possession or under the control of such defendant wherever the same may be found within their jurisdiction. (1969, P.A. 828, S. 207; P.A. 77-614, S. 486, 587, 610; P.A. 78-303, S. 85, 136.) History: P.A. 77-614 made state police department a division within the department of public safety, effective January 1, 1979, but under authority of P.A. 78-303 existing reference to state police was retained.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-206. - Injunction and restraining order.

Every order granting an injunction and every restraining order shall set forth the reasons for its issuance and shall describe in reasonable detail the obscene material or performance and the promoting or possessing sought to be restrained, and is binding only upon the defendants to the action and their officers, agents, servants and employees and upon those persons in active concert or participating by contract or arrangement with them, who receive actual notice of the order by personal service or otherwise. (1969, P.A. 828, S. 208; P.A. 92-260, S. 86.) History: P.A. 92-260 made a technical change. Cited. 16 CA 601.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-207. - Service of process on nonresidents.

Every nonresident person, whether acting personally or by an agent, salesman, employee, officer or another, who promotes any material or performance that is obscene or obscene as to minors in this state shall be deemed to have appointed the Secretary of the State as his attorney and to have agreed that any process in any action arising under sections 53a-199 to 53a-206, inclusive, brought against or naming such nonresident as a defendant, may be served upon said secretary and shall have the same validity as if served upon such nonresident personally. Such process shall be served by the officer to whom the same is directed upon said secretary by leaving with or at the office of said secretary a true and attested copy thereof and by sending to the defendant, by registered or certified mail, postage prepaid, a like true and attested copy with an endorsement thereon of the service upon said secretary addressed to such defendant at his last-known address. The Secretary of the State shall keep a record of each such process and the day and hour of service. (1969, P.A. 828, S. 209; P.A. 92-260, S. 87.) History: P.A. 92-260 made technical changes.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-208. - Extradition.

In all cases in which a court has entered its judgment pursuant to section 53a-205 that the material or performance in question is obscene or obscene as to minors, and a charge of a violation of the injunction or restraining order is thereafter brought against a person who, being a defendant to such judgment, cannot be found in this state, the Governor, or anyone performing the functions of Governor by authority of a law of this state, shall, unless such person has appealed from such judgment and such appeal is not finally determined, demand his extradition from the executive authority of the state in which such person may be found, pursuant to the laws of this state. (1969, P.A. 828, S. 210; P.A. 92-260, S. 88.) History: P.A. 92-260 replaced reference to “sections 53a-199 to 53a-206, inclusive,” with “section 53a-205”.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-209. - Penalties.

Any defendant, or any officer, agent, servant or employee of such defendant, or any person in active concert or participation by contract or arrangement with such defendant, who receives actual notice, by personal service or otherwise, of any injunction or restraining order entered pursuant to section 53a-205 and who disobeys any of the provisions thereof shall be fined not more than three thousand five hundred dollars or imprisoned not more than two years, or both. (1969, P.A. 828, S. 211; P.A. 92-260, S. 89; P.A. 13-258, S. 20.) History: P.A. 92-260 replaced reference to “sections 53a-199 to 53a-206, inclusive,” with “section 53a-205”; P.A. 13-258 changed fine from \$1,000 to \$3,500 and made a technical change.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-210. - Levy of fine against property.

Any fine against any person under section 53a-209 may be levied against any of his real property, personal property, tangible or intangible, choses in action or property of any kind or nature, including debts owing to him, which may be situated or found in this state. (1969, P.A. 828, S. 212; P.A. 92-260, S. 90.) History: P.A. 92-260 replaced reference to “any of sections 53a-199 to 53a-206, inclusive,” with “section 53a-209”.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-211. - Possession of a sawed-off shotgun or silencer: Class D felony.

(a) A person is guilty of possession of a sawed-off shotgun or a silencer when he owns, controls or possesses any sawed-off shotgun that has a barrel of less than eighteen inches or an overall length of less than twenty-six inches or when he owns, controls or possesses any silencer designed to muffle the noise of a firearm during discharge. (b) The provisions of this section shall not apply to persons, firms, corporations or museums licensed or otherwise permitted by federal or state law to possess, control or own sawed-off shotguns or silencers. (c) Possession of a sawed-off shotgun or a silencer is a class D felony. (P.A. 76-45; P.A. 80-244.) History: P.A. 80-244 deleted phrase “of any caliber” following reference to sawed-off shotguns in Subsec. (a). See Secs. 29-35 to 29-38a, inclusive, and 53-202 to 53-206d, inclusive, re regulation of firearms and penalties imposed for firearms violations. Cited. 190 C. 715; 198 C. 68; 201 C. 505; 207 C. 323; 224 C. 163; 233 C. 215. Cited. 1 CA 697; 7 CA 550; 11 CA 397; 13 CA 76; 14 CA 67; 15 CA 539; 17 CA 490; 26 CA 698; 28 CA 474; 30 CA 9. Fact that the weapon in evidence had a pistol grip was of no consequence because the barrel had been sawed off and therefore weapon was a sawed-off shotgun. 99 CA 183. Defendant was not entitled to jury instruction that “mere presence in the vicinity of the firearm, however, is not enough to establish possession”. 113 CA 651.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-212. - Stealing a firearm: Class C felony.

(a) A person is guilty of stealing a firearm when, with intent to deprive another person of such other person's firearm or to appropriate the firearm to such person or a third party, such person wrongfully takes, obtains or withholds a firearm, as defined in subdivision (19) of section 53a-3. (b) Stealing a firearm is a class C felony for which two years of the sentence imposed may not be suspended or reduced by the court, and five thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine. (P.A. 77-217; P.A. 13-3, S. 43.) History: P.A. 13-3 made technical changes in Subsec. (a) and amended Subsec. (b) to change penalty from a class D felony to a class C felony and provide that 2 years of the sentence imposed may not be suspended or reduced by the court and \$5,000 of the fine imposed may not be remitted or reduced unless the court states its reasons for remitting or reducing the fine. Cited. 189 C. 461; 190 C. 715; 196 C. 157; 197 C. 201; 198 C. 405; 199 C. 591; 241 C. 702. Cited. 7 CA 367; 8 CA 631; Id., 667; 9 CA 349; 19 CA 48; 20 CA 521; 34 CA 751; judgment reversed, see 233 C. 211; 35 CA 740; 38 CA 481; Id., 643; Id., 750. Fact that the weapon in evidence had a pistol grip and could not be fired from the shoulder was of no consequence because it was a weapon capable of discharging a gunshot and therefore satisfied statutory definition of firearm. 99 CA 183.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-213. - Drinking while operating a motor vehicle: Class C misdemeanor.

(a) A person is guilty of drinking while operating a motor vehicle when such person drinks any alcoholic liquor while operating a motor vehicle upon a public highway of this state or upon any road of any specially chartered municipal association or of any

district organized under the provisions of chapter 105, a purpose of which is the construction and maintenance of roads and sidewalks, or in any parking area for ten cars or more, or upon any private road on which a speed limit has been established in accordance with the provisions of section 14-218a or 14-307a or upon any school property. As used in this section, “alcoholic liquor” has the same meaning as provided in section 30-1. (b) Drinking while operating a motor vehicle is a class C misdemeanor. (P.A. 79-368; P.A. 14-122, S. 192; P.A. 21-28, S. 12.) History: P.A. 14-122 made technical changes in Subsec. (a); P.A. 21-28 amended Subsec. (a) by adding reference to Sec. 14-307a and making a technical change.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-213a. - Smoking, otherwise inhaling or ingesting cannabis while operating a motor vehicle: Class C misdemeanor.

(a) A person is guilty of smoking, otherwise inhaling or ingesting cannabis, as defined in section 21a-420, while operating a motor vehicle when he or she smokes, otherwise inhales or ingests cannabis, as defined in section 21a-420, while operating a motor vehicle upon a public highway of this state or upon any road of any specially chartered municipal association or of any district organized under the provisions of chapter 105, a purpose of which is the construction and maintenance of roads and sidewalks, or in any parking area for ten cars or more, or upon any private road on which a speed limit has been established in accordance with the provisions of section 14-218a or upon any school property. No person shall be convicted of smoking or otherwise inhaling or ingesting cannabis while operating a motor vehicle and possessing or having under such person's control a controlled substance upon the same transaction. A person may be charged and prosecuted for either or each such offense, a violation of operating a motor vehicle while under the influence of any drug and any other applicable offense upon the same information. (b) Smoking, otherwise inhaling or ingesting cannabis while operating a motor vehicle is a class C misdemeanor. (c) No peace officer shall stop a motor vehicle for a violation of this section if such violation is the sole reason for such stop. (June Sp. Sess. P.A. 21-1, S. 112.) History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-213b. - Smoking, otherwise inhaling or ingesting cannabis as a passenger in a motor vehicle: Class D misdemeanor.

(a) A person is guilty of smoking or otherwise inhaling or ingesting cannabis, as defined in section 21a-420, in a motor vehicle when he or she smokes or otherwise inhales or ingests cannabis in a motor vehicle that is being operated by another person upon a public highway of this state or upon any road of any specially chartered municipal association or of any district organized under the provisions of chapter 105, a purpose of which is the construction and maintenance of roads and sidewalks, or in any parking area for ten cars or more, or upon any private road on which a speed limit has been established in accordance with the provisions of section 14-218a or upon any school property. No person shall be convicted of smoking or otherwise inhaling or ingesting cannabis as a passenger in a motor vehicle and possessing or having under such person's control a controlled substance upon the same transaction, but such person may be charged and prosecuted for both offenses upon the same information. (b) Smoking or otherwise inhaling or ingesting cannabis in a motor vehicle is a class D misdemeanor. (c) No peace officer shall stop a motor vehicle for a violation of this section if such violation is the sole reason for such stop. (June Sp. Sess. P.A. 21-1, S. 113.) History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-214. - Criminal lockout: Class C misdemeanor.

(a) A landlord or lessor of a residential or nonresidential unit subject to the provisions of chapter 830 or 832, or an owner of such a unit, or the agent of such landlord, lessor or owner is guilty of criminal lockout when, without benefit of a court order, he or she deprives a tenant, as defined in subsection (l) of section 47a-1, or a lessee of a nonresidential unit, of access to his or her residential or nonresidential unit or his or her possessions. (b) Criminal lockout is a class C misdemeanor. (P.A. 81-24; P.A. 19-132, S. 5.) History: P.A. 19-132 amended Subsec. (a) by adding references to lessor and lessee, replacing “dwelling unit” with “residential or nonresidential unit”, replacing “his personal possessions” with “his or her possessions”, adding reference to Ch. 832, and making technical and conforming changes.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-215. - Insurance fraud: Class D felony.

(a) A person is guilty of insurance fraud when the person, with the intent to injure, defraud or deceive any insurance company: (1) Presents or causes to be presented to any insurance company, any written or oral statement including computer-generated documents as part of, or in support of, any application for any policy of insurance or a claim for payment or other benefit pursuant to such policy of insurance, knowing that such statement contains any false, incomplete, or misleading information concerning any fact or thing material to such application or claim; or (2) assists, abets, solicits, or conspires with another to prepare or make any written or oral statement that is intended to be presented to any insurance company in connection with, or in support of, any application for any policy of insurance or any claim for payment or other benefit pursuant to such policy of insurance, knowing that such statement contains any false, incomplete, or misleading information concerning any fact or thing material to such application or claim for the purposes of defrauding such insurance company. (b) For the purposes of this section, “statement” includes, but is not limited to, any notice, statement, invoice, account, estimate of property damages, bill for services, test result, or other evidence of loss, injury, or

expense. (c) For the purposes of this section, “insurance company” has the same meaning as provided in section 38a-1. (d) Insurance fraud is a class D felony. (P.A. 81-113; P.A. 00-211, S. 6; P.A. 17-15, S. 96.) History: P.A. 00-211 amended Subsec. (a) to delete “providing coverage for loss or damage to real or personal property caused by fire” re insurance policies and to make a technical change for purposes of gender neutrality and amended Subsec. (c) to redefine “insurance company”; P.A. 17-15 made a technical change in Subsec. (c). See Secs. 53-440 to 53-443, inclusive, re health insurance fraud and abuse. Cited. 227 C. 1. Cited. 28 CA 9; 44 CA 294. Subsec. (a)(2): In order to establish guilt under the Subsec., the state must present evidence that defendant engaged in conduct related to the making or preparing of the insurance claim, and evidence that defendant intended to defraud the insurance company when she started a fire does not reasonably support the inference that she engaged in the making or preparation of any statement provided to the insurance company. 184 CA 595.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-216. - Criminal use of firearm or electronic defense weapon: Class D felony.

(a) A person is guilty of criminal use of a firearm or electronic defense weapon when he commits any class A, B or C or unclassified felony as defined in section 53a-25 and in the commission of such felony he uses or threatens the use of a pistol, revolver, machine gun, shotgun, rifle or other firearm or electronic defense weapon. No person shall be convicted of criminal use of a firearm or electronic defense weapon and the underlying felony upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information. (b) Criminal use of a firearm or electronic defense weapon is a class D felony for which five years of the sentence imposed may not be suspended or reduced by the court. (P.A. 81-342, S. 1; P.A. 86-287, S. 4.) History: P.A. 86-287 added reference to electronic defense weapons. Cited. 195 C. 651; 226 C. 497; 240 C. 743; 242 C. 143. Cited. 24 CA 330. Judgment reversed where defendant convicted of violation of statute and Sec. 53a-134(a)(2). 85 CA 708.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-217. - Criminal possession of a firearm, ammunition or an electronic defense weapon: Class C felony.

(a) A person is guilty of criminal possession of a firearm, ammunition or an electronic defense weapon when such person possesses a firearm, ammunition or an electronic defense weapon and (1) has been convicted of (A) a felony committed prior to, on or after October 1, 2013, (B) a misdemeanor violation of section 21a-279 on or after October 1, 2015, (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or after October 1, 2013, and during the preceding twenty years, or (D) a misdemeanor violation of any law of this state that has been designated as a family violence crime pursuant to section 46b-38h and was committed on or after October 1, 2023, (2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120, (3) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13, (4) knows that such person is subject to (A) a restraining or protective order of a court of this state that has been issued against such person, after notice has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person, or (B) a foreign order of protection, as defined in section 46b-15a, that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person, (5) (A) has been confined on or after October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding sixty months by order of a probate court, or with respect to any person who holds a valid permit or certificate that was issued or renewed under the provisions of section 29-28 or 29-36f in effect prior to October 1, 2013, such person has been confined in such hospital within the preceding twelve months, or (B) has been voluntarily admitted on or after October 1, 2013, or has been committed under an emergency certificate pursuant to section 17a-502 on or after October 1, 2023, to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability, unless the person (i) was admitted or committed solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680, or (ii) is a police officer who was voluntarily admitted and had his or her firearm, ammunition or electronic defense weapon used in the performance of the police officer's official duties returned in accordance with section 7-291d, (6) knows that such person is subject to a firearms seizure order issued prior to June 1, 2022, pursuant to section 29-38c after notice and an opportunity to be heard has been provided to such person, or a risk protection order or risk protection investigation order issued on or after June 1, 2022, pursuant to section 29-38c, or (7) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(2), (g)(4) or (g)(9). For the purposes of this section, “convicted” means having a judgment of conviction entered by a court of competent jurisdiction, “ammunition” means a loaded cartridge, consisting of a primed case, propellant or projectile, designed for use in any firearm, and a motor vehicle violation for which a sentence to a term of imprisonment of more than one year may be imposed shall be deemed an unclassified felony. (b) Criminal possession of a firearm, ammunition or an electronic defense weapon is a class C felony, for which two years and one day of the sentence imposed may not be suspended or reduced by the court, and five thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine. (P.A. 82-464, S. 1; P.A. 86-287, S. 5; P.A. 91-212; P.A. 98-129, S. 12; P.A. 99-212, S. 1; P.A. 01-130, S. 15; P.A. 03-98, S. 4; P.A. 05-147, S. 4; 05-283, S. 2; P.A. 12-133, S. 19; P.A. 13-3, S. 44; June Sp. Sess. P.A. 15-2, S. 6; P.A. 16-34, S. 15; P.A. 19-17, S. 5; P.A. 21-67, S. 6; P.A. 23-53, S. 31; 23-89, S. 8.) History: P.A. 86-287 added reference to electronic defense weapons; P.A. 91-212 replaced “pistol, revolver” with “firearm” and made technical changes; P.A. 98-129 added Subsec. (a)(2) prohibiting possession by a person who has been convicted as delinquent for the commission of a serious juvenile offense; P.A. 99-212 made provisions applicable to a person convicted of any

felony rather than only of a capital felony and specified class A, B, C and D felonies; P.A. 01-130 added Subsecs. (a)(3) and (4) re possession by a person who knows he or she is subject to a restraining or protective order issued after notice and an opportunity to be heard in a case involving the use, attempted use or threatened use of physical force against another person and re possession by a person who knows he or she is subject to a firearms seizure order issued pursuant to Sec. 29-38c after notice and an opportunity to be heard; P.A. 03-98 amended Subsec. (a)(3) by replacing “protective order issued by a court” with “protective order of a court of this state” and adding provisions re foreign order of protection and re order that has been issued against such person; P.A. 05-147 amended Subsec. (a)(3) to designate existing provisions re a restraining or protective order as Subpara. (A), designate existing provisions re a foreign order of protection as Subpara. (B) and amend said Subpara. (B) to delete the requirement that the foreign order of protection has been issued “after notice and an opportunity to be heard has been provided to such person”; P.A. 05-283 added Subsec. (a)(5) re possession by a person who is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4); P.A. 12-133 amended Subsec. (a) by adding provision re motor vehicle violation for which sentence to a term of imprisonment of more than 1 year may be imposed to be deemed an unclassified felony; P.A. 13-3 changed “criminal possession of a firearm or electronic defense weapon” to “criminal possession of a firearm, ammunition or an electronic defense weapon”, amended Subsec. (a) to add provision re violation of Sec. 21a-279(c), 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or after October 1, 2013, in Subdiv. (1), add new Subdiv. (3) re person discharged within preceding 20 years after being found not guilty by reason of mental disease or defect, redesignate existing Subdiv. (3) as Subdiv. (4), add new Subdiv. (5) re person confined on or after October 1, 2013, in hospital for persons with psychiatric disabilities within preceding 60 months by probate court order, or such confinement within preceding 12 months for person who held valid permit or certificate in effect prior to October 1, 2013, and re person voluntarily admitted within preceding 6 months on or after October 1, 2013, redesignate existing Subdivs. (4) and (5) as Subdivs. (6) and (7), and define “ammunition”, and amended Subsec. (b) to change penalty from class D felony to class C felony and provide that \$5,000 of the fine imposed may not be remitted or reduced unless the court states its reasons for remitting or reducing the fine; June Sp. Sess. P.A. 15-2 amended Subsec. (a)(1) to replace reference to Sec. 21a-279(c) with reference to Sec. 21a-279; P.A. 16-34 amended Subsec. (a)(4)(A) by deleting “and an opportunity to be heard”; P.A. 19-17 amended Subsec. (a)(5)(B) by replacing “treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person” with “treatment of a psychiatric disability, unless the person (i) was voluntarily admitted solely for being an alcohol-dependent person or a drug-dependent person”, and adding clause (ii) re police officer who was voluntarily admitted; P.A. 21-67 amended Subsec. (a)(1) by designating existing language re felony as Subpara. (A), replacing “or of a violation of section 21a-279,” with “(B) a misdemeanor violation of section 21a-279 committed on or after October 1, 2015, or (C) a misdemeanor violation of section” and adding “during the preceding twenty years” at the end of newly designated Subpara. (C) and amended Subsec. (a)(6) by adding reference to June 1, 2022, and language re a risk protection order or investigation and making a technical change, effective June 1, 2022; P.A. 23-53 amended Subsec. (a)(1) by adding Subpara. (D) re misdemeanor violation of any law designated as a family violence crime, amended Subsec. (a)(7) by replacing reference to “18 USC 922(g)(4)” with reference to “18 USC 922(g)(2), (g)(4) or (g)(9)” and amended Subsec. (b) by adding “and one day” to length of sentence that may not be suspended or reduced; P.A. 23-89 amended Subsec. (a)(5)(B) by adding provision re commitment under emergency certificate pursuant to Sec. 17a-502 and making a conforming change.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-217a. - Criminally negligent storage of a firearm: Class D felony.

(a) Except as provided in subsection (b) of this section, a person is guilty of criminally negligent storage of a firearm when such person violates the provisions of section 29-37i and another person obtains the firearm and causes the injury or death of such person or any other person. (b) The provisions of this section shall not apply if the person obtains the firearm as a result of an unlawful entry to any premises by any person and, if such firearm is stolen, such firearm is reported stolen pursuant to the provisions of section 53-202g. (c) Criminally negligent storage of a firearm is a class D felony. (P.A. 90-144, S. 2; P.A. 13-3, S. 56; P.A. 19-5, S. 3; P.A. 23-53, S. 20.) History: (Revisor's note: In codifying public act 90-144 the internal reference in Subsec. (a) to “section 29-37c” was changed editorially by the Revisors to “section 29-37i” for accuracy); P.A. 13-3 amended Subsec. (a) to add provisions re injury or death caused by resident of premises who obtains firearm while ineligible to possess firearm or while posing a risk of imminent personal injury to self or others and make technical changes; P.A. 19-5 redefined “minor” in Subsec. (a); P.A. 23-53 made section applicable to another person obtaining the firearm rather than a minor or resident who is ineligible to possess a firearm and made conforming changes throughout, amended Subsec. (a) by adding exception language and amended Subsec. (b) by adding provision re firearm reported stolen.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-217b. - Possession of a weapon on school grounds: Class D felony.

(a) A person is guilty of possession of a weapon on school grounds when, knowing that such person is not licensed or privileged to do so, such person possesses a firearm or deadly weapon, as defined in section 53a-3, (1) in or on the real property comprising a public or private elementary or secondary school, or (2) at a school-sponsored activity as defined in subsection (h) of section 10-233a. (b) The provisions of subsection (a) of this section shall not apply to the otherwise lawful possession of a firearm (1) by a person for use in a program approved by school officials in or on such school property or at such school-sponsored activity, (2) by a person in accordance with an agreement entered into between school officials and such person or such person's employer, (3) by a

peace officer, as defined in subdivision (9) of section 53a-3, while engaged in the performance of such peace officer's official duties, or (4) by a person while traversing such school property for the purpose of gaining access to public or private lands open to hunting or for other lawful purposes, provided such firearm is not loaded and the entry on such school property is permitted by the local or regional board of education. (c) Possession of a weapon on school grounds is a class D felony. (June Sp. Sess. P.A. 92-1, S. 1; P.A. 93-416, S. 7; P.A. 94-221, S. 1; P.A. 98-129, S. 15; P.A. 01-84, S. 8, 26; P.A. 16-55, S. 10; P.A. 19-108, S. 9.) History: P.A. 93-416 amended Subsecs. (a) and (c) to replace reference to offense of "possession of a firearm on school grounds" with revised name of "possession of a weapon on school grounds" due to inclusion of deadly weapon in offense in Subsec. (a); P.A. 94-221 added Subsec. (a)(2) re school-sponsored activities and amended Subsec. (b)(5) to substitute "permitted by" the board of education for "not prohibited by school officials" and, notwithstanding the provisions of Subsec. (b), provided for the prohibition by boards of education of the possession of firearms by students in or on school property or at a school-sponsored activity; P.A. 98-129 amended Subsec. (a) to add element that the person know that he is not licensed or privileged to possess a weapon on school grounds and deleted former Subsec. (b)(1) that had made provisions of Subsec. (a) inapplicable to the lawful possession of a firearm by a person holding a valid state or local permit to carry such firearm, renumbering the remaining Subdivs. accordingly, and deleted provision that had authorized boards of education and supervisory agents of private schools to prohibit the possession of firearms by students in or on school property or at a school-sponsored activity; P.A. 01-84 amended Subsec. (b)(1) to exempt possession of a firearm for use in an approved program "at such school-sponsored activity" and made technical changes for purposes of gender neutrality in Subsecs. (a) and (b), effective July 1, 2001; P.A. 16-55 amended Subsec. (b) by adding Subdiv. (5) re motor vehicle inspector; P.A. 19-108 amended Subsec. (b) to delete reference to motor vehicle inspector, and make a technical change.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-217c. - Criminal possession of a pistol or revolver: Class C felony.

(a) A person is guilty of criminal possession of a pistol or revolver when such person possesses a pistol or revolver, as defined in section 29-27, and (1) has been convicted of (A) a felony committed prior to, on or after October 1, 2013, (B) a misdemeanor violation of section 21a-279 committed on or after October 1, 2015, (C) a misdemeanor violation of section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed during the preceding twenty years, or (D) a misdemeanor violation of any law of this state that has been designated as a family violence crime pursuant to section 46b-38h and was committed on or after October 1, 2023, (2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120, (3) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13, (4) (A) has been confined prior to October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding twelve months by order of a probate court, or has been confined on or after October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding sixty months by order of a probate court, or, with respect to any person who holds a valid permit or certificate that was issued or renewed under the provisions of section 29-28 or 29-36f, in effect prior to October 1, 2013, such person has been confined in such hospital within the preceding twelve months, or (B) has been voluntarily admitted on or after October 1, 2013, or has been committed under an emergency certificate pursuant to section 17a-502 on or after October 1, 2023, to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability, unless the person (i) was admitted or committed solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680, or (ii) is a police officer who was voluntarily admitted and had his or her firearm, ammunition or electronic defense weapon used in the performance of the police officer's official duties returned in accordance with section 7-291d, (5) knows that such person is subject to (A) a restraining or protective order of a court of this state that has been issued against such person, after notice has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person, or (B) a foreign order of protection, as defined in section 46b-15a, that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person, (6) knows that such person is subject to a firearms seizure order issued prior to June 1, 2022, pursuant to section 29-38c after notice and an opportunity to be heard has been provided to such person, or a risk protection order or risk protection investigation order issued on or after June 1, 2022, pursuant to section 29-38c, (7) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(2), (g)(4) or (g)(9), or (8) is an alien illegally or unlawfully in the United States. For the purposes of this section, "convicted" means having a judgment of conviction entered by a court of competent jurisdiction. (b) Criminal possession of a pistol or revolver is a class C felony, for which two years of the sentence imposed may not be suspended or reduced by the court, and five thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine. (July Sp. Sess. P.A. 94-1, S. 3; P.A. 98-129, S. 13; P.A. 99-212, S. 21; P.A. 03-98, S. 5; P.A. 05-147, S. 5; 05-283, S. 3; P.A. 13-3, S. 45; 13-220, S. 16; June Sp. Sess. P.A. 15-2, S. 7; P.A. 16-34, S. 16; P.A. 19-17, S. 6; P.A. 21-67, S. 7; P.A. 23-53, S. 32; 23-89, S. 9.) History: P.A. 98-129 added Subsec. (a)(2) prohibiting the possession of a pistol or revolver by a person who has been convicted as delinquent for the commission of a serious juvenile offense, renumbering the remaining Subdivs. accordingly, and replaced in Subdiv. (4) "hospital for mental illness" with "hospital for persons with psychiatric disabilities"; P.A. 99-212 added Subsec. (a)(6) prohibiting the possession of a pistol or revolver by a person who knows that such person is subject to a firearms seizure order issued pursuant to Sec. 29-38c(d) after notice and an opportunity to be heard has been provided to such person, renumbering the remaining Subdiv. accordingly, and made provisions gender neutral; P.A. 03-98 made a technical change in Subsec. (a)(1) and replaced "protective

order issued by a court” with “protective order of a court of this state”, and added provisions re foreign order of protection and re order that has been issued against such person in Subsec. (a)(5); P.A. 05-147 amended Subsec. (a)(5) to designate existing provisions re a restraining or protective order as Subpara. (A), designate existing provisions re a foreign order of protection as Subpara. (B) and amend said Subpara. (B) to delete the requirement that the foreign order of protection has been issued “after notice and an opportunity to be heard has been provided to such person”; P.A. 05-283 added Subsec. (a)(7) prohibiting the possession of a pistol or revolver by a person who is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922 (g)(4) and redesignated existing Subdiv. (7) as Subdiv. (8); P.A. 13-3 amended Subsec. (a)(4) by inserting Subpara. (A) designator, adding “prior to October 1, 2013,” re person confined in hospital for persons with psychiatric disabilities within preceding 12 months by probate court order, adding provision re such confinement on or after October 1, 2013, within preceding 60 months or within preceding 12 months for person who held valid permit or certificate in effect prior to October 1, 2013, and adding Subpara. (B) re person voluntarily admitted within preceding 6 months on or after October 1, 2013, and amended Subsec. (b) to change penalty from class D felony to class C felony for which 2 years of the sentence imposed may not be suspended or reduced by the court and \$5,000 of the fine may not be remitted or reduced unless the court states its reasons for remitting or reducing the fine; P.A. 13-220 amended Subsec. (a)(1) to add “committed prior to, on or after October 1, 2013,” re felony and add “committed on or after October 1, 1994,” re violation of Sec. 21a-279(c), 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d; June Sp. Sess. P.A. 15-2 amended Subsec. (a)(1) to replace reference to Sec. 21a-279(c) with reference to Sec. 21a-279; P.A. 16-34 amended Subsec. (a)(5)(A) by deleting “and an opportunity to be heard”; P.A. 19-17 amended Subsec. (a)(4)(B) by replacing “treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person” with “treatment of a psychiatric disability, unless the person (i) was voluntarily admitted solely for being an alcohol-dependent person or a drug-dependent person” and adding clause (ii) re police officer who was voluntarily admitted and had firearm, ammunition or electronic defense weapon used in performance of duties returned; P.A. 21-67 amended Subsec. (a)(1) by designating existing language re felony as Subpara. (A) and replacing “or of a violation of section 21a-279,” with “(B) a misdemeanor violation of section 21a-279 committed on or after October 1, 2015, or (C) a misdemeanor violation of section” and replacing “on or after October 1, 1994” with “during the preceding twenty years” at the end of newly designated Subpara. (C) and amended Subsec. (a)(6) by adding reference to June 1, 2022, and language re a risk protection order or investigation and making a technical change, effective June 1, 2022; P.A. 23-53 amended Subsec. (a)(1) by adding Subpara. (D) re misdemeanor violation of any law designated as a family violence crime and Subsec. (a)(7) by replacing reference to “18 USC 922(g)(4)” with reference to “18 USC 922(g)(2), (g)(4) or (g)(9)”; P.A. 23-89 amended Subsec. (a)(4)(B) by adding provision re commitment under emergency certificate pursuant to Sec. 17a-502 and making a conforming change.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-217d. - Criminal possession of body armor: Class A misdemeanor.

(a) A person is guilty of criminal possession of body armor when he possesses body armor and has been (1) convicted of a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, a class A felony, except a conviction under section 53a-196a, a class B felony, except a conviction under section 53a-86, 53a-122 or 53a-196b, a class C felony, except a conviction under section 53a-87, 53a-152 or 53a-153 or a class D felony under sections 53a-60 to 53a-60c, inclusive, 53a-72a, 53a-72b, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, or (2) convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120. (b) For the purposes of this section, “body armor” means any material designed to be worn on the body and to provide bullet penetration resistance and “convicted” means having a judgment of conviction entered by a court of competent jurisdiction. (c) Criminal possession of body armor is a class A misdemeanor. (P.A. 98-127, S. 1; P.A. 12-5, S. 23.) History: P.A. 12-5 amended Subsec. (a)(1) to add reference to provisions of Sec. 53a-54b in effect prior to April 25, 2012, re conviction of a capital felony, effective April 25, 2012. See Sec. 53-341b re restriction on sale or delivery of body armor.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-217e. - Negligent hunting. Penalties. Fines deposited in the Criminal Injuries Compensation Fund. Suspension of hunting license. Forfeiture of hunting weapon. Prima facie evidence of hunting.

(a) As used in this section: (1) “Criminal negligence” has the same meaning as provided in section 53a-3; (2) “Hunting” has the same meaning as provided in section 26-1; (3) “Loaded hunting implement” means (A) a rifle or shotgun with a live round in the chamber or in a magazine which is attached to such rifle or shotgun, a muzzle-loaded firearm with the percussion cap in place, or a flintlock firearm with powder in the pan, (B) a bow and arrow with an arrow notched on the bow, (C) a drawn crossbow with a bolt in place, or (D) a high velocity air gun that is charged with a projectile in the chamber or in a magazine that is attached to such air gun; and (4) “Serious physical injury” has the same meaning as provided in section 53a-3. (b) (1) A person is guilty of negligent hunting in the first degree when, with criminal negligence while hunting, such person discharges a loaded hunting implement and thereby causes the death of another person. (2) Negligent hunting in the first degree is a class D felony. (c) (1) A person is guilty of negligent hunting in the second degree when, with criminal negligence while hunting, such person violates any provision of section 26-85 or discharges a loaded hunting implement and thereby causes the serious physical injury of another person. (2) Negligent hunting in the second degree is a class A misdemeanor and any person found guilty under subdivision (1) of this subsection shall be fined not less than four hundred dollars. (d) (1) A person is guilty of negligent hunting in the third degree when such person, while hunting, (A) discharges a firearm at a time of day when hunting is not permitted, (B) discharges a firearm from a vehicle, (C) hunts

while the person's license to hunt is suspended, (D) hunts out of season or on a Sunday, or (E) discharges a firearm so as to cause the projectile to strike or enter into any building occupied by people or domestic animals or used for storage of flammable or combustible materials. (2) Negligent hunting in the third degree is a class B misdemeanor and any person found guilty under subdivision (1) of this subsection shall be fined not less than two hundred dollars. (e) (1) A person is guilty of negligent hunting in the fourth degree when such person, while hunting, (A) hunts without purchasing a license, permit or stamp or other permission required by law, (B) is in possession of a loaded hunting implement at a time of day when hunting is not allowed, (C) hunts with or discharges a firearm less than two hundred fifty feet from any building occupied by people or domestic animals or used for storage of flammable or combustible materials, or less than one hundred twenty-five feet from any such building while hunting in tidal water areas, unless written permission of the owner of such building has been obtained, or (D) hunts from or discharges a hunting implement from or across a public highway. (2) Negligent hunting in the fourth degree is a class C misdemeanor. (f) Any person who is convicted of a violation of any provision of subsection (b), (c) or (d) of this section or subsection (b) of section 53-206d within five years of a previous conviction for violation of this section shall be considered a persistent negligent hunter. Upon such second conviction within five years, a persistent negligent hunter shall be fined an amount that is not less than twice the minimum fine provided for the second violation and shall be subject to penalties provided for the next more serious degree of negligent hunting under subsection (b), (c) or (d) of this section or subsection (b) of section 53-206d. (g) Any fine imposed for a conviction under subsection (b), (c), (d) or (e) of this section or subsection (b) of section 53-206d shall be deposited in the Criminal Injuries Compensation Fund established pursuant to section 54-215. (h) (1) The Commissioner of Energy and Environmental Protection may suspend the hunting license of any person convicted under subsection (b), (c), (d) or (e) of this section or subsection (b) of section 53-206d for: (A) Indefinitely upon conviction of negligent hunting in the first degree or upon conviction of any violation of subsection (b) of section 53-206d; (B) up to ten years upon conviction of negligent hunting in the second degree; (C) up to five years upon conviction of negligent hunting in the third degree; and (D) up to three years upon conviction of negligent hunting in the fourth degree. (2) Any person arrested for a violation of subsection (b), (c) or (d) of this section or subsection (b) of section 53-206d, except as provided in section 26-85 shall surrender any firearm, bow, crossbow, bolt or high velocity air gun in the person's possession while hunting at the time of the alleged violation. Such property shall be confiscated at the time of arrest by a police officer or conservation officer. Upon nolle or dismissal of charges or acquittal of such person of such violation, such property shall be returned to the person within five business days and in the same condition as when the firearm, bow, crossbow or high velocity air gun was surrendered. Notwithstanding the provisions of sections 54-33g and 54-36a, the property shall be turned over to the Commissioner of Energy and Environmental Protection upon conviction of such person for such violation. Said commissioner shall (A) retain the property for use by personnel of the Department of Energy and Environmental Protection, (B) convey the property to the Commissioner of Administrative Services for sale at public auction, the proceeds of which shall be credited to the Criminal Injuries Compensation Fund established pursuant to section 54-215, or (C) destroy the property. (i) Possession by any person of a loaded hunting implement while at or entering or leaving an area where a reasonable person would believe the objective was to take wildlife shall be prima facie evidence of hunting, except that a person may, one hour before sunrise during the regulated deer and turkey firearms hunting seasons, be in possession of a loaded rifle or shotgun, as defined in subdivision (3) of subsection (a) of this section, provided a live round is not in the chamber of the rifle or shotgun. (P.A. 00-142, S. 1; June Sp. Sess. P.A. 09-3, S. 472; P.A. 11-80, S. 1; P.A. 14-122, S. 193, 194.) History: June Sp. Sess. P.A. 09-3 amended Subsec. (g) by deleting provision requiring certain fines to be deposited in Conservation Fund and by making conforming changes; pursuant to P.A. 11-80, "Commissioner of Environmental Protection" and "Department of Environmental Protection" were changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection" and "Department of Energy and Environmental Protection", respectively, in Subsec. (h), effective July 1, 2011; P.A. 14-122 made technical changes in Subsec. (a)(1), (2) and (4).

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-218. - Interference with a cemetery or burial ground: Class C felony.

(a) A person is guilty of interference with a cemetery or burial ground when such person: (1) Intentionally destroys, mutilates, defaces, injures or removes any tomb, monument, gravestone or other structure placed or designed for a memorial of the dead, or any portion or fragment of such tomb, monument, gravestone or other structure, or any fence, railing, curb or other enclosure for the burial of the dead, in or from any cemetery or burial ground that is (A) an abandoned cemetery, as defined in section 19a-308a, or (B) a cemetery or burial ground other than an abandoned cemetery and such person takes any such action without authorization of the owner of the burial lot, or a lineal descendant of the deceased, or of the municipality, cemetery association or person or authority responsible for the control or management of the cemetery or burial ground; or (2) wantonly or maliciously disturbs the contents of any tomb or grave in any cemetery or burial ground that is (A) an abandoned cemetery, as defined in section 19a-308a, or (B) a cemetery or burial ground other than an abandoned cemetery and such person takes any such action without authorization of the owner of the burial lot, or a lineal descendant of the deceased, or of the municipality, cemetery association or person or authority responsible for the control or management of the cemetery or burial ground. (b) Interference with a cemetery or burial ground is a class C felony and any person found guilty under this section shall be fined not less than five hundred dollars. (P.A. 84-280, S. 4; P.A. 89-109; P.A. 96-209, S. 2; P.A. 17-49, S. 1.) History: P.A. 89-109 established a minimum fine of \$500; P.A. 96-209 amended Subsec. (b) by changing penalty from class D to class C felony; P.A. 17-49 amended Subsec. (a) by adding Subpara. (A) re abandoned cemeteries and designating existing provision re action without authorization of owner or lineal descendant applicable to cemeteries and burial grounds other than an abandoned cemetery as Subpara. (B), and making technical and conforming changes.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-219. - Unlawful possession or sale of gravestones: Class D felony.

(a) A person is guilty of the unlawful possession or sale of gravestones when he possesses or sells, offers for sale or attempts to sell or transfers or disposes of any monument, gravestone or other structure placed or designed for a memorial of the dead, or any portion or fragment thereof, knowing that it has been unlawfully removed from a cemetery or burial ground. (b) Unlawful possession or sale of gravestones is a class D felony. (P.A. 84-280, S. 5.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-220. - Interference with a memorial plaque: Class A misdemeanor.

(a) A person is guilty of interference with a memorial plaque when he, without authorization of the governmental body responsible for the placement, control or maintenance of a memorial plaque, intentionally defaces, mutilates or destroys a plaque commemorating a person or an event, or removes such a plaque from its official location. (b) Interference with a memorial plaque is a class A misdemeanor. (P.A. 91-173, S. 1.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-221. - Unlawful possession, purchase or sale of a memorial plaque: Class A misdemeanor.

(a) A person is guilty of the unlawful possession, purchase or sale of a memorial plaque when he possesses or purchases or attempts to purchase or sells, offers for sale or attempts to sell or transfers or disposes of a plaque commemorating a person or an event knowing that it has been unlawfully removed from its official location. (b) Unlawful possession, purchase or sale of a memorial plaque is a class A misdemeanor. (P.A. 91-173, S. 2.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-221a. - Interference with a war or veterans' memorial or monument: Class D felony.

(a) A person is guilty of interference with a war or veterans' memorial or monument when such person, without authorization of the government body or veterans' organization responsible for the placement, control or maintenance of a war or veterans' memorial or monument, intentionally defaces, mutilates or destroys such memorial or monument, or removes such memorial or monument, or any part thereof, from its official location. (b) Interference with a war or veterans' memorial or monument is a class D felony and any person found guilty under subsection (a) of this section shall be fined five thousand dollars. (P.A. 12-38, S. 1.) History: P.A. 12-38 effective May 14, 2012.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-221b. - Unlawful possession, purchase or sale of a war or veterans' memorial or monument: Class D felony.

(a) A person is guilty of the unlawful possession, purchase or sale of a war or veterans' memorial or monument when such person possesses or purchases or attempts to purchase or sells, offers for sale or attempts to sell, or transfers or disposes of a war or veterans' memorial or monument, or any part thereof, knowing that it has been unlawfully removed from its official location. (b) Unlawful possession, purchase or sale of a war or veterans' memorial or monument is a class D felony and any person found guilty under subsection (a) of this section shall be fined five thousand dollars. (P.A. 12-38, S. 2.) History: P.A. 12-38 effective May 14, 2012.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-222. - Violation of conditions of release in the first degree: Class D or Class C felony.

(a) A person is guilty of violation of conditions of release in the first degree when, while charged with the commission of a felony, such person is released pursuant to subsection (b) of section 54-63c, subsection (c) of section 54-63d or subsection (d) of section 54-64a and intentionally violates one or more of the imposed conditions of release. (b) Violation of conditions of release in the first degree is a class D felony, except that any violation of conditions of release that involve (1) imposing any restraint upon the person or liberty of a person in violation of the conditions of release, or (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking a person in violation of the conditions of release is a class C felony. (P.A. 98-90, S. 1; P.A. 99-186, S. 10; P.A. 07-123, S. 3; P.A. 17-31, S. 6; P.A. 23-53, S. 43.) History: P.A. 99-186 amended Subsec. (a) to revise a statutory reference and make provisions gender neutral; P.A. 07-123 renamed offense by replacing "violation of conditions of release" with "violation of conditions of release in the first degree", amended Subsec. (a) to delete provision making offense applicable to a person charged with a "misdemeanor or motor vehicle violation for which a sentence to a term of imprisonment may be imposed", include a person released pursuant to Sec. 54-63c(b), delete provision that person be released "on the condition that such person (1) avoid all contact with the alleged victim or (2) not use or possess a dangerous weapon" and require that person intentionally violate "one or more of the imposed conditions of release", rather than "that condition", and amended Subsec. (b) to increase penalty from a class A misdemeanor to a class D felony; P.A. 17-31 amended Subsec. (b) to add provision re class C felony when violation of conditions of release involve imposing restraint upon person or liberty of person, or threatening, harassing, assaulting, molesting, sexually assaulting or attacking person; P.A. 23-53 amended Subsec. (a) by replacing reference to Sec. 54-64a(c) with reference to Sec. 54-64a(d).

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-222a. - Violation of conditions of release in the second degree: Class A misdemeanor or Class D felony.

(a) A person is guilty of violation of conditions of release in the second degree when, while charged with the commission of a misdemeanor or motor vehicle violation for which a sentence to a term of imprisonment may be imposed, such person is released pursuant to subsection (b) of section 54-63c, subsection (c) of section 54-63d or subsection (d) of section 54-64a and intentionally violates one or more of the imposed conditions of release. (b) Violation of conditions of release in the second degree is a class A misdemeanor, except that any violation of conditions of release that involve (1) imposing any restraint upon the person or liberty of a person in violation of the conditions of release, or (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking a person in violation of the conditions of release is a class D felony. (P.A. 07-123, S. 4; P.A. 17-31, S. 7; P.A. 23-53, S. 44.) History: P.A. 17-31 amended Subsec. (b) to add provision re class D felony when violation of conditions of release involve imposing restraint upon person or liberty of person, or threatening, harassing, assaulting, molesting, sexually assaulting or attacking person; P.A. 23-53 amended Subsec. (a) by replacing reference to Sec. 54-64a(c) with reference to Sec. 54-64a(d).

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-223. (Formerly Sec. 53a-110b). - Criminal violation of a protective order: Class D or class C felony.

(a) A person is guilty of criminal violation of a protective order when an order issued pursuant to subsection (e) of section 46b-38c, subsection (f) of section 53a-28, or section 54-1k or 54-82r has been issued against such person, and such person violates such order. (b) No person who is listed as a protected person in such protective order may be criminally liable for (1) soliciting, requesting, commanding, importuning or intentionally aiding in the violation of the protective order pursuant to subsection (a) of section 53a-8, or (2) conspiracy to violate such protective order pursuant to section 53a-48. (c) Criminal violation of a protective order is a class D felony, except that any violation of a protective order that involves (1) imposing any restraint upon the person or liberty of a person in violation of the protective order, or (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking a person in violation of the protective order is a class C felony. (P.A. 91-381, S. 1; P.A. 95-214, S. 5; P.A. 99-240, S. 4; P.A. 02-127, S. 3; P.A. 11-152, S. 11; P.A. 14-173, S. 5; 14-217, S. 122.) History: P.A. 95-214 amended Subsec. (a) to include a protective order issued pursuant to Sec. 54-1k; P.A. 99-240 amended Subsec. (a) to include a protective order issued pursuant to Sec. 54-82r; Sec. 53a-110b transferred to Sec. 53a-223 in 2001; P.A. 02-127 amended Subsec. (b) to change the classification of the offense from a class A misdemeanor to a class D felony; P.A. 11-152 added new Subsec. (b) to provide that no protected person may be criminally liable for specified offenses and redesignated existing Subsec. (b) as Subsec. (c); P.A. 14-173 amended Subsec. (a) to add reference to Sec. 53a-28(f); P.A. 14-217 amended Subsec. (c) to add provision re class C felony when violation involves imposing restraint upon the person or liberty of a person, or threatening, harassing, assaulting, molesting, sexually assaulting or attacking a person in violation of protective order, effective January 1, 2015. Annotations to former section 53a-110b: Section, as amended by P.A. 99-240, does not provide that validity of underlying protective order is a necessary element of offense. 273 C. 418. Cited. 46 CA 661. Criminal violation of a protective order pursuant to section and harassment in the second degree pursuant to Sec. 53a-183(a)(3) constitute separate offenses for double jeopardy purposes. 61 CA 118. Annotations to present section: Crime requires only a showing of general intent and jury could reasonably infer from circumstantial evidence that defendant had intent to violate protective order and direct evidence of intent was not required. 280 C. 69. There was sufficient evidence for the jury to conclude beyond a reasonable doubt that defendant had actual notice of the protective order where defendant had admitted he knew he was not supposed to be near complainant and there was testimony re standard courtroom procedure of explaining the terms of the order and giving a copy to defendant; court did not need to decide whether actual notice is an implicit element of section. 159 CA 598. Subsec. (a): Subsec. and Sec. 53a-217(a)(3)(A) are not the same offense, and conviction under both sections for the same transaction does not violate constitutional protection against double jeopardy. 307 C. 1. Conviction under this section and Sec. 53a-107(a)(2) did not violate constitutional protection against double jeopardy because legislature intended multiple punishments for offense of trespassing in violation of a protective order. 97 CA 72. Conviction under this Subsec. and Sec. 53a-217(a)(3)(A) did not violate constitutional protection against double jeopardy because legislature intended multiple punishments for possessing a firearm in violation of a protective order. 122 CA 399; judgment affirmed, see 307 C. 1.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-223a. (Formerly Sec. 53a-110c). - Criminal violation of a standing criminal protective order: Class D or class C felony.

(a) A person is guilty of criminal violation of a standing criminal protective order when an order issued pursuant to subsection (a) of section 53a-40e has been issued against such person, and such person violates such order. (b) No person who is listed as a protected person in such standing criminal protective order may be criminally liable for (1) soliciting, requesting, commanding, importuning or intentionally aiding in the violation of the standing criminal protective order pursuant to subsection (a) of section 53a-8, or (2) conspiracy to violate such standing criminal protective order pursuant to section 53a-48. (c) Criminal violation of a standing criminal protective order is a class D felony, except that any violation that involves (1) imposing any restraint upon the person or liberty of a person in violation of the standing criminal protective order, or (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking a person in violation of the standing criminal protective order is a class C felony. (P.A. 96-228, S. 2; June Sp. Sess. P.A. 98-1, S. 37, 121; P.A. 10-144, S. 6; P.A. 11-152, S. 12; P.A. 14-217, S. 123.) History: June Sp. Sess. P.A. 98-1 made a technical change in Subsec. (a), effective June 24, 1998; Sec. 53a-110c transferred to Sec. 53a-223a in 2001; P.A. 10-144

substituted “standing criminal protective order” for “standing criminal restraining order”; P.A. 11-152 added new Subsec. (b) to provide that no protected person may be criminally liable for specified offenses and redesignated existing Subsec. (b) as Subsec. (c); P.A. 14-217 amended Subsec. (c) to add provision re class C felony when violation involves imposing restraint upon the person or liberty of a person, or threatening, harassing, assaulting, molesting, sexually assaulting or attacking a person in violation of standing criminal protective order, effective January 1, 2015. Use of the word “involves” in Subsec. (c) indicates that unit of prosecution is on a transactional basis and section permits criminal liability for each discrete act in violation of a restraining order. 337 C. 92.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-223b. - Criminal violation of a restraining order: Class D or class C felony.

(a) A person is guilty of criminal violation of a restraining order when (1) (A) a restraining order has been issued against such person pursuant to section 46b-15, or (B) a foreign order of protection, as defined in section 46b-15a, has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another, and (2) such person, having knowledge of the terms of the order, (A) does not stay away from a person or place in violation of the order, (B) contacts a person in violation of the order, (C) imposes any restraint upon the person or liberty of a person in violation of the order, or (D) threatens, harasses, assaults, molests, sexually assaults or attacks a person in violation of the order. (b) No person who is listed as a protected person in such restraining order or foreign order of protection may be criminally liable for (1) soliciting, requesting, commanding, importuning or intentionally aiding in the violation of the restraining order or foreign order of protection pursuant to subsection (a) of section 53a-8, or (2) conspiracy to violate such restraining order or foreign order of protection pursuant to section 53a-48. (c) No person who is listed as a respondent in a restraining order issued pursuant to section 46b-15 or a foreign order of protection issued pursuant to section 46b-15a and against whom there is an order of no contact with the protected party or parties may be criminally liable for a violation of such order if such person causes a document filed in a family relations matter, as defined in section 46b-1, to be served on the protected party or parties in accordance with the law by mail or through a third party who is authorized by statute to serve process. (d) (1) Except as provided in subdivision (2) of this subsection, criminal violation of a restraining order is a class D felony. (2) Criminal violation of a restraining order is a class C felony if the offense is a violation of subparagraph (C) or (D) of subdivision (2) of subsection (a) of this section. (P.A. 02-127, S. 1; P.A. 03-98, S. 6; P.A. 05-147, S. 6; P.A. 11-152, S. 13; P.A. 14-217, S. 124; P.A. 15-85, S. 17.) History: P.A. 03-98 amended Subsec. (a) by adding provisions re foreign order of protection issued after notice and opportunity to be heard in a case involving use of physical force and making technical changes; P.A. 05-147 amended Subsec. (a)(1)(B) to delete the requirement that the foreign order of protection has been issued “after notice and an opportunity to be heard has been provided to such person” and amended Subsec. (b) to increase the penalty from a class A misdemeanor to a class D felony; P.A. 11-152 added new Subsec. (b) to provide that no protected person may be criminally liable for specified offenses and redesignated existing Subsec. (b) as Subsec. (c); P.A. 14-217 amended Subsec. (c) to designate existing provision re class D felony as Subdiv. (1) and amend same to add “Except as provided in subdivision (2) of this subsection,” add Subdiv. (2) re when criminal violation of a restraining order is class C felony, and make a technical change, effective January 1, 2015; P.A. 15-85 added new Subsec. (c) re restraining order respondent not criminally liable for violation of order if respondent causes document filed in family relations matter to be served on protected party in accordance with law and redesignated existing Subsec. (c) as Subsec. (d). Not unconstitutionally vague because a person of ordinary intelligence would have ample warning that terms “stay away from” and “contacts” prohibit distinct conduct; violation of either Subdiv. (1) or (2) of Subsec. (a) requires proof of an element that the other does not and therefore violation is two separate offenses for purposes of double jeopardy. 97 CA 332. Section is not a specific intent crime, and all that is necessary is a general intent that defendant intended to perform the activities that constituted the violation. 151 CA 527.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-223c. - Criminal violation of a civil protection order: Class D felony.

(a) A person is guilty of criminal violation of a civil protection order when (1) a civil protection order has been issued against such person pursuant to section 46b-16a, and (2) such person, having knowledge of the terms of the order, violates such order. (b) No person who is listed as a respondent in a civil protection order issued pursuant to section 46b-16a may be criminally liable for a violation of such order if such person causes a legal document to be served on the protected person by mail or through a third party in accordance with the law. For purposes of this subsection, “legal document” includes, but is not limited to, a notice of appearance or any other application, petition, or motion filed in good faith by such person in connection with any pending court matter, or in any court matter that may be brought subsequently. (c) Criminal violation of a civil protection order is a class D felony. (P.A. 14-217, S. 187; P.A. 15-85, S. 18.) History: P.A. 14-217 effective January 1, 2015; P.A. 15-85 added new Subsec. (b) re civil protection order respondent not criminally liable for violation of order if respondent causes legal document to be served on protected party in accordance with law, and redesignated existing Subsec. (b) as Subsec. (c).

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-224. - Recruiting a member of a criminal gang: Class A misdemeanor.

(a) For the purposes of this section: (1) “Criminal gang” means a formal or informal organization, association or group of three or more persons that has: (A) As one of its primary activities the commission of one or more criminal acts; (B) members who individually or collectively engage in or have engaged in one or more criminal acts; and (C) an identifying name, sign or symbol, or

an identifiable leadership or hierarchy; and (2) “criminal act” means conduct constituting a felony, as defined in section 53a-25, or a misdemeanor, as defined in section 53a-26, other than a violation of this section. (b) A person is guilty of recruiting a member of a criminal gang when, with knowledge that membership or continued membership in such criminal gang is conditioned upon the commission of a criminal act, or with intent to facilitate the criminal acts of such criminal gang, such person knowingly causes, encourages, solicits, recruits, intimidates or coerces a person under eighteen years of age to join, participate in or remain a member of such criminal gang. (c) Recruiting a member of a criminal gang is a class A misdemeanor. (P.A. 13-302, S. 1.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-225. - Enticing a juvenile to commit a criminal act: Class A misdemeanor or class D felony.

(a) For purposes of this section, “criminal act” means criminal act, as defined in section 53a-224. (b) A person is guilty of enticing a juvenile to commit a criminal act if such person is twenty-three years of age or older and knowingly causes, encourages, solicits, recruits, intimidates or coerces a person under eighteen years of age to commit or participate in the commission of a criminal act. (c) Enticing a juvenile to commit a criminal act is a (1) class A misdemeanor for first offense, and (2) class D felony for any subsequent offense. (P.A. 21-33, S. 12.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-24. - Offense defined. Application of sentencing provisions to motor vehicle and drug selling violators.

(a) The term “offense” means any crime or violation which constitutes a breach of any law of this state or any other state, federal law or local law or ordinance of a political subdivision of this state, for which a sentence to a term of imprisonment or to a fine, or both, may be imposed, except one that defines a motor vehicle violation or is deemed to be an infraction. The term “crime” comprises felonies and misdemeanors. Every offense which is not a “crime” is a “violation”. Conviction of a violation shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense. (b) Notwithstanding the provisions of subsection (a) of this section, the provisions of sections 53a-28 to 53a-44, inclusive, shall apply to motor vehicle violations. Said provisions shall apply to convictions under section 21a-278 except that the execution of any mandatory minimum sentence imposed under the provisions of said section may not be suspended. (1969, P.A. 828, S. 24; 1972, P.A. 294, S. 39; P.A. 75-380, S. 15; 75-577, S. 8, 126; P.A. 92-260, S. 8.) History: 1972 act added provision in Subsec. (b) re applicability of Secs. 53a-28 to 53a-44 with respect to convictions under Sec. 19-480a; P.A. 75-380 amended Subsec. (a) to include breach of federal and other states' laws as offense; P.A. 75-577 included infractions in exception to “offense” definition in Subsec. (a); P.A. 92-260 made technical changes. Cited. 166 C. 449; 209 C. 98; 226 C. 191; 228 C. 758; 229 C. 716. Cited. 6 CA 505; 9 CA 686; 22 CA 108; 24 CA 195; 27 CA 225; 41 CA 454; 45 CA 722. Defendant charged with an infraction has no constitutional right to a jury trial because such right applies only to criminal prosecutions, and an infraction is not a crime pursuant to section. 134 CA 175. Classification by legislature of infractions as noncriminal acts payable by fine operates as a presumption that infractions do not constitute criminal offenses for purposes of double jeopardy analysis, albeit one that is rebuttable by clear proof to the contrary. Id., 346. Cited. 36 CS 527; Id., 551.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-25. - Felony: Definition, classification, designation.

(a) An offense for which a person may be sentenced to a term of imprisonment in excess of one year is a felony. (b) Felonies are classified for the purposes of sentence as follows: (1) Class A, (2) class B, (3) class C, (4) class D, (5) class E, (6) unclassified, and (7) capital felonies under the provisions of section 53a-54b in effect prior to April 25, 2012. (c) The particular classification of each felony defined in this chapter is expressly designated in the section defining it. (d) Any offense defined in any section of the general statutes which, by virtue of an expressly specified sentence, is within the definition set forth in subsection (a) of this section, but for which a particular classification is not expressly designated, shall be deemed: (1) A class E felony if the maximum term of imprisonment specified is in excess of one year but not more than three years; or (2) an unclassified felony if the maximum term of imprisonment is otherwise within the definition set forth in subsection (a) of this section. (1969, P.A. 828, S. 25; P.A. 73-137, S. 6; P.A. 92-260, S. 9; P.A. 12-5, S. 17; P.A. 13-258, S. 1.) History: P.A. 73-137 added capital felonies classification in Subsec. (b); P.A. 92-260 made a technical change in Subsecs. (a) and (c) and amended Subsec. (b)(6) to delete “for which the sentence of death may be imposed as provided in sections 53a-46a and 53a-54b”; P.A. 12-5 amended Subsec. (b)(6) to add reference to provisions of Sec. 53a-54b in effect prior to April 25, 2012, re capital felonies, effective April 25, 2012; P.A. 13-258 amended Subsec. (b) to add new Subdiv. (5) re class E felony and redesignate existing Subdivs. (5) and (6) as Subdivs. (6) and (7), designated provision of Subsec. (c) re unclassified felony as Subsec. (d) and amended same to make applicable to any felony offense defined in any section of the general statutes for which a particular classification is not expressly designated, add Subdiv. (1) re class E felony, and designate existing reference to unclassified felony as Subdiv. (2) and amend same by adding provision re felony offense where maximum term of imprisonment is otherwise within definition in Subsec. (a). See Secs. 53a-35 and 53a-35a re sentences for felonies. See Sec. 53a-41 re fines for felonies. Cited. 170 C. 601. Police officer may arrest without previous complaint or warrant any person who he has reasonable grounds to believe has committed or is committing a felony. 171 C. 105. Cited. 196 C. 305. Cited. 9 CA 686; 11 CA 11; 28 CA 91. Cited. 36 CS 527; Id., 551.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-250. - Definitions.

For the purposes of this part and section 52-570b: (1) "Access" means to instruct, communicate with, store data in or retrieve data from a computer, computer system or computer network. (2) "Computer" means a programmable, electronic device capable of accepting and processing data. (3) "Computer network" means (A) a set of related devices connected to a computer by communications facilities, or (B) a complex of two or more computers, including related devices, connected by communications facilities. (4) "Computer program" means a set of instructions, statements or related data that, in actual or modified form, is capable of causing a computer or computer system to perform specified functions. (5) "Computer services" includes, but is not limited to, computer access, data processing and data storage. (6) "Computer software" means one or more computer programs, existing in any form, or any associated operational procedures, manuals or other documentation. (7) "Computer system" means a computer, its software, related equipment, communications facilities, if any, and includes computer networks. (8) "Data" means information of any kind in any form, including computer software. (9) "Person" means a natural person, corporation, limited liability company, trust, partnership, incorporated or unincorporated association and any other legal or governmental entity, including any state or municipal entity or public official. (10) "Private personal data" means data concerning a natural person which a reasonable person would want to keep private and which is protectable under law. (11) "Property" means anything of value, including data. (P.A. 84-206, S. 1; P.A. 95-79, S. 183, 189.) History: P.A. 95-79 redefined "person" to include a limited liability company, effective May 31, 1995. See Sec. 53-451 re computer crimes.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-251. - Computer crime.

(a) Defined. A person commits computer crime when he violates any of the provisions of this section. (b) Unauthorized access to a computer system. (1) A person is guilty of the computer crime of unauthorized access to a computer system when, knowing that he is not authorized to do so, he accesses or causes to be accessed any computer system without authorization. (2) It shall be an affirmative defense to a prosecution for unauthorized access to a computer system that: (A) The person reasonably believed that the owner of the computer system, or a person empowered to license access thereto, had authorized him to access; (B) the person reasonably believed that the owner of the computer system, or a person empowered to license access thereto, would have authorized him to access without payment of any consideration; or (C) the person reasonably could not have known that his access was unauthorized. (c) Theft of computer services. A person is guilty of the computer crime of theft of computer services when he accesses or causes to be accessed or otherwise uses or causes to be used a computer system with the intent to obtain unauthorized computer services. (d) Interruption of computer services. A person is guilty of the computer crime of interruption of computer services when he, without authorization, intentionally or recklessly disrupts or degrades or causes the disruption or degradation of computer services or denies or causes the denial of computer services to an authorized user of a computer system. (e) Misuse of computer system information. A person is guilty of the computer crime of misuse of computer system information when: (1) As a result of his accessing or causing to be accessed a computer system, he intentionally makes or causes to be made an unauthorized display, use, disclosure or copy, in any form, of data residing in, communicated by or produced by a computer system; or (2) he intentionally or recklessly and without authorization (A) alters, deletes, tampers with, damages, destroys or takes data intended for use by a computer system, whether residing within or external to a computer system, or (B) intercepts or adds data to data residing within a computer system; or (3) he knowingly receives or retains data obtained in violation of subdivision (1) or (2) of this subsection; or (4) he uses or discloses any data he knows or believes was obtained in violation of subdivision (1) or (2) of this subsection. (f) Destruction of computer equipment. A person is guilty of the computer crime of destruction of computer equipment when he, without authorization, intentionally or recklessly tampers with, takes, transfers, conceals, alters, damages or destroys any equipment used in a computer system or intentionally or recklessly causes any of the foregoing to occur. (P.A. 84-206, S. 2.) See Sec. 53-451 re computer crimes. See Sec. 53a-301 re computer crime in furtherance of terrorist purposes. Cited. 49 CA 582.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-252. - Computer crime in the first degree: Class B felony.

(a) A person is guilty of computer crime in the first degree when he commits computer crime as defined in section 53a-251 and the damage to or the value of the property or computer services exceeds ten thousand dollars. (b) Computer crime in the first degree is a class B felony. (P.A. 84-206, S. 3.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-253. - Computer crime in the second degree: Class C felony.

(a) A person is guilty of computer crime in the second degree when he commits computer crime as defined in section 53a-251 and the damage to or the value of the property or computer services exceeds five thousand dollars. (b) Computer crime in the second degree is a class C felony. (P.A. 84-206, S. 4.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-254. - Computer crime in the third degree: Class D felony.

(a) A person is guilty of computer crime in the third degree when he commits computer crime as defined in section 53a-251 and (1) the damage to or the value of the property or computer services exceeds one thousand dollars or (2) he recklessly engages in conduct

which creates a risk of serious physical injury to another person. (b) Computer crime in the third degree is a class D felony. (P.A. 84-206, S. 5.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-255. - Computer crime in the fourth degree: Class A misdemeanor.

(a) A person is guilty of computer crime in the fourth degree when he commits computer crime as defined in section 53a-251 and the damage to or the value of the property or computer services exceeds five hundred dollars. (b) Computer crime in the fourth degree is a class A misdemeanor. (P.A. 84-206, S. 6.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-256. - Computer crime in the fifth degree: Class B misdemeanor.

(a) A person is guilty of computer crime in the fifth degree when he commits computer crime as defined in section 53a-251 and the damage to or the value of the property or computer services, if any, is five hundred dollars or less. (b) Computer crime in the fifth degree is a class B misdemeanor. (P.A. 84-206, S. 7.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-257. - Alternative fine based on defendant's gain.

If a person has gained money, property or services or other consideration through the commission of any offense under section 53a-251, upon conviction thereof the court, in lieu of imposing a fine, may sentence the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain from the commission of such offense. In such case the court shall make a finding as to the amount of the defendant's gain from the offense and, if the record does not contain sufficient evidence to support such a finding, the court may conduct a hearing upon the issue. For the purpose of this section, "gain" means the amount of money or the value of property or computer services or other consideration derived. (P.A. 84-206, S. 8.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-258. - Determination of degree of crime.

Amounts included in violations of section 53a-251 committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the degree of the crime. (P.A. 84-206, S. 9.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-259. - Value of property or computer services.

(a) For the purposes of this part and section 52-570b, the value of property or computer services shall be: (1) The market value of the property or computer services at the time of the violation; or (2) if the property or computer services are unrecoverable, damaged or destroyed as a result of a violation of section 53a-251, the cost of reproducing or replacing the property or computer services at the time of the violation. (b) When the value of the property or computer services or damage thereto cannot be satisfactorily ascertained, the value shall be deemed to be two hundred fifty dollars. (c) Notwithstanding the provisions of this section, the value of private personal data shall be deemed to be one thousand five hundred dollars. (P.A. 84-206, S. 10.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-26. - Misdemeanor: Definition, classification, designation.

(a) An offense for which a person may be sentenced to a term of imprisonment of not more than one year is a misdemeanor. (b) Misdemeanors are classified for the purposes of sentence as follows: (1) Class A, (2) class B, (3) class C, (4) class D, and (5) unclassified. (c) The particular classification of each misdemeanor defined in this chapter is expressly designated in the section defining it. (d) Any offense defined in any section of the general statutes which, by virtue of an expressly specified sentence, is within the definition set forth in subsection (a) of this section, but for which a particular classification is not expressly designated, shall be deemed: (1) A class A misdemeanor if the maximum term of imprisonment specified is one year; (2) a class B misdemeanor if the maximum term of imprisonment specified is six months; (3) a class C misdemeanor if the maximum term of imprisonment specified is three months; (4) a class D misdemeanor if the maximum term of imprisonment specified is thirty days; and (5) an unclassified misdemeanor if the maximum term of imprisonment specified is a term other than a term set forth in subdivision (1), (2), (3) or (4) of this subsection. (1969, P.A. 828, S. 26; P.A. 92-260, S. 10; P.A. 12-80, S. 1.) History: P.A. 92-260 made a technical change in Subsec. (b); P.A. 12-80 amended Subsec. (b) to add new Subdiv. (4) re class D misdemeanor and redesignate existing Subdiv. (4) as Subdiv. (5), designated provision of Subsec. (c) re unclassified misdemeanor as Subsec. (d) and amended same to make applicable to any offense defined in any section of the general statutes for which a particular classification is not expressly designated and add Subdivs. (1) to (5) re deemed classification of misdemeanors. See Sec. 53a-36 re sentences for misdemeanors. See Sec. 53a-42 re fines for misdemeanors. Cited. 202 C. 443. Cited. 9 CA 686; 41 CA 476; 43 CA 1. Cited. 36 CS 527; Id., 551.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-260. - Location of offense.

(a) In any prosecution for a violation of section 53a-251, the offense shall be deemed to have been committed in the town in which the act occurred or in which the computer system or part thereof involved in the violation was located. (b) In any prosecution for a violation of section 53a-251 based upon more than one act in violation thereof, the offense shall be deemed to have been committed in any of the towns in which any of the acts occurred or in which a computer system or part thereof involved in a violation was located. (P.A. 84-206, S. 11.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-261. - Jurisdiction.

If any act performed in furtherance of the offenses set out in section 53a-251 occurs in this state or if any computer system or part thereof accessed in violation of section 53a-251 is located in this state, the offense shall be deemed to have occurred in this state. (P.A. 84-206, S. 12.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-261a. - Location of computer communication transmission-related offenses.

Any offense committed by means of communication transmitted by use of an interactive computer service, as defined in section 53a-90a, computer network, as defined in section 53a-250, telecommunications service, as defined in section 16-247a, cellular system, as used in section 16-50i, electronic communication service, as defined in section 54-260b or electronic communication system, as defined in 18 USC 2510, as amended from time to time, including electronic mail or text message or any other electronically sent message, whether by digital media account, messaging program or application, may be deemed to have been committed either at the place where the communication originated or at the place where it was received. (P.A. 24-137, S. 3.) History: P.A. 24-137 effective June 6, 2024, and applicable to any offense committed prior to, on or after said date.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-262. - Computer extortion by use of ransomware: Class E felony.

(a) A person is guilty of computer extortion by use of ransomware, when such person (1) introduces ransomware into any computer, computer system or computer network, and (2) demands payment of money or other consideration to remove the ransomware, restore access to the computer, computer system, computer network or data contained on such computer, computer system or computer network, or otherwise remediate the impact of the ransomware. (b) Computer extortion by use of ransomware is a class E felony. (c) For purposes of this section, “ransomware” means any computer contaminant or lock placed or introduced without authorization into a computer, computer system or computer network that restricts access by an authorized person to the computer, computer system, computer network, or any data held by the computer, computer system or computer network, but does not include authentication required to upgrade or access purchased content or the blocking of access to subscription content in the case of nonpayment for such access, and “computer contaminant” means any set of computer instructions that are designed to modify, damage, destroy, record or transmit data held by a computer, computer system or computer network without the intent or permission of the owner of the data. (P.A. 17-223, S. 1.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-27. - Violation: Definition, designation.

(a) An offense, for which the only sentence authorized is a fine, is a violation unless expressly designated an infraction. (b) Every violation defined in this chapter is expressly designated as such. Any offense defined in any other section which is not expressly designated a violation or infraction shall be deemed a violation if, notwithstanding any other express designation, it is within the definition set forth in subsection (a). (1969, P.A. 828, S. 27; P.A. 75-577, S. 4, 126.) History: P.A. 75-577 excluded offenses expressly designated as infractions from consideration as violation. See chapter 881b re infractions. Cited. 9 CA 686; 27 CA 225; 40 CA 762; 41 CA 454. Cited. 36 CS 527; Id., 551.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-275. - Money laundering. Definitions.

For the purposes of this section and sections 53a-276 to 53a-282, inclusive: (1) “Monetary instrument” means coin or currency of the United States or of any other country, travelers' checks, personal checks, bank checks, money orders, negotiable investment securities or negotiable instruments in bearer form or otherwise in such form that title thereto passes upon delivery. (2) “Equivalent property” means property that may be readily converted into, or exchanged for, United States or foreign currency or coin, including gold, silver or platinum bullion or coins, diamonds, emeralds, rubies, sapphires or other precious stones, stamps or airline tickets, or any other property that is intended to be so converted or exchanged. (3) “Felony” means a felony under the laws of this state or a criminal offense committed in another jurisdiction punishable under the laws of that jurisdiction by death or a term of imprisonment exceeding one year. (4) “Exchange”, in addition to its ordinary meaning, means purchase, sale, loan, pledge, gift, transfer, delivery, deposit, withdrawal or extension of credit. (P.A. 87-373, S. 5.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-276. - Money laundering in the first degree: Class B felony.

(a) A person is guilty of money laundering in the first degree when he exchanges or receives in exchange, in one or more transactions, one or more monetary instruments derived from criminal conduct constituting a felony and of a total value exceeding ten thousand dollars, for one or more other monetary instruments or equivalent property, with the intent to conceal that the exchanged monetary instrument or instruments or equivalent property is derived in whole or in part from the criminal sale of a controlled substance or with the intent that the exchange aid a person in the criminal sale of a controlled substance or to profit or benefit from the criminal sale of a controlled substance. (b) Money laundering in the first degree is a class B felony. (P.A. 87-373, S. 6.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-277. - Money laundering in the second degree: Class C felony.

(a) A person is guilty of money laundering in the second degree when he exchanges or receives in exchange, in one or more transactions, one or more monetary instruments derived from criminal conduct constituting a felony and of a total value exceeding ten thousand dollars, for one or more other monetary instruments or equivalent property, with intent to conceal that the exchanged monetary instrument or instruments or equivalent property is derived from any criminal activity or with intent that the exchange aid a person to commit criminal conduct or to profit or benefit from the commission of a crime. (b) Money laundering in the second degree is a class C felony. (P.A. 87-373, S. 7.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-278. - Money laundering in the third degree: Class D felony.

(a) A person is guilty of money laundering in the third degree when he exchanges or receives in exchange, in one or more transactions, one or more monetary instruments derived from criminal conduct constituting a felony and of a total value exceeding ten thousand dollars, for one or more other monetary instruments or equivalent property, with knowledge that the exchange will conceal that the exchanged monetary instrument or instruments or equivalent property is derived from any criminal activity, or with knowledge that the exchange will aid a person to engage in or to profit or benefit from any criminal activity. (b) Money laundering in the third degree is a class D felony. (P.A. 87-373, S. 8.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-279. - Money laundering in the fourth degree: Class A misdemeanor.

(a) A person is guilty of money laundering in the fourth degree when he exchanges or receives in exchange, in one or more transactions, one or more monetary instruments derived from criminal conduct constituting a felony for one or more other monetary instruments or equivalent property, with knowledge that the exchange will conceal that the exchanged monetary instrument or instruments or equivalent property is derived from any criminal activity, or with knowledge that the exchange will aid a person to engage in or to profit or benefit from criminal activity. (b) Money laundering in the fourth degree is a class A misdemeanor. (P.A. 87-373, S. 9.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-28. - Authorized sentences.

(a) Except as provided in section 17a-699 and chapter 420b, to the extent that the provisions of said section and chapter are inconsistent herewith, every person convicted of an offense shall be sentenced in accordance with this title. (b) Except as provided in section 53a-46a, when a person is convicted of an offense, the court shall impose one of the following sentences: (1) A term of imprisonment; or (2) a sentence authorized by section 18-65a or 18-73; or (3) a fine; or (4) a term of imprisonment and a fine; or (5) a term of imprisonment, with the execution of such sentence of imprisonment suspended, entirely or after a period set by the court, and a period of probation or a period of conditional discharge; or (6) a term of imprisonment, with the execution of such sentence of imprisonment suspended, entirely or after a period set by the court, and a fine and a period of probation or a period of conditional discharge; or (7) a fine and a sentence authorized by section 18-65a or 18-73; or (8) a sentence of unconditional discharge; or (9) a term of imprisonment and a period of special parole as provided in section 54-125e, except that the court may not impose a period of special parole for convictions of offenses under chapter 420b. (c) In addition to any sentence imposed pursuant to subsection (b) of this section, the court shall inquire on the record whether there are any requests by a victim for restitution, and if (1) a person is convicted of an offense that resulted in injury to another person or damage to or loss of property, (2) the victim requests financial restitution, and (3) the court finds that the victim has suffered injury or damage to or loss of property as a result of such offense, the court shall order the offender to make financial restitution under terms that it determines are appropriate. In determining the appropriate terms of financial restitution, the court shall consider: (A) The financial resources of the offender and the burden restitution will place on other obligations of the offender; (B) the offender's ability to pay based on installments or other conditions; (C) the rehabilitative effect on the offender of the payment of restitution and the method of payment; and (D) other circumstances, including the financial burden and impact on the victim, that the court determines make the terms of restitution appropriate. If the court determines that the current financial resources of the offender or the offender's current ability to pay based on installments or other conditions are such that no appropriate terms of restitution can be determined, the court may forego setting such terms. The court shall articulate its findings on the record with respect to each of the factors set forth in subparagraphs (A) to (D), inclusive, of

this subsection. Restitution ordered by the court pursuant to this subsection shall be based on easily ascertainable damages for injury or loss of property, actual expenses incurred for treatment for injury to persons and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering or other intangible losses, but may include the costs of counseling reasonably related to the offense. Restitution ordered by the court pursuant to this subsection shall be imposed or directed by a written order of the court on a form prescribed by the Chief Court Administrator containing the amount of damages for injury or loss of property, actual expenses incurred for treatment for injury to persons and lost wages resulting from injury as ascertained by the court. The order of the court shall direct that a certified copy of the completed form containing the written order be delivered by certified mail to each victim and contain an advisement to the victim that the order is enforceable as a judgment in a civil action as provided in section 53a-28a. The court shall retain the original of each form containing a written order of restitution as part of such offender's court record. (d) A sentence to a period of probation or conditional discharge in accordance with sections 53a-29 to 53a-34, inclusive, shall be deemed a revocable disposition, in that such sentence shall be tentative to the extent that it may be altered or revoked in accordance with said sections but for all other purposes it shall be deemed to be a final judgment of conviction. (e) When sentencing a person to a period of probation who has been convicted of (1) a misdemeanor that did not involve the use, attempted use or threatened use of physical force against another person or (2) a motor vehicle violation for which a sentence to a term of imprisonment may be imposed, the court shall consider, as a condition of such sentence of probation, ordering the person to perform community service in the community in which the offense or violation occurred. If the court determines that community service is appropriate, such community service may be implemented by a community court established in accordance with section 51-181c if the offense or violation occurred within the jurisdiction of a community court established by said section. (f) When sentencing a person to a period of probation who is or has been subject to a protective order, the court may issue a protective order that is effective during such period of probation. (g) In addition to any sentence imposed pursuant to section 53-247 or section 53a-73b, at the time of a person's sentencing for any conviction under said sections, the court shall order that, for the five-year period commencing from the date of such conviction or the date of such person's release from imprisonment for such conviction, whichever is later, such person (1) shall not harbor, own, possess, reside with, adopt or serve as a foster placement for any animal, and (2) shall not be employed by, or volunteer for, any entity in any position that involves care for, or regular contact with, any animal. (1969, P.A. 828, S. 28; 1971, P.A. 871, S. 10; P.A. 73-137, S. 7; 73-639, S. 3; P.A. 75-633, S. 4; P.A. 92-260, S. 11; P.A. 95-175, S. 1; P.A. 97-199, S. 1; June 18 Sp. Sess. P.A. 97-11, S. 62, 65; P.A. 98-234, S. 2; P.A. 00-196, S. 38; P.A. 01-211, S. 13; P.A. 03-19, S. 125; P.A. 10-144, S. 8; P.A. 12-114, S. 20; P.A. 18-63, S. 1; 18-128, S. 1; P.A. 23-149, S. 8.) History: 1971 act added exception re Ch. 359 in Subsec. (a) and deleted references to "reformatory" sentences in Subsec. (b)(2) and (7), adding reference to Secs. 18-73 and 18-75 in Subdiv. (7) for conformity; P.A. 73-137 deleted references to Secs. 53a-46 and 53a-93 and added reference to Secs. 53a-46a and 53a-54b in Subsec. (b); P.A. 73-639 added references to Sec. 18-65 in Subsec. (b)(2) and (7); P.A. 75-633 deleted reference to Secs. 18-65 and 18-75 in Subsec. (b)(1), adding reference to Sec. 18-65a and deleted reference to Sec. 18-75 in Subsec. (b)(7); P.A. 92-260 amended Subsec. (a) to replace reference to "chapter 368p" with "section 17a-656 and chapter 420b" and replace "such chapter is" with "the provisions of said section and chapter are" and amended Subsec. (b) to delete from the exclusionary provision references to Secs. 53a-45, 53a-54b and 53a-92, to make a technical change in Subdivs. (2) and (6) and to replace reference to "Sec. 18-65" with "Sec. 18-65a" in Subdiv. (7); P.A. 95-175 inserted new Subsec. (c) re order of financial restitution and considerations required prior to order and relettered former Subsec. (c) as Subsec. (d); P.A. 97-199 added Subsec. (e) re order of community service in community where offense occurred, implemented by community court; June 18 Sp. Sess. P.A. 97-11 changed effective date of P.A. 97-199 from October 1, 1997, to July 1, 1997, effective July 1, 1997; P.A. 98-234 added Subsec. (b)(9) authorizing a sentence of a term of imprisonment and a period of special parole as provided in Sec. 54-125e; P.A. 00-196 amended Subsec. (e) to delete provisions re ordering community service as a condition of accelerated rehabilitation, said provisions being reenacted as part of Sec. 54-56e by same public act, and to make technical changes; P.A. 01-211 amended Subsec. (c) to designate as Subdiv. (1) the condition for ordering restitution that a person is convicted of an offense that resulted in injury to another person or damage to or loss of property, add new Subdiv. (2) re condition that the victim requests financial restitution, add new Subdiv. (3) re condition that the court finds that the victim has suffered injury or damage to or loss of property as a result of such offense, require the court to order the offender to make financial restitution "under terms that it determines are appropriate" rather than "if it determines that financial restitution is appropriate", replace "In determining whether financial restitution is appropriate" with "In determining the appropriate terms of financial restitution", redesignate existing Subdivs. (1), (2), (3) and (4) as Subparas. (A), (B), (C) and (D), replace in Subpara. (D) "other circumstances that the court determines makes restitution appropriate or inappropriate" with "other circumstances, including the financial burden and impact on the victim, that the court determines makes the terms of restitution appropriate", authorize the court to forego setting appropriate terms of restitution if the current financial resources or ability to pay of the offender are such that no appropriate terms can be determined, require the court to articulate its findings on the record re factors in Subparas. (A) to (D), require restitution ordered by the court to be imposed or directed by a written order containing the amount of damages, expenses and lost wages and require a certified copy of the court order to be delivered by certified mail to the victim and to contain an advisement that the order is enforceable as provided in Sec. 53a-28a; P.A. 03-19 made a technical change in Subsec. (c), effective May 12, 2003; P.A. 10-144 added Subsec. (f) to permit court to issue protective order that is effective during period of probation; P.A. 12-114 amended Subsec. (f) to delete "issued under section 54-1k" re protective order; P.A. 18-63 amended Subsec. (b) to add provision re court not to impose period of special parole for conviction of offense under chapter 420b; P.A. 18-128 amended Subsec. (c) to add provision re court to inquire on record whether there are victim requests for restitution, add provision re restitution ordered to be on form prescribed by Chief Court Administrator,

add provision re court to retain original of each form containing written order of restitution, and to make technical and conforming changes; P.A. 23-149 added Subsec. (g) requiring court to order that person convicted under Sec. 53-247 or 53a-73b not possess any animal or be employed by or volunteer for an entity involving regular contact with any animal for a 5-year period commencing from date of conviction or date of release from imprisonment for such conviction, whichever is later.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-280. - Money laundering. Alternative fine.

In lieu of the fine authorized under section 53a-41 or 53a-42, and in addition to any fine authorized by section 53a-44, any person who violates section 53a-276, 53a-277 or 53a-278 shall be fined, for a first offense, not more than two hundred fifty thousand dollars, or twice the value of the criminally derived monetary instrument or instruments, whichever is greater, and for a second or subsequent offense, not more than five hundred thousand dollars or five times the value of the criminally derived monetary instruments, whichever is greater. (P.A. 87-373, S. 10.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-281. - Money laundering. Corporate fines.

Any corporation which violates section 53a-276, 53a-277 or 53a-278 shall be fined, for a first offense, not more than two hundred fifty thousand dollars or twice the value of the criminally derived monetary instrument or instruments, whichever is greater, and for a second or subsequent offense, not more than five hundred thousand dollars or five times the value of the criminally derived monetary instruments, whichever is greater. (P.A. 87-373, S. 11.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-282. - Money laundering. Presumptions.

(a) A person who pays or receives substantially less than face value for one or more monetary instruments that are in fact derived from criminal activity is presumed to know that the monetary instrument or instruments are derived from criminal activity. (b) A person who engages in a transaction involving one or more monetary instruments that are in fact derived from criminal activity, knowing or believing that such instrument or instruments, or the instrument or instruments or equivalent property exchanged for such criminally derived instruments, bear fictitious names, is presumed to know that the monetary instrument or instruments derived from criminal activity are in fact so derived. (c) A person who fails to record or report a transaction involving one or more monetary instruments that are in fact derived from criminal activity, in circumstances under which such recording or reporting is either required by law or is in the ordinary course of business, is presumed to know that the monetary instrument or instruments are derived from criminal activity. (d) A person who engages in a transaction involving one or more monetary instruments that are in fact derived from criminal activity, knowing that the physical condition or form of the monetary instrument or instruments makes it apparent that they are not the product of bona fide business or financial transactions, is presumed to know that they are derived from criminal activity. (P.A. 87-373, S. 12.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-28a. - Enforcement of orders of financial restitution.

All financial obligations ordered pursuant to subsection (c) of section 53a-28 or subsection (a) of section 53a-30 may be enforced in the same manner as a judgment in a civil action by the party or entity to whom the obligation is owed. The party or entity seeking enforcement of the financial obligations as a judgment in a civil action shall file with the Superior Court a copy of the court's order of restitution ordered pursuant to section 53a-28 or 53a-30 together with an affidavit prepared by the agency or entity monitoring payment of the obligations, on a form prescribed by the Office of the Chief Court Administrator, attesting to the terms of restitution and manner of performance fixed by the court or the Court Support Services Division, identifying the amount of the obligation that has been paid and the amount of the obligation that is owed. Such obligations may be enforced at any time during the twenty-year period following the offender's release from confinement or termination of probation, or not later than twenty years after the entry of the order and sentence, whichever is longer. There shall be no entry fee for filing an enforcement action pursuant to this section. Not later than thirty days after the date of filing of the judgment and the affidavit, the party or entity seeking enforcement of such judgment shall mail notice of filing of the judgment by registered or certified mail, return receipt requested, to the offender at such offender's last-known address. The proceeds of an execution shall not be distributed to the party or entity seeking enforcement of such judgment earlier than thirty days after the date of filing proof of service with the clerk of the court in which enforcement of such judgment is sought. No fee shall be required for the filing of an execution. The payment of marshal's fees for service of an execution shall be collected in accordance with the provisions of section 52-261. (P.A. 95-175, S. 2; P.A. 17-87, S. 4; 17-99, S. 18.) History: P.A. 17-87 replaced reference to 10-year period with reference to 20-year period, and made technical changes; P.A. 17-99 added reference to Sec. 53a-30(a), added provisions re party or entity seeking enforcement of financial obligations as judgment in civil action to file copy of court's order of restitution with affidavit, entry fee for filing enforcement action, party or entity seeking enforcement of judgment to mail notice of filing of judgment, distribution of proceeds of execution, fee for filing execution, and collection of payment of marshal's fees for service of execution.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-29. - Probation and

conditional discharge: Criteria; periods; continuation or termination.

(a) The court may sentence a person to a period of probation upon conviction of any crime, other than a class A felony, if it is of the opinion that: (1) Present or extended institutional confinement of the defendant is not necessary for the protection of the public; (2) the defendant is in need of guidance, training or assistance which, in the defendant's case, can be effectively administered through probation supervision; and (3) such disposition is not inconsistent with the ends of justice. (b) The court may impose a sentence of conditional discharge for an offense, other than a class A felony, if it is of the opinion that: (1) Present or extended institutional confinement of the defendant is not necessary for the protection of the public; and (2) probation supervision is not appropriate. (c) When the court imposes a sentence of conditional discharge, the defendant shall be released with respect to the conviction for which the sentence is imposed but shall be subject, during the period of such conditional discharge, to such conditions as the court may determine. The court shall impose the period of conditional discharge authorized by subsection (d) of this section and shall specify, in accordance with section 53a-30, the conditions to be complied with. When a person is sentenced to a period of probation, the court shall impose the period authorized by subsection (d), (e) or (f) of this section and may impose any conditions authorized by section 53a-30. When a person is sentenced to a period of probation, such person shall pay to the court a fee of two hundred dollars and shall be placed under the supervision of the Court Support Services Division, provided, if such person is sentenced to a term of imprisonment the execution of which is not suspended entirely, payment of such fee shall not be required until such person is released from confinement and begins the period of probation supervision. (d) Except as provided in subsection (f) of this section, the period of probation or conditional discharge, unless terminated sooner as provided in section 53a-32 or 53a-33, shall be as follows: (1) For a class B felony, not more than five years; (2) for a class C, D or E felony or an unclassified felony, not more than three years; (3) for a class A misdemeanor, not more than two years; (4) for a class B, C or D misdemeanor, not more than one year; and (5) for an unclassified misdemeanor, not more than one year if the authorized sentence of imprisonment is six months or less, or not more than two years if the authorized sentence of imprisonment is in excess of six months, or where the defendant is charged with failure to provide subsistence for dependents, a determinate or indeterminate period. (e) Notwithstanding the provisions of subsection (d) of this section, the court may, in its discretion, on a case by case basis, sentence a person to a period of probation which period, unless terminated sooner as provided in section 53a-32 or 53a-33, shall be as follows: (1) For a class C, D or E felony or an unclassified felony, not more than five years; (2) for a class A misdemeanor, not more than three years; and (3) for a class B misdemeanor, not more than two years. (f) The period of probation, unless terminated sooner as provided in section 53a-32, shall be not less than ten years or more than thirty-five years for conviction of a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b, 53a-90a or subdivision (2), (3) or (4) of subsection (a) of section 53a-189a, or section 53a-196b, 53a-196c, 53a-196d, 53a-196e or 53a-196f. (g) Whenever the court sentences a person, on or after October 1, 2008, to a period of probation of more than two years for a class C, D or E felony or an unclassified felony or more than one year for a class A or B misdemeanor, the probation officer supervising such person shall submit a report to the sentencing court, the state's attorney and the attorney of record, if any, for such person, not later than sixty days prior to the date such person completes two years of such person's period of probation for such felony or one year of such person's period of probation for such misdemeanor setting forth such person's progress in addressing such person's assessed needs and complying with the conditions of such person's probation. The probation officer shall recommend, in accordance with guidelines developed by the Judicial Branch, whether such person's sentence of probation should be continued for the duration of the original period of probation or be terminated. If such person is serving a period of probation concurrent with another period of probation, the probation officer shall submit a report only when such person becomes eligible for termination of the period of probation with the latest return date, at which time all of such person's probation cases shall be presented to the court for review. Not later than sixty days after receipt of such report, the sentencing court shall continue the sentence of probation or terminate the sentence of probation. Notwithstanding the provisions of section 53a-32, the parties may agree to waive the requirement of a court hearing. The Court Support Services Division shall establish within its policy and procedures a requirement that any victim be notified whenever a person's sentence of probation may be terminated pursuant to this subsection. The sentencing court shall permit such victim to appear before the sentencing court for the purpose of making a statement for the record concerning whether such person's sentence of probation should be terminated. In lieu of such appearance, the victim may submit a written statement to the sentencing court and the sentencing court shall make such statement a part of the record. Prior to ordering that such person's sentence of probation be continued or terminated, the sentencing court shall consider the statement made or submitted by such victim. (h) For the purposes of this section, a motor vehicle violation for which a sentence to a term of imprisonment of more than one year may be imposed shall be deemed an unclassified felony. (1969, P.A. 828, S. 29; 1971, P.A. 871, S. 124, 129; P.A. 79-585, S. 8, 15; P.A. 89-219, S. 6, 10; P.A. 92-260, S. 12; P.A. 93-340, S. 12, 19; P.A. 95-142, S. 2; P.A. 01-84, S. 14, 26; P.A. 02-132, S. 30; P.A. 04-139, S. 8; P.A. 05-288, S. 181; P.A. 08-102, S. 1; P.A. 09-84, S. 1; P.A. 10-43, S. 19; P.A. 12-80, S. 4; 12-133, S. 18; P.A. 13-258, S. 6; P.A. 15-213, S. 2; P.A. 19-189, S. 14.) History: 1971 act repealed former Subsec. (e) requiring probation officer to make recommendation as to advisability of continuing probation after probationer has been on probation for a year and allowing person on probation to be heard by court with respect to continuance or discontinuance of probation; P.A. 79-585 replaced commission on adult probation with office of adult probation in Subsec. (c); P.A. 89-219 amended Subsec. (c) to require a person sentenced to a period of probation to pay to the court a fee of \$200; P.A. 92-260 amended Subsec. (c) to make technical changes and amended Subsec. (d) to replace "hereinafter provided" with "provided in section 53a-32 or 53a-33" and to replace in Subdiv. (5) "less than three months" with "three months or less"; P.A. 93-340 amended Subsec. (d)(1) to add exception re Subsec. (e) and added Subsec. (e) to authorize a period of probation of not more than 35 years for conviction of a

sexual assault under certain circumstances, effective July 1, 1993; P.A. 95-142 amended Subsec. (e) to delete reference to an early termination of probation as provided in Sec. 53a-33, establish a minimum period of probation of 10 years, include a violation of Sec. 53-21(2) and delete the provisions that limited the applicability of the Subsec. to where the conviction is of a second or subsequent violation or the defendant was 18 years of age or older and the victim was under 13 years of age; P.A. 01-84 amended Subsec. (e) to replace reference to “subdivision (2) of section 53-21” with “subdivision (2) of subsection (a) of section 53-21”, effective July 1, 2001; P.A. 02-132 amended Subsec. (c) by replacing “Office of Adult Probation” with “Court Support Services Division” and making a technical change; P.A. 04-139 amended Subsec. (e) to include a violation of Sec. 53a-90a, 53a-196b, 53a-196c, 53a-196d, 53a-196e or 53a-196f; P.A. 05-288 made technical changes in Subsec. (e), effective July 13, 2005; P.A. 08-102 amended Subsec. (c) to replace reference to period of probation authorized by “subsection (d) of this section” with period authorized by “subsection (d), (e) or (f) of this section”, amended Subsec. (d) to add exception re Subsec. (f) and to decrease maximum period of probation for class C or D felony or unclassified felony from 5 years to 3 years, for class A misdemeanor from 3 years to 2 years and for class B misdemeanor from 2 years to 1 year, added new Subsec. (e) re authority of the court to sentence a person to a maximum period of probation of 5 years for class C or D felony or unclassified felony, 3 years for class A misdemeanor and 2 years for class B misdemeanor, redesignated existing Subsec. (e) as Subsec. (f), added Subsec. (g) re procedure for continuation or termination of a person's period of probation after such person completes 2 years of such period if such person was sentenced to a period of probation for more than 2 years for class C or D felony or unclassified felony or after such person completes 1 year of such period if such person was sentenced to a period of probation for more than 1 year for class A or B misdemeanor, and made technical changes; P.A. 09-84 amended Subsec. (c) to make a technical change and add proviso that if a person is sentenced to a term of imprisonment the execution of which is not suspended entirely, payment of probation supervision fee is not required until the person is released from confinement and begins period of probation supervision; P.A. 10-43 amended Subsec. (g) to add provision re when probation officer must submit report and present probation cases for review if person is serving concurrent periods of probation; P.A. 12-80 amended Subsec. (d) to include a class D misdemeanor in Subdiv. (4) and increase threshold term of imprisonment from 3 months to 6 months in Subdiv. (5), effective October 1, 2012, and applicable to sentences imposed for crimes committed on or after that date; P.A. 12-133 added Subsec. (h) re motor vehicle violation for which sentence to a term of imprisonment of more than 1 year may be imposed to be deemed an unclassified felony; P.A. 13-258 amended Subsecs. (d)(2), (e)(1) and (g) to add references to class E felony; P.A. 15-213 amended Subsec. (f) to add reference to Sec. 53a-189a(a)(2), (3) or (4); P.A. 19-189 amended Subsec. (f) by replacing “53a-70b,” with “section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, and making a technical change”. Cited. 170 C. 128; 182 C. 595; 197 C. 337; 198 C. 671; 200 C. 268; 204 C. 52; 210 C. 519; 222 C. 299; 225 C. 46; 229 C. 285. Cited. 9 CA 686; 12 CA 32; 22 CA 108; 30 CA 416; 32 CA 1; 34 CA 1. Cited. 37 CS 853; 41 CS 229. Subsec. (d): Cited. 37 CA 72. Under 2001 revision, defendant's 10-year probationary period on charge of risk of injury to a child in violation of Sec. 53-21(a)(1) violates this section because the maximum length of probation for such violation is 5 years. 119 CA 98. Subsec. (e): Sec. 2 of P.A. 95-142, which expanded probation eligibility factors and increased mandatory probation minimum sentence, did not have retroactive effect. 253 C. 392.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-290. - “Vendor fraud” defined.

A person commits vendor fraud when, with intent to defraud and acting on such person's own behalf or on behalf of an entity, such person provides goods or services to a beneficiary under sections 17b-22, 17b-75 to 17b-77, inclusive, 17b-79 to 17b-103, inclusive, 17b-180a, 17b-183, 17b-260 to 17b-262, inclusive, 17b-264 to 17b-285, inclusive, 17b-357 to 17b-361, inclusive, 17b-600 to 17b-604, inclusive, 17b-749 and 17b-808 or provides services to a recipient under Title XIX of the Social Security Act, as amended, and, (1) presents for payment any false claim for goods or services performed; (2) accepts payment for goods or services performed, which exceeds either the amounts due for goods or services performed, or the amounts authorized by law for the cost of such goods or services; (3) solicits to perform services for or sell goods to any such beneficiary, knowing that such beneficiary is not in need of such goods or services; (4) sells goods to or performs services for any such beneficiary without prior authorization by the Department of Social Services, when prior authorization is required by said department for the buying of such goods or the performance of any service; (5) accepts from any person or source other than the state an additional compensation in excess of the amount authorized by law; or (6) having knowledge of the occurrence of any event affecting (A) his or her initial or continued right to any such benefit or payment, or (B) the initial or continued right to any such benefit or payment of any other individual in whose behalf he or she has applied for or is receiving such benefit or payment, conceals or fails to disclose such event with an intent to fraudulently secure such benefit or payment either in a greater amount or quantity than is due or when no such benefit or payment is authorized. (P.A. 96-169, S. 3; June Sp. Sess. P.A. 00-2, S. 25, 53; P.A. 05-280, S. 27; P.A. 21-102, S. 7; P.A. 23-204, S. 297.) History: (Revisor's note: In 1997, the phrase “17b-180 to 17b-183, inclusive,” was replaced editorially by the Revisors with “17b-180a, 17b-183,” to reflect the repeal of Secs. 17b-180, 17b-181 and 17b-182); June Sp. Sess. P.A. 00-2 deleted reference to Sec. 17b-114, added reference to Sec. 17b-749 and made technical changes for the purpose of gender neutrality, effective July 1, 2000; P.A. 05-280 substituted “17b-361” for “17b-362” as Sec. 17b-362 was repealed by the same act, effective July 1, 2005; P.A. 21-102 added Subdiv. (6) re knowledge of event affecting initial or continued right to benefit or payment; P.A. 23-204 deleted reference to Sec. 17b-807, effective June 12, 2023.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-291. - Vendor fraud

in the first degree: Class B felony.

(a) A person is guilty of vendor fraud in the first degree when he commits vendor fraud, as defined in section 53a-290, and receives payment for goods or services fraudulently provided in excess of ten thousand dollars. (b) Vendor fraud in the first degree is a class B felony. (P.A. 96-169, S. 4.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-292. - Vendor fraud in the second degree: Class C felony.

(a) A person is guilty of vendor fraud in the second degree when he commits vendor fraud, as defined in section 53a-290, and receives payment for goods or services fraudulently provided in excess of five thousand dollars. (b) Vendor fraud in the second degree is a class C felony. (P.A. 96-169, S. 5.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-293. - Vendor fraud in the third degree: Class D felony.

(a) A person is guilty of vendor fraud in the third degree when he commits vendor fraud, as defined in section 53a-290, and receives payment for goods or services fraudulently provided in excess of one thousand dollars. (b) Vendor fraud in the third degree is a class D felony. (P.A. 96-169, S. 6.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-294. - Vendor fraud in the fourth degree: Class A misdemeanor.

(a) A person is guilty of vendor fraud in the fourth degree when he commits vendor fraud, as defined in section 53a-290, and receives payment for goods or services fraudulently provided in excess of five hundred dollars. (b) Vendor fraud in the fourth degree is a class A misdemeanor. (P.A. 96-169, S. 7.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-295. - Vendor fraud in the fifth degree: Class B misdemeanor.

(a) A person is guilty of vendor fraud in the fifth degree when he commits vendor fraud, as defined in section 53a-290, and receives payment for goods or services fraudulently provided in excess of two hundred fifty dollars. (b) Vendor fraud in the fifth degree is a class B misdemeanor. (P.A. 96-169, S. 8.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-296. - Vendor fraud in the sixth degree: Class C misdemeanor.

(a) A person is guilty of vendor fraud in the sixth degree when he commits vendor fraud, as defined in section 53a-290, and receives payment for goods or services fraudulently provided in an amount of two hundred fifty dollars or less. (b) Vendor fraud in the sixth degree is a class C misdemeanor. (P.A. 96-169, S. 9.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-30. - Conditions of probation and conditional discharge.

(a) When imposing sentence of probation or conditional discharge, the court may, as a condition of the sentence, order that the defendant: (1) Work faithfully at a suitable employment or faithfully pursue a course of study or of vocational training that will equip the defendant for suitable employment; (2) undergo medical or psychiatric treatment and remain in a specified institution, when required for that purpose; (3) support the defendant's dependents and meet other family obligations; (4) make restitution of the fruits of the defendant's offense or make restitution, in an amount the defendant can afford to pay or provide in a suitable manner, for the loss or damage caused thereby. The court or the Court Support Services Division, if authorized by the court, may fix the amount thereof and the manner of performance, and the victim shall be advised by the court or the Court Support Services Division that restitution ordered under this section may be enforced pursuant to section 53a-28a; (5) if a minor, (A) reside with the minor's parents or in a suitable foster home, (B) attend school, and (C) contribute to the minor's own support in any home or foster home; (6) post a bond or other security for the performance of any or all conditions imposed; (7) refrain from violating any criminal law of the United States, this state or any other state; (8) if convicted of a misdemeanor or a felony, other than a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, a class A felony or a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57 or 53a-58 or any offense for which there is a mandatory minimum sentence which may not be suspended or reduced by the court, and any sentence of imprisonment is suspended, participate in an alternate incarceration program; (9) reside in a residential community center or halfway house approved by the Commissioner of Correction, and contribute to the cost incident to such residence; (10) participate in a program of community service labor in accordance with section 53a-39c; (11) participate in a program of community service in accordance with section 51-181c; (12) if convicted of a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-72a or 53a-72b, undergo specialized sexual offender treatment; (13) if convicted of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, as defined in section 54-250, or of a felony that the court finds was

committed for a sexual purpose, as provided in section 54-254, register such person's identifying factors, as defined in section 54-250, with the Commissioner of Emergency Services and Public Protection when required pursuant to section 54-251, 54-252 or 54-253, as the case may be; (14) be subject to electronic monitoring, which may include the use of a global positioning system; (15) if convicted of a violation of section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l, participate in an anti-bias or diversity awareness program or participate in a program of community service designed to remedy damage caused by the commission of a bias crime or otherwise related to the defendant's violation; (16) if convicted of a violation of section 53-247, undergo psychiatric or psychological counseling or participate in an animal cruelty prevention and education program provided such a program exists and is available to the defendant; or (17) satisfy any other conditions reasonably related to the defendant's rehabilitation. The court shall cause a copy of any such order to be delivered to the defendant and to the probation officer, if any. (b) When a defendant has been sentenced to a period of probation, the Court Support Services Division may require that the defendant comply with any or all conditions which the court could have imposed under subsection (a) of this section which are not inconsistent with any condition actually imposed by the court. (c) At any time during the period of probation or conditional discharge, after hearing and for good cause shown, the court may modify or enlarge the conditions, whether originally imposed by the court under this section or otherwise, and may extend the period, provided the original period with any extensions shall not exceed the periods authorized by section 53a-29. The court shall cause a copy of any such order to be delivered to the defendant and to the probation officer, if any. (d) The period of participation in an alternate incarceration program, unless terminated sooner, shall not exceed the period of probation authorized by section 53a-29 or two years, whichever is less. (e) The court may require that the person subject to electronic monitoring pursuant to subsection (a) of this section pay directly to the electronic monitoring service provider a fee for the cost of such electronic monitoring services. If the court finds that the person subject to electronic monitoring is indigent and unable to pay the costs of electronic monitoring services, it shall waive such costs. Any contract entered into by the Judicial Branch and the electronic monitoring service provider shall include a provision stating that the total cost for electronic monitoring services shall not exceed six dollars per day. Such amount shall be indexed annually to reflect the rate of inflation. (1969, P.A. 828, S. 30; 1971, P.A. 781, S. 1; P.A. 73-231; P.A. 78-188, S. 4, 8; P.A. 79-585, S. 9, 15; P.A. 82-298, S. 8; P.A. 86-403, S. 88, 132; P.A. 89-383, S. 4, 16; 89-390, S. 19, 37; P.A. 90-213, S. 4, 56; June Sp. Sess. P.A. 91-9, S. 4, 10; P.A. 93-340, S. 13, 19; P.A. 94-128, S. 1, 3; P.A. 95-142, S. 3; P.A. 97-199, S. 3; June 18 Sp. Sess. P.A. 97-11, S. 62, 65; P.A. 99-183, S. 12, 13; P.A. 00-72, S. 5, 12; 00-141, S. 1; P.A. 01-84, S. 15, 26; P.A. 02-132, S. 31; P.A. 03-208, S. 1; P.A. 05-288, S. 182; P.A. 06-187, S. 29; 06-196, S. 292; P.A. 11-51, S. 134; P.A. 12-5, S. 18; P.A. 17-99, S. 19; 17-111, S. 2; P.A. 19-189, S. 15.) History: 1971 act authorized court to order defendant to reside in residential community center and contribute to costs; P.A. 73-231 authorized court to order that defendant shall reside in a halfway house approved by commissioner of correction; P.A. 78-188 restated Subsec. (a)(4) and required offender to submit to restitution investigation if necessary; P.A. 79-585 replaced commission on adult probation with office of adult probation in Subsec. (b); P.A. 82-298 amended Subsec. (a) by deleting provision re restitution investigation as provided in Sec. 54-110a; P.A. 86-403 made technical change in Subsec. (c), substituting "conditional discharge" for "conditional release"; P.A. 89-383 added new Subsec. (a)(8) authorizing the court to order certain defendants to participate in an alternate incarceration program, renumbering the remaining Subdivs. accordingly, and added Subsec. (d) limiting the period of participation in an alternate incarceration program, effective July 5, 1989, to July 1, 1994; P.A. 89-390 added new Subsec. (a)(9) authorizing the court to order the defendant to participate in a program of special alternative incarceration in accordance with Sec. 53a-39b, renumbering the remaining Subdiv. accordingly; P.A. 90-213 added Subsec. (a)(11) authorizing the court to order the defendant to participate in a program of community service labor in accordance with Sec. 53a-39c, renumbering the remaining Subdiv. accordingly; June Sp. Sess. P.A. 91-9 deleted former Subsec. (a)(9) authorizing court to order defendant to participate in a program of special alternative incarceration in accordance with Sec. 53a-39b, renumbering remaining Subdivs. accordingly; P.A. 93-340 added new Subsec. (a)(11) authorizing the court to order the defendant to undergo specialized sexual offender treatment when convicted of sexual assault under certain circumstances, renumbering the remaining Subdiv. accordingly, effective July 1, 1993; P.A. 94-128 negated effect of P.A. 89-383 which had discontinued alternative incarceration program as of July 1, 1994, and reenacted and continued existence of section, effective July 1, 1994; P.A. 95-142 amended Subsec. (a)(11) to include a violation of Sec. 53-21(2) and delete provisions that limited the applicability of said Subdiv. to where the conviction is of a second or subsequent violation or the defendant was 18 years of age or older and the victim was under 13 years of age; P.A. 97-199 added new Subsec. (a)(11) re participation in program of community service, renumbering existing Subdivs. (11) and (12) as Subdivs. (12) and (13), respectively; June 18 Sp. Sess. P.A. 97-11 changed effective date of P.A. 97-199 from October 1, 1997, to July 1, 1997, effective July 1, 1997; P.A. 99-183 added new Subsec. (a)(13) re registration of identifying factors with the Commissioner of Public Safety by certain sexual offenders and renumbering existing Subdiv. (13) as Subdiv. (14), effective July 1, 1999; P.A. 00-72 amended Subsec. (a) by adding new provision, designated as Subdiv. (15), re participation in an anti-bias crime education program and making technical changes, effective July 1, 2001; P.A. 00-141 amended Subsec. (a) to make technical changes and add Subdiv. (14) re electronic monitoring, and added Subsec. (e) re electronic monitoring services; P.A. 01-84 amended Subsec. (a)(12) to replace reference to "subdivision (2) of section 53-21" with "subdivision (2) of subsection (a) of section 53-21", effective July 1, 2001; P.A. 02-132 amended Subsec. (b) by replacing "Office of Adult Probation" with "Court Support Services Division" and making a technical change; P.A. 03-208 added new Subsec. (a)(16) re counseling or participation in an animal cruelty prevention and education program for defendant convicted of a violation of Sec. 53-247, redesignating existing Subdiv. (16) as Subdiv. (17); P.A. 05-288 made a technical change in Subsec. (e), effective July 13, 2005; P.A. 06-187 amended Subsec. (a)(14) to provide that electronic monitoring may include the use of a global positioning system and amended Subsec. (e) to increase the maximum total daily cost for

electronic monitoring services from \$5 to \$6, effective July 1, 2006; P.A. 06-196 changed effective date of P.A. 06-187, S. 29 from July 1, 2006, to October 1, 2006, effective June 7, 2006; pursuant to P.A. 11-51, "Commissioner of Public Safety" was changed editorially by the Revisors to "Commissioner of Emergency Services and Public Protection" in Subsec. (a)(13), effective July 1, 2011; P.A. 12-5 amended Subsec. (a)(8) to add reference to provisions of Sec. 53a-54b in effect prior to April 25, 2012, re conviction of a capital felony, effective April 25, 2012; P.A. 17-99 amended Subsec. (a)(4) by adding provisions re Court Support Services Division, if authorized by court, may fix amount and manner of restitution and victim to be advised by court or Court Support Services Division that restitution order may be enforced pursuant to Sec. 53a-28a; P.A. 17-111 amended Subsec. (a)(15) to replace provision re participation in anti-bias crime education program with provision re participation in anti-bias or diversity awareness program or program of community service designed to remedy damage caused by commission of bias crime or otherwise related to defendant's violation; P.A. 19-189 amended Subsec. (a) by replacing "53a-70b" with "section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019", and made technical changes. Cited. 170 C. 128; 204 C. 52; 207 C. 152; 222 C. 299; 225 C. 46; 240 C. 639. Trial court's imposition of restitution as additional condition of probation was not punitive in nature and therefore did not affect defendant's sentence; section does not deprive trial court of jurisdiction to impose a condition of probation subsequent to initial sentencing and prior to defendant's commencement of probation period. 283 C. 735. Section not applicable to trial court's corrected order of probation because order was a clarification, not a modification, of conditions of probation previously imposed on defendant. 294 C. 516. Cited. 9 CA 686; 12 CA 338; 14 CA 272; 19 CA 304; 22 CA 199; Id., 449; 32 CA 1; 33 CA 432; 34 CA 1; 39 CA 722; 45 CA 722. Trial court's modification of defendant's probation to include sex offender evaluation and treatment was proper; Office of Adult Probation had authority under statute to add an additional condition of probation; sexual offender treatment is clearly enumerated in Subsec. (a) and could have been imposed by sentencing court; and at any time during period of probation, after hearing and for good cause shown, court may modify or enlarge conditions of probation pursuant to Subsec. (c). 57 CA 112. Failure to deliver a written copy of conditions of probation did not excuse subsequent probation violation and did not invalidate resulting probation revocation. 58 CA 153. Condition required by Office of Adult Probation was inconsistent with those required by court. 69 CA 421; judgment reversed, see 268 C. 174. Under section, office had authority to include a curfew restriction on defendant at the start of his probationary period without a court hearing and a showing of good cause, and such a condition was not inconsistent with the purposes of probation. 75 CA 643. List set forth in section meant to be illustrative, and not exhaustive. 83 CA 142. Cited. 35 CS 536. Requiring defendant to sell his gun collection was a condition reasonably related to his rehabilitation. Id., 570. Cited. 41 CS 229; 42 CS 574. Subsec. (a): Cited. 169 C. 223; 196 C. 305; 229 C. 285. Where, pursuant to a plea bargain, defendant pleads guilty to sexual assault in fourth degree in violation of Sec. 53a-73a and public indecency in violation of Sec. 53a-186, trial court acted within its discretion in permitting Office of Adult Probation to notify members of defendant's community. 250 C. 280. Subdiv. (4): Since damage to an unoccupied house was the "fruit" of the collective criminal trespass in which the youthful offender had participated and of which he was convicted, the damage had a nexus to the offense and accordingly the order of restitution was reasonably related to the consequence of the youth's criminal trespass and well within the discretion of the trial court even though the youth had not personally profited from the trespass or caused any physical damage to the property. 301 C. 684. Cited. 3 CA 410; 7 CA 326; 42 CA 460; 45 CA 722. Trial court's order of sexual offender treatment was authorized because section grants the court broad authority to impose any other conditions reasonably related to rehabilitation. 57 CA 743. Court's order that defendant pay veterinary and impoundment bills incurred from defendant's failure to restrain an animal from doing injury to another animal in violation of Sec. 53-247(a) was proper because such bills met statutory requirement of "fruits" for which the court may order restitution and such order did not violate "due process" because court was justified in concluding that defendant had means of earning income during the period set for restitution. 84 CA 542. Trial court's order of specialized sex offender treatment as condition of probation was authorized under Subdiv. (17) re "other conditions reasonably related to" rehabilitation and was not prohibited due to omission from Subdiv. (12) which enumerated certain crimes meriting such treatment. 95 CA 686. Court's termination of defendant's status in accelerated rehabilitation program cannot rest solely on undisposed charge of a crime identical to the underlying charge for which defendant seeks dismissal. 98 CA 111. Subdiv. (17): In order for a condition of probation to be "reasonably related to the defendant's rehabilitation" pursuant to Subdiv., there must be a nexus between the condition of probation and the charge for which defendant is serving probation. 102 CA 507. Although trial court specifically ordered restitution, it did not find that any damage was caused to the victim by defendant or that defendant profited from the criminal activity, nor was any rehabilitative purpose cited, so there is no basis for the court's order. 118 CA 236; judgment reversed, see 301 C. 684. Cited. 35 CS 675; 37 CS 853; 39 CS 504. Defendant found to have complied with terms of his accelerated rehabilitation program which required that he refrain from violating any criminal laws of the United States, this state or any other state, notwithstanding fact that defendant pled guilty to criminal charges stemming from separate events that occurred after date that he applied for entry into accelerated rehabilitation but prior to date that he was actually accepted into program. 50 CS 383. Subsec. (b): Cited. 229 C. 285. Cited. 3 CA 410; 33 CA 103; 42 CA 768. Office's requirement that, as part of sex offender treatment, defendant refrain from use of alcohol is consistent with terms ordered by the court and therefore properly imposed by office. 60 CA 614. Probation officer could not enter into agreement with defendant that would have been in direct contradiction to a condition of probation imposed by sentencing court. 86 CA 657. Cited. 37 CS 853. Subsec. (c): Special condition on probation administration properly imposed 1 year after sentencing in exercise of court's discretion. 207 C. 152. Once defendant is discharged from probation, the conditions of his probation are no longer subject to modification or enlargement. 287 C. 478. Cited. 33 CA 103; 37 CA 72; 42 CA 768. Probation officer did not have authority to modify original conditions of probation ordered by sentencing court. 86 CA 657. Statute mandates that a court conduct a hearing related to any decision to modify probation and the hearing must

be the forum in which the court explores the issue of whether good cause exists at the time the court is considering modifying the terms of the probation; the court may not modify probation unless there is a showing of good cause. 107 CA 800; judgment reversed, see 294 C. 516. When the state enters into a plea agreement that includes a period of probation, both defendant and the state do so with the understanding that the terms of probation may be modified or enlarged in accordance with law, and that such a modification might include a reduction. 147 CA 465.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-300. - Act of terrorism. Enhanced sentence.

(a) A person is guilty of an act of terrorism when such person, with intent to intimidate or coerce the civilian population or a unit of government, commits a felony involving the unlawful use or threatened use of physical force or violence. (b) When any person has been found guilty of an act of terrorism, the court shall, in lieu of imposing the sentence authorized for the crime under section 53a-35a, impose the sentence of imprisonment authorized by said section for the next more serious degree of felony. (P.A. 02-97, S. 1; Jan. Sp. Sess. P.A. 08-1, S. 11.) History: Jan. Sp. Sess. P.A. 08-1 amended Subsec. (b) to delete requirement for imposition of enhanced sentence that “the court is of the opinion that such person's history and character and the nature and circumstances of such person's criminal conduct indicate that an increased penalty will best serve the public interest”, effective January 25, 2008.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-301. - Computer crime in furtherance of terrorist purposes: Class B felony.

(a) A person is guilty of computer crime in furtherance of terrorist purposes when such person, with intent to intimidate or coerce the civilian population or a unit of government, commits computer crime, as defined in section 53a-251, or commits a violation of any provision of section 53-451. (b) Computer crime in furtherance of terrorist purposes is a class B felony and, if such offense is directed against any public agency, as defined in section 1-200, that is charged with the protection of public safety, five years of the sentence imposed may not be suspended or reduced by the court. (P.A. 02-97, S. 9.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-302. - Criminal misrepresentation: Class C felony.

(a) A person is guilty of criminal misrepresentation when such person, with intent to intimidate or coerce the civilian population or a unit of government and with respect to any criminal matter under investigation by an agency or official of the state or any political subdivision of the state, knowingly and wilfully (1) falsifies, conceals or covers up a material fact by any trick, scheme or device, (2) makes any materially false, fictitious or fraudulent statement or representation, or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry, and such act materially impairs such investigation. (b) Criminal misrepresentation is a class C felony. (P.A. 02-97, S. 10.) See Sec. 53a-165aa re hindering prosecution in the first degree.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-303. - Contaminating a public water supply or food supply for terrorist purposes: Class C felony.

(a) A person is guilty of contaminating a public water supply or food supply for terrorist purposes when such person, with intent to intimidate or coerce the civilian population or a unit of government, introduces a hazardous substance into (1) any storage reservoir or distribution reservoir, as those terms are defined in section 25-43, or any lake or pond, or any stream tributary thereto, that is used for supplying the inhabitants of a town, city or borough with water, or (2) any source or supply of food, as defined in section 21a-92, that is intended for human consumption. (b) For the purposes of this section, “hazardous substance” means any physical, chemical, biological or radiological substance or matter which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health. (c) Contaminating a public water supply or food supply for terrorist purposes is a class C felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court. (P.A. 02-97, S. 8.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-304. - Damage to public transportation property for terrorist purposes: Class C felony.

(a) A person is guilty of damage to public transportation property for terrorist purposes when such person, with intent to cause damage to bus, railroad or other public transportation property or to cause an interruption or impairment of transportation service rendered to the public, and with intent to intimidate or coerce the civilian population or a unit of government, damages such property or tampers with such property and thereby causes such property to be placed in danger of damage. (b) Damage to public transportation property for terrorist purposes is a class C felony. (P.A. 02-97, S. 7.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-31. - Calculation of periods of probation and conditional discharge. Compliance with conditions during interrupted period.

(a) A period of probation or conditional discharge commences on the day it is imposed, unless the defendant is imprisoned, in which

case it commences on the day the defendant is released from such imprisonment. Multiple periods, whether imposed at the same or different times, shall run concurrently. (b) The issuance of a warrant or notice to appear, or an arraignment following an arrest without a warrant, for violation pursuant to section 53a-32 shall interrupt the period of the sentence until a final determination as to the violation has been made by the court. In the absence of a warrant, a notice to appear or an arrest for violation pursuant to section 53a-32, if the defendant has failed to comply with any of the conditions of probation or conditional discharge, such failure shall not relieve the Court Support Services Division from the responsibility of supervising the defendant. (c) Notwithstanding the issuance of a warrant or notice to appear or an arrest without a warrant for violation pursuant to section 53a-32, the defendant shall continue to comply with the conditions with which the defendant was previously required to comply pursuant to section 53a-30. The Court Support Services Division shall make reasonable efforts to inform the defendant of the defendant's obligation to continue to comply with such conditions and to provide the defendant with a copy of such conditions. (d) In any case where a person who is under a sentence of probation or of conditional discharge is also under an indeterminate sentence of imprisonment, or a sentence authorized under section 18-65a or 18-73, imposed for some other offense by a court of this state, the service of the sentence of imprisonment shall satisfy the sentence of probation or of conditional discharge unless the sentence of probation or of conditional discharge is revoked prior to parole or satisfaction of the sentence of imprisonment. (1969, P.A. 828, S. 31; 1971, P.A. 871, S. 11; P.A. 87-282, S. 20; P.A. 92-260, S. 13; P.A. 97-151, S. 1; P.A. 02-132, S. 32; P.A. 03-278, S. 103; Jan. Sp. Sess. P.A. 08-1, S. 36; P.A. 08-102, S. 5, 6; P.A. 11-155, S. 1; P.A. 15-211, S. 1.) History: 1971 act substituted sentences "authorized under section 18-73 or 18-75" for "reformatory" sentences in Subsec. (c); P.A. 87-282 amended Subsec. (c) to delete obsolete reference to repealed Sec. 18-75; P.A. 92-260 amended Subsec. (c) to add reference to Sec. 18-65a; P.A. 97-151 amended Subsec. (b) to authorize the court to impose any of the conditions of release set forth in Sec. 54-64a during the interrupted period and provide that, in the absence of a warrant or notice to appear for violation, the failure of the defendant to comply with any conditions of probation or conditional discharge does not relieve the Office of Adult Probation from the responsibility of supervising the defendant; P.A. 02-132 amended Subsec. (b) by replacing "Office of Adult Probation" with "Court Support Services Division"; P.A. 03-278 made a technical change in Subsec. (b), effective July 9, 2003; Jan. Sp. Sess. P.A. 08-1 amended Subsec. (b) to replace provision that during interrupted period "the court may impose any of the conditions of release set forth in section 54-64a" with provision that during such period "unless otherwise ordered by the court, the defendant shall comply with any conditions imposed or with any conditions he or she was previously required to comply pursuant to section 53a-30", effective January 25, 2008; P.A. 08-102 amended Subsec. (b) to replace provision that during interrupted period "unless otherwise ordered by the court, the defendant shall comply with any conditions imposed or with any conditions he or she was previously required to comply pursuant to section 53a-30" with provision that during such period "the court may impose any of the conditions of release set forth in section 54-64a", thereby reversing the change made by Jan. Sp. Sess. P.A. 08-1, effective May 27, 2008, and further amended Subsec. (b) to delete "During the interrupted period, the court may impose any of the conditions of release set forth in section 54-64a", added new Subsec. (c) to require defendant to continue to comply with previously imposed conditions notwithstanding issuance of a warrant or notice to appear for a violation and require Court Support Services Division to make reasonable efforts to inform defendant of defendant's obligation to continue to comply with such conditions and provide defendant with copy of such conditions, and redesignated existing Subsec. (c) as Subsec. (d), effective October 1, 2008; P.A. 11-155 amended Subsec. (b) to provide that "an arraignment following an arrest without a warrant" for violation pursuant to Sec. 53a-32 interrupts period of sentence and make conforming changes and amended Subsec. (c) to add reference to an arrest without a warrant, effective July 1, 2011; P.A. 15-211 amended Subsec. (a) to replace provision re sentence of imprisonment with execution suspended with provision re case in which defendant is imprisoned. Cited. 170 C. 128; 222 C. 299. Cited. 9 CA 686; 32 CA 1; 34 CA 1. Term "release" as used in section includes physical release from custody whether by mistake or not and probation commences by operation of law on date of actual release from imprisonment. 36 CA 440. Subsec. (a): Cited. 24 CA 575; 39 CA 722. Although probation may continue during a period of incarceration, it does not commence pursuant to section unless defendant is released from imprisonment. 60 CA 515. Subsec. (b): Arrest warrant issued "pursuant to section 53a-32" for violation of probation interrupts probation sentence simply by its issuance and exceeding the 120 day limit under Sec. 53a-32(c) for resolution of such violation charge, even without a finding of good cause, does not impact such interruption. 326 C. 731. Cited. 9 CA 59; 37 CA 72; 39 CA 722. Defendant is not excused from complying with conditions of probation simply because a probation officer informs him that he is in violation of that probation. 75 CA 643. It is the issuance of the warrant that tolls the period of probation and whether the period is tolled is not dependent on the outcome of the violation of probation proceedings. 114 CA 295.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-32. - Violation of probation or conditional discharge. Notice to victim or victim advocate. Arrest. Pretrial release conditions and supervision. Hearing. Disposition.

(a) At any time during the period of probation or conditional discharge, the court or any judge thereof may issue a warrant for the arrest of a defendant for violation of any of the conditions of probation or conditional discharge, or may issue a notice to appear to answer to a charge of such violation, which notice shall be personally served upon the defendant. Whenever a probation officer has probable cause to believe that a person on probation who is a serious firearm offender has violated a condition of probation, or knows that a person on probation for a felony conviction has been arrested for the commission of a serious firearm offense, such probation officer shall apply to the court or any judge thereof for a warrant for the arrest of such person for violation of a condition or conditions of probation or conditional discharge. Any such warrant shall authorize all officers named therein to return the defendant to the custody of the court or to any suitable detention facility designated by the court. Whenever a probation officer has

probable cause to believe that a person has violated a condition of such person's probation, such probation officer (1) may notify any police officer that such person has, in such officer's judgment, violated the conditions of such person's probation, and (2) shall notify such police officer if such person is a serious firearm offender or is on probation for a felony conviction and has been arrested for the commission of a serious firearm offense. Such notice shall be sufficient warrant for the police officer to arrest such person and return such person to the custody of the court or to any suitable detention facility designated by the court. Whenever a probation officer so notifies a police officer, the probation officer shall notify the victim of the offense for which such person is on probation, and any victim advocate assigned to assist the victim, provided the probation officer has been provided with the name and contact information for such victim or victim advocate. Any probation officer may arrest any defendant on probation without a warrant or may deputize any other officer with power to arrest to do so by giving such other officer a written statement setting forth that the defendant has, in the judgment of the probation officer, violated the conditions of the defendant's probation. Such written statement, delivered with the defendant by the arresting officer to the official in charge of any correctional center or other place of detention, shall be sufficient warrant for the detention of the defendant. After making such an arrest, such probation officer shall present to the detaining authorities a similar statement of the circumstances of violation. Except as provided in subsection (e) of this section, provisions regarding release on bail of persons charged with a crime shall be applicable to any defendant arrested under the provisions of this section. Upon such arrest and detention, the probation officer shall immediately so notify the court or any judge thereof. (b) When the defendant is presented for arraignment on the charge of violation of any of the conditions of probation or conditional discharge, the court shall review any conditions previously imposed on the defendant and may order, as a condition of the pretrial release of the defendant, that the defendant comply with any or all of such conditions in addition to any conditions imposed pursuant to section 54-64a. Unless the court, pursuant to subsection (c) of section 54-64a, orders that the defendant remain under the supervision of a probation officer or other designated person or organization, the defendant shall be supervised by the Court Support Services Division of the Judicial Branch in accordance with subsection (a) of section 54-63b. (c) Upon notification by the probation officer of the arrest of the defendant or upon an arrest by warrant as herein provided, the court shall cause the defendant to be brought before it without unnecessary delay for a hearing on the violation charges. At such hearing the defendant shall be informed of the manner in which such defendant is alleged to have violated the conditions of such defendant's probation or conditional discharge, shall be advised by the court that such defendant has the right to retain counsel and, if indigent, shall be entitled to the services of the public defender, and shall have the right to cross-examine witnesses and to present evidence in such defendant's own behalf. Unless good cause is shown, a charge of violation of any of the conditions of probation or conditional discharge shall be disposed of or scheduled for a hearing not later than one hundred twenty days after the defendant is arraigned on such charge, except, if the defendant is a serious firearm offender, or is on probation for a felony conviction and has been arrested for the commission of a serious firearm offense, such charge shall be disposed of or scheduled for a hearing not later than sixty days after the defendant is arraigned on such charge. (d) If such violation is established and the violation consisted of the commission of a serious firearm offense or the defendant is a serious firearm offender, the court shall revoke the sentence of probation or conditional discharge, otherwise, the court may: (1) Continue the sentence of probation or conditional discharge; (2) modify or enlarge the conditions of probation or conditional discharge; (3) extend the period of probation or conditional discharge, provided the original period with any extensions shall not exceed the periods authorized by section 53a-29; or (4) revoke the sentence of probation or conditional discharge. If such sentence is revoked, the court shall require the defendant to serve the sentence imposed or impose any lesser sentence. Any such lesser sentence may include a term of imprisonment, all or a portion of which may be suspended entirely or after a period set by the court, followed by a period of probation with such conditions as the court may establish. No such revocation shall be ordered, except upon consideration of the whole record and unless such violation is established by the introduction of reliable and probative evidence and by a preponderance of the evidence. (e) Provisions regarding release on bail of any serious firearm offender arrested pursuant to this section who is charged with a crime, or any felony offender arrested pursuant to this section for a serious firearm offense, shall be applicable to such serious firearm offender provided that, for the purpose of applying such provisions, there shall be a rebuttable presumption that such serious firearm offender poses a danger to the safety of other persons. (1969, P.A. 828, S. 32; 1971, P.A. 871, S. 12; P.A. 86-403, S. 89, 132; P.A. 95-142, S. 7; P.A. 98-130; P.A. 99-187, S. 4; P.A. 08-102, S. 7; P.A. 10-43, S. 20; P.A. 12-114, S. 14; P.A. 13-214, S. 1; P.A. 23-53, S. 37.) History: 1971 act clarified Subsec. (b) to specify that lesser sentence may be imposed when a sentence is revoked; P.A. 86-403 made technical change in Subsec. (b), substituting "conditional discharge" for "conditional release"; P.A. 95-142 amended Subsec. (a) to add provision re the arrest and return of a sexual offender who has violated the conditions of his probation by failing to notify his probation officer of a change of address and amended Subsec. (b) to rephrase provisions, insert Subdiv. indicators, add Subdiv. (3) authorizing an extension of the period of probation or conditional discharge and prohibit revocation of probation or conditional discharge unless a violation is established "by the introduction of reliable and probative evidence and by a preponderance of the evidence" rather than by "reliable and probative evidence"; P.A. 98-130 amended Subsec. (b) to add provision that any lesser sentence imposed upon revocation may include a term of imprisonment followed by a period of probation; P.A. 99-187 amended Subsec. (a) to add provision authorizing a probation officer to place a defendant who, in such officer's judgment, has violated the conditions of such defendant's probation in the zero-tolerance drug supervision program in lieu of returning such defendant to court for violation of probation proceedings and to make technical changes for purposes of gender neutrality; P.A. 08-102 added new Subsec. (b) re court review of previously imposed conditions, court-ordered pretrial release conditions and supervising authority for defendant, designated existing provisions re hearing on violation charges as Subsec. (c) and amended same to make a technical change and add requirement that a charge of violation be disposed of or scheduled for a hearing not later than 120 days after arraignment, and

redesignated existing Subsec. (b) as Subsec. (d); P.A. 10-43 amended Subsec. (a) to delete provision authorizing probation officer to place defendant who has violated conditions of probation in zero-tolerance drug supervision program and to authorize probation officer to notify police officer whenever probation officer has probable cause to believe that a person has violated a condition of such person's probation, rather than only when a sexual offender has violated the conditions of such person's probation by failing to notify probation officer of any change of such person's residence address; P.A. 12-114 amended Subsec. (a) to add provision re probation officer to notify victim when probation officer notifies a police officer of a probation violation; P.A. 13-214 amended Subsec. (a) to add provisions requiring probation officer to notify victim advocate assigned to assist victim when probation officer notifies a police officer of a probation violation; P.A. 23-53 added language re serious firearm offender or arrest for serious firearm offense throughout and as Subsec. (e), and added provision re exception for Subsec. (e) in Subsec. (a)(2).

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-320. - Definitions.

For the purposes of sections 53a-320 to 53a-323, inclusive: (1) "Person" means any natural person, corporation, partnership, limited liability company, unincorporated business or other business entity; (2) "Elderly person" means any person who is sixty years of age or older; (3) "Blind person" means any person who is blind, as defined in section 1-1f; (4) "Disabled person" means any person who is physically disabled, as defined in section 1-1f; (5) "Person with intellectual disability" means any person with intellectual disability, as defined in section 1-1g; (6) "Abuse" means any repeated act or omission that causes physical injury or serious physical injury to an elderly, blind or disabled person or a person with intellectual disability, except when (A) the act or omission is a part of the treatment and care, and in furtherance of the health and safety, of the elderly, blind or disabled person or person with intellectual disability, or (B) the act or omission is based upon the instructions, wishes, consent, refusal to consent or revocation of consent of an elderly, blind or disabled person or a person with intellectual disability, or the legal representative of an incapable elderly, blind or disabled person or a person with intellectual disability. For purposes of this subdivision, "repeated" means an act or omission that occurs on two or more occasions; (7) "Intentionally" means "intentionally" as defined in subdivision (11) of section 53a-3; (8) "Knowingly" means "knowingly" as defined in subdivision (12) of section 53a-3; (9) "Recklessly" means "recklessly" as defined in subdivision (13) of section 53a-3; (10) "Physical injury" means "physical injury" as defined in subdivision (3) of section 53a-3; and (11) "Serious physical injury" means "serious physical injury" as defined in subdivision (4) of section 53a-3. (P.A. 03-267, S. 6; P.A. 04-257, S. 111; P.A. 11-129, S. 15.) History: P.A. 04-257 made a technical change, effective June 14, 2004; P.A. 11-129 amended Subdivs. (5) and (6) to substitute "person with intellectual disability" for "mentally retarded person" and "person with mental retardation" and make conforming changes.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-321. - Abuse in the first degree: Class C felony.

(a) A person is guilty of abuse in the first degree when such person intentionally commits abuse of an elderly, blind or disabled person or a person with intellectual disability and causes serious physical injury to such elderly, blind or disabled person or person with intellectual disability. (b) Abuse in the first degree is a class C felony. (P.A. 03-267, S. 7; P.A. 04-257, S. 89; P.A. 11-129, S. 16.) History: P.A. 04-257 made a technical change in Subsec. (a), effective June 14, 2004; P.A. 11-129 amended Subsec. (a) to substitute "person with intellectual disability" for "mentally retarded person" and make conforming changes.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-322. - Abuse in the second degree: Class D felony.

(a) A person is guilty of abuse in the second degree when such person: (1) Intentionally commits abuse of an elderly, blind or disabled person or a person with intellectual disability and causes physical injury to such elderly, blind or disabled person or person with intellectual disability, or (2) knowingly commits abuse of an elderly, blind or disabled person or a person with intellectual disability and causes serious physical injury to such elderly, blind or disabled person or person with intellectual disability. (b) Abuse in the second degree is a class D felony. (P.A. 03-267, S. 8; P.A. 11-129, S. 17.) History: P.A. 11-129 amended Subsec. (a) to substitute "person with intellectual disability" for "mentally retarded person" and make conforming changes.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-323. - Abuse in the third degree: Class A misdemeanor.

(a) A person is guilty of abuse in the third degree when such person (1) knowingly commits abuse of an elderly, blind or disabled person or a person with intellectual disability and causes physical injury to such elderly, blind or disabled person or person with intellectual disability, or (2) recklessly commits abuse of an elderly, blind or disabled person or a person with intellectual disability and causes physical injury to such elderly, blind or disabled person or person with intellectual disability. (b) Abuse in the third degree is a class A misdemeanor. (P.A. 03-267, S. 9; P.A. 11-129, S. 18.) History: P.A. 11-129 amended Subsec. (a) to substitute "person with intellectual disability" for "mentally retarded person" and make conforming changes.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-32a. - Violation of probation by certain sexual offenders.

If a defendant who entered a plea of nolo contendere or a guilty plea under the Alford doctrine to a violation of subdivision (2) of

section 53-21 of the general statutes in effect prior to October 1, 2000, section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-72a or 53a-72b, and was ordered to undergo sexual offender treatment as a condition of probation, becomes ineligible for such treatment because of such defendant's refusal to acknowledge that such defendant committed the act or acts charged, such defendant shall be deemed to be in violation of the conditions of such defendant's probation and be returned to court for proceedings in accordance with section 53a-32. (P.A. 97-151, S. 2; P.A. 01-84, S. 16, 26; P.A. 19-189, S. 16.) History: P.A. 01-84 replaced reference to "a violation of subdivision (2) of section 53-21" with "a violation of subdivision (2) of section 53-21 of the general statutes in effect prior to October 1, 2000," included a violation of "subdivision (2) of subsection (a) of section 53-21" and made technical changes for purposes of gender neutrality, effective July 1, 2001; P.A. 19-189 replaced "53a-70b," with "section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or". Trial court not required to notify defendant, upon entering guilty plea under Alford doctrine, that failure to acknowledge his guilt could result in violation of condition of his probation requiring sex offender treatment. 268 C. 174. Defendant had been afforded a full hearing on his violation of probation charge as required under Sec. 53a-32(a); even when defendant is acquitted of the underlying crime leading to probation revocation proceeding, probation may still be revoked. 281 C. 548. Statute can be applied only prospectively; trial court improperly considered defendant's refusal to admit to guilt during sexual offender treatment as a violation of probation. 69 CA 421; judgment reversed, see 268 C. 174. Section does not prevent court from revoking probation for failure to satisfy probation condition of successful completion of sexual offender treatment related to a crime committed under Sec. 53a-21(a)(1) which is not enumerated in section because section's automatic nature does not deprive courts of discretion to revoke probation under other circumstances. 95 CA 686. Simply because automatic revocation proceeding established by section arguably is inapplicable to defendant convicted after trial, it does not follow that such defendant is immune from discretionary revocation sought by defendant's probation officer on the basis of defendant's discharge from sex offender treatment in accordance with the normal procedures set forth in Sec. 53a-32. 98 CA 579. Defendant, who was aware of the terms of his probation when entering his plea, violated his probation when he refused to discuss the details of his underlying offense at counseling. 112 CA 562.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-33. - Termination of probation or conditional discharge.

The court or sentencing judge may at any time during the period of probation or conditional discharge, after hearing and for good cause shown, terminate a sentence of probation or conditional discharge before the completion thereof, except a sentence of probation imposed for conviction of a violation of subdivision (2) of section 53-21 of the general statutes in effect prior to October 1, 2000, section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-72a or 53a-72b. (1969, P.A. 828, S. 33; P.A. 92-260, S. 14; P.A. 95-142, S. 11; P.A. 01-84, S. 17, 26; P.A. 19-189, S. 17.) History: P.A. 92-260 added "a sentence of"; P.A. 95-142 specified that a sentence of probation or conditional discharge may be terminated "before the completion thereof" and precluded termination of a sentence of probation imposed for conviction of a violation of Sec. 53-21(2) or Sec. 53a-70, 53a-70a, 53a-71, 53a-72a or 53a-72b; P.A. 01-84 replaced reference to "a violation of subdivision (2) of section 53-21" with "a violation of subdivision (2) of section 53-21 of the general statutes in effect prior to October 1, 2000," and included a violation of "subdivision (2) of subsection (a) of section 53-21", effective July 1, 2001; P.A. 19-189 replaced "53a-70b," with "section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or". Cited. 165 C. 73; 170 C. 128; 219 C. 752; 222 C. 299; 225 C. 46. Cited. 9 CA 686; 32 CA 1; 34 CA 1; 36 CA 440.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-34. - Unconditional discharge: Criteria; effect.

(a) The court may impose a sentence of unconditional discharge in any case where it is authorized to impose a sentence of conditional discharge under section 53a-29, if the court is of the opinion that no proper purpose would be served by imposing any condition upon the defendant's release. (b) When the court imposes a sentence of unconditional discharge, the defendant shall be released with respect to the conviction for which the sentence is imposed without imprisonment, probation supervision or conditions. A sentence of unconditional discharge is for all purposes a final judgment of conviction. (1969, P.A. 828, S. 34.) Cited. 170 C. 128; 180 C. 557; 182 C. 595; 188 C. 557; 222 C. 299. Cited. 9 CA 686; 12 CA 32; 32 CA 1; 34 CA 1; 36 CA 440.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-35. - Imprisonment for any felony committed prior to July 1, 1981: Indeterminate sentences; maximum and minimum terms.

(a) For any felony committed prior to July 1, 1981, the sentence of imprisonment shall be an indeterminate sentence, except as provided in subsection (d). When such a sentence is imposed the court shall impose a maximum term in accordance with the provisions of subsection (b) and the minimum term shall be as provided in subsection (c) or (d). (b) The maximum term of an indeterminate sentence shall be fixed by the court and specified in the sentence as follows: (1) For a class A felony, life imprisonment; (2) for a class B felony, a term not to exceed twenty years; (3) for a class C felony, a term not to exceed ten years; (4) for a class D felony, a term not to exceed five years; (5) for an unclassified felony, a term in accordance with the sentence specified in the section of the general statutes that defines the crime; and (6) for a capital felony, life imprisonment unless a sentence of death is imposed in accordance with section 53a-46a. (c) Except as provided in subsection (d) the minimum term of an indeterminate

sentence shall be fixed by the court and specified in the sentence as follows: (1) For a class A felony, the minimum term shall not be less than ten nor more than twenty-five years; (2) for a class B, C or D felony the court may fix a minimum term of not less than one year nor more than one-half of the maximum term imposed, except that (A) where the maximum is less than three years the minimum term may be more than one-half the maximum term imposed or (B) when a person is found guilty under section 53a-59(a)(1), section 53a-59a, 53a-101(a)(1) or 53a-134(a)(2), the minimum term shall be not less than five years and such sentence shall not be suspended or reduced, or when a person is found guilty under section 53a-60c, the minimum term shall be not less than three years and such sentence shall not be suspended or reduced, or when a person is found guilty under section 53a-60b, the minimum term shall be not less than two years and such sentence shall not be suspended or reduced; (3) for an unclassified felony, a term in accordance with the sentence specified in the section of the general statutes that defines the crime. (d) Notwithstanding the provisions of subsections (a) and (c), except as provided in subdivision (2) of said subsection (c), when a person is sentenced for a class C or D felony or for an unclassified felony, the maximum sentence for which does not exceed ten years, the court may impose a definite sentence of imprisonment and fix a term of one year or less; except when a person is found guilty under sections 53a-55a, 53a-56a, 53a-60a, 53a-70a, 53a-72b, 53a-92a, 53a-94a, 53a-102a and 53a-103a, the court shall not fix a term of less than one year. (1969, P.A. 828, S. 35; 1971, P.A. 871, S. 13; P.A. 73-137, S. 8; P.A. 74-186, S. 9, 12; P.A. 75-380, S. 14; 75-411, S. 3; P.A. 76-435, S. 2, 82; P.A. 77-422, S. 5; P.A. 80-442, S. 9, 28; P.A. 83-587, S. 76, 96.) History: 1971 act amended Subsec. (a) to add reference to minimum sentence terms in Subsec. (d), required that sentence be specified in the sentence in Subsec. (b), amended Subsec. (c) to add exception re Subsec. (d), to raise minimum term for Class A felony from 1 to 10 years and maximum term from 10 to 25 years, to clarify exception re maximum term of 3 years by specifying minimum terms and to add Subdiv. (3) re unclassified felonies and amended Subsec. (d) to add exception re Subsec. (c)(2) and to include applicability re unclassified felonies; P.A. 73-137 removed reference to death sentence imposed for class A felony in accordance with Sec. 53a-46 in Subsec. (b)(1) and added Subdiv. (6) re capital felonies; P.A. 74-186 removed reference to guilt under Subdivs. (2) or (4) of Sec. 53a-60(a) in Subsec. (c)(2)(B); P.A. 75-380 added exception in Subsec. (d) re required 1-year term; P.A. 75-411 deleted reference to guilt under Sec. 53a-135(a)(2) in Subsec. (c)(2)(B); P.A. 76-435 added exception in Subsec. (d) as amended by P.A. 75-380; P.A. 77-422 expanded exception in Subsec. (c)(2)(B) re required 3-year and 2-year minimum terms and added reference to guilt under Sec. 53-59a; P.A. 80-442 amended Subsec. (a) to limit applicability to felonies committed prior to July 1, 1981, effective on that date; P.A. 83-587 substituted "53a-59a" for "53-59a" in Subsec. (c). Cited. 169 C. 263; 171 C. 278; 176 C. 270; 180 C. 557; 182 C. 595; 189 C. 114; 190 C. 327; Id., 639; 193 C. 144; 195 C. 326; 196 C. 655; 199 C. 121; 219 C. 752. Cited. 1 CA 724; 9 CA 686; 12 CA 403; 19 CA 440; Id., 571; Id., 631; 24 CA 612; 37 CA 228. Section does not apply to crimes committed before October 1, 1971. 133 CA 458. Courts may impose a definite sentence for a felony of 1 year or less. 31 CS 350. Cited. 33 CS 705. Subsec. (b): Cited. 231 C. 545. Subdiv. (1): Sec. 53a-35b does not apply to indeterminate life sentences imposed pursuant to Subdiv., regardless of when the sentence was imposed, but applies solely to definite life sentences imposed pursuant to Sec. 53a-35a. 300 C. 649. Cited. 46 CA 450. Subsec. (c): Subdiv. (2)(B): Rational relationship exists between the protection of public health and safety and the imposition of nonsuspendable sentence for violent crime of second degree robbery, an essential element of which is threatened use of a deadly weapon or dangerous instrument. 171 C. 677. Cited. 197 C. 413; Id., 485; 202 C. 343; 211 C. 591.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-35a. - Imprisonment for felony committed on or after July 1, 1981. Definite sentence. Authorized term.

For any felony committed on or after July 1, 1981, the sentence of imprisonment shall be a definite sentence and, unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise, the term shall be fixed by the court as follows: (1) (A) For a capital felony committed prior to April 25, 2012, under the provisions of section 53a-54b in effect prior to April 25, 2012, a term of life imprisonment without the possibility of release unless a sentence of death is imposed in accordance with section 53a-46a, or (B) for the class A felony of murder with special circumstances committed on or after April 25, 2012, under the provisions of section 53a-54b in effect on or after April 25, 2012, a term of life imprisonment without the possibility of release; (2) For the class A felony of murder, a term not less than twenty-five years nor more than life; (3) For the class A felony of aggravated sexual assault of a minor under section 53a-70c, a term not less than twenty-five years or more than fifty years; (4) For a class A felony other than an offense specified in subdivision (2) or (3) of this section, a term not less than ten years nor more than twenty-five years; (5) For the class B felony of manslaughter in the first degree with a firearm under section 53a-55a, a term not less than five years nor more than forty years; (6) For a class B felony other than manslaughter in the first degree with a firearm under section 53a-55a, a term not less than one year nor more than twenty years; (7) For a class C felony, a term not less than one year nor more than ten years; (8) For a class D felony, a term not more than five years; (9) For a class E felony, a term not more than three years; and (10) For an unclassified felony, a term in accordance with the sentence specified in the section of the general statutes that defines or provides the penalty for the crime. (P.A. 80-442, S. 10, 28; P.A. 86-220; P.A. 92-260, S. 15; July Sp. Sess. P.A. 94-2, S. 2; P.A. 07-143, S. 12; P.A. 10-36, S. 18; P.A. 12-5, S. 2; P.A. 13-258, S. 2.) History: P.A. 80-442 effective July 1, 1981; P.A. 86-220 amended Subdiv. (1) to add "imprisonment without the possibility of release" to reflect revision made by P.A. 85-366; P.A. 92-260 amended Subdiv. (6) to add reference to "Sec. 53a-217" and provision that "for a conviction under section 53a-216, the term shall be five years", to reflect existing minimum mandatory sentences prescribed in said sections; July Sp. Sess. P.A. 94-2 added a new Subdiv. (4) to provide a term of not less than 5 years nor more than 40 years for the class B felony of manslaughter in the first degree with a firearm under Sec. 53a-55a, renumbering the remaining Subdivs. accordingly, and amended Subdiv. (5) to provide that the specified sentence is for a class B felony "other than manslaughter in the first degree with a firearm

under section 53a-55a” and delete a reference to Sec. 53a-55a, reflecting the separate sentencing provisions established for Sec. 53a-55a in Subdiv. (4); P.A. 07-143 added new Subdiv. (3) to provide a term of not less than 25 years or more than 50 years for the class A felony of aggravated sexual assault of a minor under Sec. 53a-70c, renumbering the remaining Subdivs. accordingly, and amended renumbered Subdiv. (4) to replace “a class A felony other than murder” with “a class A felony other than an offense specified in subdivision (2) or (3) of this section”, effective July 1, 2007; P.A. 10-36 added “unless the section of the general statutes that defines the crime specifically provides otherwise” re specified terms of imprisonment, deleted in Subdiv. (6) “except that for a conviction under section 53a-59(a)(1), 53a-59a, 53a-70a, 53a-94a, 53a-101(a)(1) or 53a-134(a)(2), the term shall be not less than five years nor more than twenty years”, deleted in Subdiv. (7) “except that for a conviction under section 53a-56a, the term shall be not less than three years nor more than ten years” and deleted in Subdiv. (8) “except that for a conviction under section 53a-60b or 53a-217, the term shall be not less than two years nor more than five years, for a conviction under section 53a-60c, the term shall be not less than three years nor more than five years, and for a conviction under section 53a-216, the term shall be five years”, effective July 1, 2010; P.A. 12-5 amended Subdiv. (1) to add Subpara. (A) designator and provision re capital felony committed prior to April 25, 2012, under provisions of Sec. 53a-54b in effect prior to April 25, 2012, and add Subpara. (B) re class A felony of murder with special circumstances committed on or after April 25, 2012, effective April 25, 2012; P.A. 13-258 added provision re section of the general statutes that provides the penalty for the crime, amended Subdiv. (8) to delete provision re term not less than 1 year, added new Subdiv. (9) re class E felony, redesignated existing Subdiv. (9) as Subdiv. (10) and amended same to add provision re section of the general statutes that provides the penalty for the crime, and made technical changes. See Sec. 53a-41 re fines for felonies. See Sec. 53a-54e re construction of statutes re capital felony committed prior to April 25, 2012. Cited. 196 C. 655; 197 C. 337; 198 C. 92; Id., 671; 200 C. 268; Id., 664; 201 C. 598; 202 C. 93; 210 C. 519; 211 C. 258; 212 C. 31. Definite sentencing scheme for any felony under section implicitly repealed indeterminate sentencing aspect of Sec. 21a-278(a). 214 C. 378. Cited. 218 C. 273; 219 C. 752; 220 C. 169; 225 C. 559; 230 C. 109; 234 C. 139; Id., 735; 235 C. 502; Id., 679; 238 C. 389; 240 C. 743. Sec. 53a-35b does not apply to indeterminate life sentences imposed pursuant to Sec. 53a-35(b)(1), regardless of when the sentence was imposed, but applies solely to definite life sentences imposed pursuant to this section. 300 C. 649. Death penalty unconstitutional under Art. I, Secs. 8 and 9 of Connecticut Constitution. 318 C. 1. Cited. 6 CA 680; 8 CA 177; Id., 491; 9 CA 686; 10 CA 486; Id., 659; 12 CA 403; 15 CA 416; 19 CA 571; 23 CA 201; 32 CA 759; 35 CA 714; 42 CA 348. An offender who has reached the age of 18 is not considered a juvenile for sentencing procedures and eighth amendment protections articulated in *Miller v. Alabama*, 132 S. Ct. 2455. 173 CA 559. Subdiv. (1): Cited. 207 C. 374; 235 C. 206. The sentencing of an offender to life imprisonment without the possibility of release pursuant to Subdiv. where the offender was under 18 when the crime was committed does not violate constitutional prohibition of cruel and unusual punishment. 289 C. 550. Subdiv. (2): Cited. 216 C. 282. Trial court properly determined that imposition of a mandatory minimum sentence of not less than 25 years imprisonment did not constitute cruel and unusual punishment for a 15-year-old convicted of murder. 290 C. 209. Holding in *Miller v. Alabama*, 132 S. Ct. 2455, applies retroactively to cases on collateral review; life sentence for a juvenile includes a sentence of 50 years or more. 317 C. 52. Cited. 34 CA 58, 93; judgment reversed, see 232 C. 537.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-35b. - “Life imprisonment” defined.

A sentence of life imprisonment means a definite sentence of sixty years, unless the sentence is life imprisonment without the possibility of release, imposed pursuant to subparagraph (A) or (B) of subdivision (1) of section 53a-35a, in which case the sentence shall be imprisonment for the remainder of the defendant's natural life. (P.A. 80-442, S. 11, 28; P.A. 85-366, S. 3; P.A. 95-19, S. 2; P.A. 12-5, S. 3.) History: P.A. 80-442 effective July 1, 1981; P.A. 85-366 added provision re life imprisonment without the possibility of release; P.A. 95-19 made a technical change; P.A. 12-5 substituted “life imprisonment means” for “imprisonment for life shall mean” and “subparagraph (A) or (B) of subdivision (1) of section 53a-35a” for “subsection (g) of section 53a-46a”, effective April 25, 2012. See Sec. 53a-35c re availability of sentence of life imprisonment without the possibility of release. Cited. 198 C. 92; 201 C. 276; 207 C. 374; 215 C. 231; 216 C. 282; 219 C. 752; 220 C. 169; 221 C. 430; 234 C. 139. Statutory provision affects substantive rights; in the absence of any clear and unequivocal expression by legislature rebutting presumption of prospective application, statute does not apply retroactively to persons sentenced prior to its enactment. 282 C. 317. Section does not apply to indeterminate life sentences imposed pursuant to Sec. 53a-35(b)(1), regardless of when the sentence was imposed, but applies solely to definite life sentences imposed pursuant to Sec. 53a-35a. 300 C. 649. Cited. 9 CA 686; 24 CA 612.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-35c. - Availability of sentence of life imprisonment without the possibility of release.

The sentence of life imprisonment without the possibility of release shall not be available as a sentence for an offense committed prior to October 1, 1985. (P.A. 85-366, S. 4.) Cited. 9 CA 686.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-36. - Imprisonment for misdemeanor. Definite sentence. Authorized term.

A sentence of imprisonment for a misdemeanor shall be a definite sentence and, unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise, the term shall be fixed by the court as follows: (1) For a class A misdemeanor, a term not to exceed one year; (2) for a class B misdemeanor, a term not to exceed six months; (3) for a

class C misdemeanor, a term not to exceed three months; (4) for a class D misdemeanor, a term not to exceed thirty days; and (5) for an unclassified misdemeanor, a term in accordance with the sentence specified in the section of the general statutes that defines or provides the penalty for the crime. (1969, P.A. 828, S. 36; 1971, P.A. 871, S. 14; P.A. 77-422, S. 6; P.A. 92-260, S. 16; P.A. 10-36, S. 19; P.A. 12-80, S. 2.) History: 1971 act added exception re guilt under Sec. 53a-61(a)(3) in Subdiv. (1); P.A. 77-422 expanded exception to include guilt under Sec. 53a-61a; P.A. 92-260 amended Subdiv. (1) to consolidate statutory references and delete redundant language; P.A. 10-36 added “unless the section of the general statutes that defines the crime specifically provides otherwise” re specified terms of imprisonment and deleted in Subdiv. (1) “except that when a person is found guilty under section 53a-61(a)(3) or 53a-61a, the term shall be one year and such sentence shall not be suspended or reduced”, effective July 1, 2010; P.A. 12-80 added provision re section of the general statutes that provides the penalty for the crime, added new Subdiv. (4) re maximum term for class D misdemeanor, redesignated existing Subdiv. (4) as Subdiv. (5) and amended same to add provision re section of the general statutes that provides the penalty for the crime. See Sec. 53a-42 re fines for misdemeanors. Cited. 169 C. 223; 178 C. 145. Court in sentencing of defendant found guilty under Sec. 53a-61a must impose a mandatory nonsuspendable term of imprisonment and does not have option of imposing a fine or a sentence of unconditional discharge. 180 C. 557. Cited. 184 C. 434; 189 C. 114; 194 C. 198; 217 C. 73; 218 C. 273; 223 C. 635. Cited. 8 CA 607; 9 CA 686; 12 CA 481; 19 CA 631; 32 CA 656; judgment reversed in part, see 232 C. 345; 37 CA 228.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-36a. - Imprisonment term for misdemeanor not to exceed three hundred sixty-four days.

(a) Notwithstanding any provision of the general statutes, any offense which constitutes a breach of any law of this state for which a person may be sentenced to a term of imprisonment of up to but not exceeding one year shall be punishable by imprisonment for a period not to exceed three hundred sixty-four days. A misdemeanor conviction for which a person was sentenced to a term of imprisonment of one year shall continue to be deemed a misdemeanor conviction after the maximum term of imprisonment is reduced pursuant to this section. (b) The provisions of this section apply to any term of imprisonment for which a person was sentenced to before, on or after October 1, 2021. (c) Any person sentenced to a term of imprisonment of one year, prior to October 1, 2021, for any offense previously punishable by a term of imprisonment of up to but not exceeding one year, may apply to the court that entered the judgment of conviction to have the term of sentence modified to the maximum term of imprisonment for a period not to exceed three hundred sixty-four days. Any such application may be filed at any time and the court shall issue such modification regardless of the date of conviction, provided the record of such sentence has not been destroyed. (P.A. 21-32, S. 35.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-37. - Multiple sentences: Concurrent or consecutive, minimum term.

When multiple sentences of imprisonment are imposed on a person at the same time, or when a person who is subject to any undischarged term of imprisonment imposed at a previous time by a court of this state is sentenced to an additional term of imprisonment, the sentence or sentences imposed by the court shall run either concurrently or consecutively with respect to each other and to the undischarged term or terms in such manner as the court directs at the time of sentence. The court shall state whether the respective maxima and minima shall run concurrently or consecutively with respect to each other, and shall state in conclusion the effective sentence imposed. When a person is sentenced for two or more counts each constituting a separate offense, the court may order that the term of imprisonment for the second and subsequent counts be for a fixed number of years each. The court in such cases shall not set any minimum term of imprisonment except under the first count, and the fixed number of years imposed for the second and subsequent counts shall be added to the maximum term imposed by the court on the first count. (1969, P.A. 828, S. 37; P.A. 73-639, S. 4.) History: P.A. 73-639 added provisions clarifying court's sentencing powers in cases where person is to be sentenced for two or more counts each of which constitutes a separate offense. Cited. 178 C. 427. Statute provides for three sentencing options where multiple sentences are imposed at same time. Id., 634. Section authorizes multiple sentences with consecutive minimum and maximum terms. 179 C. 381. Cited. 184 C. 366; Id., 434; 185 C. 473; 190 C. 327; 192 C. 471; 197 C. 413; Id., 485; 206 C. 40; Id., 685; 207 C. 270; Id., 276; 208 C. 420; 217 C. 568. Does not impose limits on trial court's common law inherent sentencing power to stay execution of a criminal sentence. 225 C. 46. Cited. 228 C. 384. Court was not prohibited from imposing a term of incarceration consecutive to a sentence of life imprisonment without possibility of release. 249 C. 645. Cited. 7 CA 131; Id., 367; 9 CA 365; Id., 686; 17 CA 307; 20 CA 572; 26 CA 10; 34 CA 503. Application of section is limited to “offenses” and since criminal contempt is not a criminal offense, it is not a matter within section's scope; however, legislature did not intend to change existing common law in enacting section and therefore trial court had inherent authority to impose criminal sentence that ran concurrently with previous sentence for criminal contempt. 59 CA 145. Cited. 30 CS 71; 36 CS 168.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-38. - Calculation of terms of imprisonment.

(a) An indeterminate sentence of imprisonment commences when the prisoner is received in the custody or institution to which he was sentenced. (b) A definite sentence of imprisonment commences when the prisoner is received in the custody to which he was sentenced. Where a person is under more than one definite sentence, the sentences shall be calculated as follows: (1) If the sentences run concurrently, the terms merge in and are satisfied by discharge of the term which has the longest term to run; (2) if the sentences run consecutively, the terms are added to arrive at an aggregate term and are satisfied by discharge of such aggregate term. (c) When

a sentence of imprisonment that has been imposed on a person is vacated and a new sentence is imposed on such person for the same offense or for an offense based on the same act, the new sentence shall be calculated as if it had commenced at the time the vacated sentence commenced, and all time served under or credited against the vacated sentence shall be credited against the new sentence. (d) When a person who is serving a sentence of imprisonment escapes, the escape shall interrupt the sentence and such interruption shall continue until the return of such person to the custody of the Commissioner of Correction. (1969, P.A. 828, S. 38; P.A. 92-260, S. 17.) History: P.A. 92-260 made a technical change in Subsec. (c). Calculations of terms of imprisonment discussed. 185 C. 124. Cited. 230 C. 17. Cited. 9 CA 686; 33 CA 205; 45 CA 566. Cited. 40 CS 354. Subsec. (b): Cited. 209 C. 23; 217 C. 568; 228 C. 384. Where habeas corpus petitioner was convicted and sentenced on separate charges in April and September of same year, and the September sentence was to run concurrent to the April sentence, petitioner's September sentence began to run in September, because that is when he was "received in the custody to which he was sentenced". 274 C. 563. Cited. 34 CA 503. Subsec. (c): Cited. 202 C. 343; 215 C. 695; 216 C. 220. Fundamental purpose is to afford inmate credit toward current sentence for time that he was confined as direct result of his initial trial on same charges and therefore petitioner entitled to credit toward his prison sentence for time that he was confined in mental health facility. 258 C. 394. Cited. 30 CA 190; 39 CA 455. Proper method for calculating terms of imprisonment discussed. 90 CA 460.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-39. - Reduction of sentence or discharge of defendant by sentencing court or judge. Statement by victim.

(a) Except as provided in subsection (b) of this section, at any time during an executed period of incarceration, the sentencing court or judge may, after hearing and for good cause shown, reduce the sentence, order the defendant discharged, or order the defendant discharged on probation or conditional discharge for a period not to exceed that to which the defendant could have been originally sentenced. (b) On and after October 1, 2021, at any time during the period of a sentence in which a defendant has been sentenced prior to, on or after October 1, 2021, to an executed period of incarceration of more than seven years as a result of a plea agreement, including an agreement in which there is an agreed upon range of sentence, upon agreement of the defendant and the state's attorney to seek review of the sentence, the sentencing court or judge may, after hearing and for good cause shown, reduce the sentence, order the defendant discharged, or order the defendant discharged on probation or conditional discharge for a period not to exceed that to which the defendant could have been originally sentenced. (c) If, after a hearing pursuant to this section, the sentencing court or judge denies or grants in full a motion to reduce a defendant's sentence or discharge the defendant, the defendant may not file a subsequent motion for relief under this section until five years have elapsed from the date of the most recent decision denying such defendant relief pursuant to this section. If, after a hearing pursuant to this section, the sentencing court or judge grants in part a motion to reduce a defendant's sentence, the defendant may not file a subsequent motion for relief under this section until three years from the date of the most recent decision granting such defendant relief pursuant to this section. (d) The provisions of this section shall not apply to any portion of a sentence imposed that is a mandatory minimum sentence for an offense which may not be suspended or reduced by the court. (e) At the time the defendant files a motion with the court, the defendant shall provide the state with a copy of the motion and any materials and documentation filed with the court in support of such motion. (f) At a hearing held by the sentencing court or judge under this section, such court or judge shall permit any victim of the crime to appear before the court or judge for the purpose of making a statement for the record concerning whether or not the sentence of the defendant should be reduced, the defendant should be discharged or the defendant should be discharged on probation or conditional discharge pursuant to subsection (a) or (b) of this section. In lieu of such appearance, the victim may submit a written statement to the court or judge and the court or judge shall make such statement a part of the record at the hearing. For the purposes of this subsection, "victim" means the victim, the legal representative of the victim or a member of the deceased victim's immediate family. (1969, P.A. 828, S. 39; P.A. 82-428, S. 1, 4; P.A. 84-505, S. 3, 6; P.A. 85-354, S. 1, 3; P.A. 87-538, S. 1, 3, 5; P.A. 90-261, S. 7, 19; P.A. 94-119; P.A. 95-175, S. 3; P.A. 10-36, S. 20; P.A. 21-102, S. 25; P.A. 21-104, S. 63; P.A. 22-36, S. 1; P.A. 23-47, S. 1.) History: P.A. 82-428 specified applicability to definite sentences "of three years or less"; P.A. 84-505 authorized the sentencing court or judge to order certain defendants discharged on intensive probation, effective June 13, 1984, to July 1, 1987; P.A. 85-354 added provisions to require applications for the intensive probation program to be referred to the office of adult probation for assessment and recommendations, to specify that the period of intensive probation shall not exceed the unexpired portion of the sentence, to authorize the court or judge to place on regular probation a defendant who successfully completes intensive probation, to specify the period of such regular probation, and to require a defendant discharged on intensive probation to comply with the probation conditions ordered by the court or required by the office of adult probation; P.A. 87-538 prohibited the discharge on intensive probation of a defendant sentenced for a class A felony, authorized the placement in the intensive probation program of a defendant with a definite sentence which includes suspension of incarceration after a period of at least two years but not more than five years, followed by a period of probation, if he has served at least one-half of the unsuspended portion of his sentence prior to release, and reenacted and continued in effect on and after July 1, 1987, the provisions of this section previously effective from June 13, 1984, until July 1, 1987; P.A. 90-261 deleted all provisions re the discharge of a defendant on intensive probation; P.A. 94-119 designated existing provisions as Subsec. (a), added Subsec. (b) authorizing the sentencing court or judge at any time during the period of a definite sentence of more than three years to reduce the sentence or order the defendant discharged and added Subsec. (c) making the section inapplicable to any sentence imposed for an offense carrying a mandatory minimum sentence; P.A. 95-175 added Subsec. (d) re statement by victim re reduction of sentence or discharge of defendant; P.A. 10-36 amended Subsec. (d) to make technical changes, effective July 1, 2010; P.A. 21-102 amended Subsec. (a) by adding an exception as provided in Subsec. (b),

replacing “the period of a definite sentence of three years or less” with “an executed period of incarceration”, amended Subsec. (b) by replacing language re a definite sentence of more than 3 years with language re a sentence to an executed period of incarceration of more than 7 years as a result of a plea agreement, added new Subsec. (c) re a denial of a motion to reduce a defendant's sentence and redesignated existing Subsecs. (c) and (d) as Subsecs. (d) and (e), effective June 30, 2021; P.A. 21-104 changed effective date of P.A. 21-102, S. 25, from date of passage to October 1, 2021, effective June 28, 2021; P.A. 22-36 amended Subsec. (b) to add language referencing October 1, 2021, effective May 17, 2022; P.A. 23-47 amended Subsec. (c) by making existing provision applicable in case of full denial or granting of motion and adding provision re subsequent motions after 3 years following partial granting of motion, added new Subsec. (e) re supplying state with copy of motion, materials and documentation and redesignated existing Subsec. (e) as Subsec. (f).

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-39a. - Alternate incarceration program.

(a) In all cases where a defendant has been convicted of a misdemeanor or a felony, other than a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, a class A felony or a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57 or 53a-58 or any other offense for which there is a mandatory minimum sentence which may not be suspended or reduced by the court, after trial or by a plea of guilty without trial, and a term of imprisonment is part of a stated plea agreement or the statutory penalty provides for a term of imprisonment, the court may, in its discretion, order an assessment for placement in an alternate incarceration program under contract with the Judicial Department. If the Court Support Services Division recommends placement in an alternate incarceration program, it shall also submit to the court a proposed alternate incarceration plan. Upon completion of the assessment, the court shall determine whether such defendant shall be ordered to participate in such program as an alternative to incarceration. If the court determines that the defendant shall participate in such program, the court shall suspend any sentence of imprisonment and shall make participation in the alternate incarceration program a condition of probation as provided in section 53a-30. (b) An alternate incarceration program includes, but shall not be limited to, an intensive probation program, any community service program approved by the Chief Court Administrator and any residential or nonresidential program approved by the Chief Court Administrator which provides care, supervision and supportive services such as employment, psychiatric and psychological evaluation and counseling, and drug and alcohol dependency treatment. Any defendant placed in an alternate incarceration program shall comply with any other conditions of probation ordered by the court or required by the Court Support Services Division, as provided in subsections (a) and (b) of section 53a-30. (P.A. 89-383, S. 3, 16; P.A. 94-128, S. 1, 3; P.A. 02-132, S. 33; P.A. 12-5, S. 19; P.A. 19-189, S. 18.) History: P.A. 89-383, S. 3 effective July 5, 1989, to July 1, 1994; P.A. 94-128 negated effect of P.A. 89-383, reenacting and continuing existence of section, effective July 1, 1994; P.A. 02-132 amended Subsec. (a) by replacing “program to be conducted by the Office of Adult Probation” with “program under contract with the Judicial Department” and replacing “Office of Adult Probation” with “Court Support Services Division” and amended Subsec. (b) by replacing “Office of Adult Probation” with “Court Support Services Division”; P.A. 12-5 amended Subsec. (a) to add reference to provisions of Sec. 53a-54b in effect prior to April 25, 2012, re conviction of a capital felony, effective April 25, 2012; P.A. 19-189 amended Subsec. (a) by replacing “53a-70b” with “section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019”, and making technical changes.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-39b. - Special alternative incarceration program for young male defendants.

Section 53a-39b is repealed, effective October 1, 2003. (P.A. 89-390, S. 18, 37; P.A. 90-230, S. 75, 101; 90-261, S. 10, 19; June Sp. Sess. P.A. 91-9, S. 5, 10; P.A. 03-48, S. 2.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-39c. - Community service labor program.

(a) There is established, within available appropriations, a community service labor program for persons convicted of a first violation of section 21a-267, 21a-279 or 21a-279a, who have not previously been convicted of a violation of section 21a-277 or 21a-278. Upon application by any such person for participation in such program the court may grant such application and, upon a plea of guilty without trial where a term of imprisonment is part of a stated plea agreement, suspend any sentence of imprisonment and make participation in such program a condition of probation or conditional discharge in accordance with section 53a-30. No person may be placed in such program who has previously been placed in such program. (b) Any person who enters such program shall pay to the court a participation fee of two hundred five dollars, except that no person may be excluded from such program for inability to pay such fee, provided such person: (1) Files with the court an affidavit of indigency or inability to pay, assisted by the Court Support Services Division to the extent requested by such person, and the court enters a finding of inability to pay, or (2) has been determined indigent and eligible for representation by a public defender who has been appointed on behalf of such person pursuant to section 51-296. The court shall not require a person to perform community service in lieu of payment of such fee, if such fee is waived. All program fees collected under this subsection shall be deposited into the alternative incarceration program account. (c) The period of participation in the community service labor program shall be thirty days. (P.A. 90-213, S. 3, 56; P.A. 97-248, S. 11, 12; P.A. 99-148, S. 2, 4; P.A. 03-2, S. 50; P.A. 13-159, S. 2; P.A. 21-102, S. 11; June Sp. Sess. P.A. 21-1, S. 160; P.A. 22-26, S.

26.) History: P.A. 97-248 amended Subsec. (a) to make ineligible for the program persons who have previously participated in the drug education program established under Sec. 54-56i, and amended Subsec. (b) to require a pretrial community service labor program established for persons for whom prosecution is suspended to include a drug education component, effective July 1, 1997; P.A. 99-148 amended Subsec. (a) to make eligible for the program persons charged with a violation of Sec. 21a-267, to make ineligible for the program persons who have previously been convicted of a violation of Sec. 21a-267 and to delete the provision that made persons who previously participated in the drug education program established under Sec. 54-56i ineligible for the program, amended Subsec. (c) to replace provisions that specified differing periods of participation in the program depending upon whether the violation was of subsection (a), (b) or (c) of Sec. 21a-279 with provisions requiring a period of participation consisting of a minimum of 14 days for a first violation and 30 days for a second violation involving a plea of guilty and conviction, and made technical changes for purposes of gender neutrality, effective July 1, 1999; P.A. 03-2 added new Subsec. (b) to establish a participation fee of \$205, prohibit the exclusion of a person from the program for inability to pay such fee and require that all program fees collected be deposited into the alternative incarceration program account and redesignated existing Subsecs. (b) and (c) as new Subsecs. (c) and (d), respectively, effective February 28, 2003; P.A. 13-159 amended Subsec. (a) to change eligibility for program from persons charged under Sec. 21a-267 or 21a-279 but not previously convicted under Sec. 21a-267, 21a-277, 21a-278 or 21a-279 to persons convicted of a first violation of Sec. 21a-267 or 21a-279 but not previously convicted under Sec. 21a-277 or 21a-278, delete former Subdiv. (1) re person not previously placed in program, delete former Subdiv. (2) designator and provision re person previously placed in program, and make ineligible for the program any person who has previously been placed in the program, added new Subsec. (c) re period of participation in program to be 30 days, deleted former Subsec. (c) re tolling and dismissal of charges and former Subsec. (d) re period of participation in program for first and second violation, and made technical changes; P.A. 21-102 amended Subsec. (b) by redesignating existing Subdiv. (2) and part of existing Subdiv. (3) re entering of court finding as part of Subdiv. (1) and adding new Subdiv. (2) re finding of indigency based on eligibility for a public defender and prohibition on requiring person to perform community service; June Sp. Sess. P.A. 21-1 amended Subsec. (a) to add reference to Sec. 21a-279a, effective July 1, 2021; P.A. 22-26 amended Subsec. (b) by deleting reference to “such indigency is confirmed”, adding reference re court finding “of inability to pay”, adding reference re Court Support Services Division assisting person “to the extent requested by such person” and making technical changes, effective July 1, 2022. Program intended to avoid unnecessary trials and expenditures of resources, so defendant's application for program when trial nearly complete is justification for denying application. 51 CA 126.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-39d. - Pilot zero-tolerance drug supervision program.

Section 53a-39d is repealed, effective October 1, 2010. (P.A. 98-145, S. 3, 4; P.A. 99-187, S. 3; P.A. 02-89, S. 83; P.A. 10-43, S. 43.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-40. - Persistent offenders: Definitions; defense; authorized sentences; procedure.

(a) A persistent dangerous felony offender is a person who: (1) (A) Stands convicted of manslaughter, arson, kidnapping, robbery in the first or second degree, assault in the first degree, home invasion, burglary in the first degree or burglary in the second degree with a firearm, and (B) has been, prior to the commission of the present crime, convicted of and imprisoned under a sentence to a term of imprisonment of more than one year or of death, in this state or in any other state or in a federal correctional institution, for any of the following crimes: (i) The crimes enumerated in subparagraph (A) of this subdivision or an attempt to commit any of said crimes; or (ii) murder, sexual assault in the first or third degree, aggravated sexual assault in the first degree or sexual assault in the third degree with a firearm, or an attempt to commit any of said crimes; or (iii) prior to October 1, 1975, any of the crimes enumerated in section 53a-72, 53a-75 or 53a-78 of the general statutes, revision of 1958, revised to 1975, or prior to October 1, 1971, in this state, assault with intent to kill under section 54-117, or any of the crimes enumerated in sections 53-9, 53-10, 53-11, 53-12 to 53-16, inclusive, 53-19, 53-21, 53-69, 53-78 to 53-80, inclusive, 53-82, 53-83, 53-86, 53-238 and 53-239 of the general statutes, revision of 1958, revised to 1968, or any predecessor statutes in this state, or an attempt to commit any of said crimes; or (iv) in any other state, any crimes the essential elements of which are substantially the same as any of the crimes enumerated in subparagraph (A) of this subdivision or this subparagraph; or (2) (A) Stands convicted of sexual assault in the first or third degree, aggravated sexual assault in the first degree or sexual assault in the third degree with a firearm, and (B) has been, prior to the commission of the present crime, convicted of and imprisoned under a sentence to a term of imprisonment of more than one year or of death, in this state or in any other state or in a federal correctional institution, for any of the following crimes: (i) Murder, manslaughter, arson, kidnapping, robbery in the first or second degree, assault in the first degree, home invasion, burglary in the first degree or burglary in the second degree with a firearm, or an attempt to commit any of said crimes; or (ii) prior to October 1, 1971, in this state, assault with intent to kill under section 54-117, or any of the crimes enumerated in sections 53-9, 53-10, 53-11, 53-12 to 53-16, inclusive, 53-19, 53-21, 53-69, 53-78 to 53-80, inclusive, 53-82, 53-83 and 53-86 of the general statutes, revision of 1958, revised to 1968, or any predecessor statutes in this state, or an attempt to commit any of said crimes; or (iii) in any other state, any crimes the essential elements of which are substantially the same as any of the crimes enumerated in subparagraph (A) of this subdivision or this subparagraph. (b) A persistent dangerous sexual offender is a person who (1) stands convicted of sexual assault in the first or third degree, aggravated sexual assault in the first degree or sexual assault in the third degree with a firearm, and (2)

has been, prior to the commission of the present crime, convicted of and imprisoned under a sentence to a term of imprisonment of more than one year, in this state or in any other state or in a federal correctional institution, for (A) any of the crimes enumerated in subdivision (1) of this subsection, or (B) prior to October 1, 1975, any of the crimes enumerated in section 53a-72, 53a-75 or 53a-78 of the general statutes, revision of 1958, revised to 1975, or prior to October 1, 1971, in this state, any of the crimes enumerated in section 53-238 or 53-239 of the general statutes, revision of 1958, revised to 1968, or any predecessor statutes in this state, or an attempt to commit any of said crimes, or (C) in any other state, any crimes the essential elements of which are substantially the same as any of the crimes enumerated in subdivision (1) of this subsection or this subdivision. (c) A persistent serious felony offender is a person who (1) stands convicted of a felony, and (2) has been, prior to the commission of the present felony, convicted of and imprisoned under an imposed term of more than one year or of death, in this state or in any other state or in a federal correctional institution, for a crime. This subsection shall not apply where the present conviction is for a crime enumerated in subdivision (1) of subsection (a) of this section and the prior conviction was for a crime other than those enumerated in subsection (a) of this section. (d) A persistent serious sexual offender is a person, other than a person who qualifies as a persistent dangerous sexual offender under subsection (b) of this section, who qualifies as a persistent serious felony offender under subsection (c) of this section and the felony of which such person presently stands convicted is a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (2) of subsection (a) of section 53-21, or section 53a-70, 53a-70a, 53a-71, 53a-72a or 53a-72b and the prior conviction is for a violation of section 53-21 of the general statutes, revised to January 1, 1995, involving sexual contact, committed prior to October 1, 1995, a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (2) of section 53-21 of the general statutes, committed on or after October 1, 1995, and prior to October 1, 2000, a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or a violation of subdivision (2) of subsection (a) of section 53-21 or a violation of section 53a-70, 53a-70a, 53a-71, 53a-72a or 53a-72b. (e) A persistent larceny offender is a person who (1) stands convicted of larceny in the third degree in violation of the provisions of section 53a-124 in effect prior to October 1, 1982, or larceny in the fourth, fifth or sixth degree, and (2) has been, at separate times, twice convicted of the crime of larceny for violations committed during the ten years prior to the commission of the present larceny. (f) A persistent offender for possession of a controlled substance is a person who (1) stands convicted of possession of a controlled substance in violation of the provisions of section 21a-279, and (2) has been, at separate times prior to the commission of the present possession of a controlled substance, twice convicted of the crime of possession of a controlled substance during the ten years prior to the commission of the present violation of section 21a-279. (g) A persistent felony offender is a person who (1) stands convicted of a felony other than a class D or E felony, and (2) has been, at separate times prior to the commission of the present felony, twice convicted of a felony other than a class D or E felony, if such felonies were committed during the ten years prior to the commission of the present felony. (h) It shall be an affirmative defense to the charge of being a persistent offender under this section that (1) as to any prior conviction on which the state is relying the defendant was pardoned on the ground of innocence, and (2) without such conviction, the defendant was not two or more times convicted and imprisoned as required by this section. (i) When any person has been found to be a persistent dangerous felony offender, the court, in lieu of imposing the sentence of imprisonment authorized by the general statutes for the crime of which such person presently stands convicted, shall (1) sentence such person to a term of imprisonment that is not (A) less than twice the minimum term of imprisonment authorized for such crime, or (B) more than twice the maximum term of imprisonment authorized for such crime or forty years, whichever is greater, provided, if a mandatory minimum term of imprisonment is authorized for such crime, such sentence shall include a mandatory minimum term of imprisonment that is twice such authorized mandatory minimum term of imprisonment, and (2) if such person has, at separate times prior to the commission of the present crime, been twice convicted of and imprisoned for any of the crimes enumerated in subsection (a) of this section, sentence such person to a term of imprisonment that is not less than three times the minimum term of imprisonment authorized for such crime or more than life, provided, if a mandatory minimum term of imprisonment is authorized for such crime, such sentence shall include a mandatory minimum term of imprisonment that is three times such authorized mandatory minimum term of imprisonment. (j) When any person has been found to be a persistent dangerous sexual offender, the court, in lieu of imposing the sentence of imprisonment authorized by section 53a-35a for the crime of which such person presently stands convicted, shall sentence such person to a term of imprisonment and a period of special parole pursuant to subsection (b) of section 53a-28 which together constitute a sentence of imprisonment for life, as defined in section 53a-35b. (k) When any person has been found to be a persistent serious felony offender, the court in lieu of imposing the sentence of imprisonment authorized by section 53a-35 for the crime of which such person presently stands convicted, or authorized by section 53a-35a if the crime of which such person presently stands convicted was committed on or after July 1, 1981, may impose the sentence of imprisonment authorized by said section for the next more serious degree of felony. (l) When any person has been found to be a persistent serious sexual offender, the court, in lieu of imposing the sentence of imprisonment authorized by section 53a-35a for the crime of which such person presently stands convicted, may impose a sentence of imprisonment and a period of special parole pursuant to subsection (b) of section 53a-28 which together constitute the maximum sentence specified by section 53a-35a for the next more serious degree of felony. (m) (1) When any person has been found to be a persistent larceny offender, the court, in lieu of imposing the sentence authorized by section 53a-36 for the crime of which such person presently stands convicted, may impose the sentence of imprisonment for a class D felony authorized by section 53a-35, if the crime of which such person presently stands convicted was committed prior to July 1, 1981, or authorized by section 53a-35a, if the crime of which such person presently stands convicted was committed on or after July 1, 1981, but prior to October 1, 2019. (2) When any person has been found to be a persistent larceny offender, the court, in lieu of imposing the sentence authorized by section 53a-36 for the crime of which such person presently

stands convicted for a violation committed on or after October 1, 2019, may impose the sentence of (A) imprisonment for a class E felony authorized by section 53a-35a, if such person presently stands convicted of a violation of section 53a-125, or (B) imprisonment authorized by section 53a-36 for the next more serious degree of misdemeanor authorized under section 53a-36 if such person presently stands convicted of a violation of section 53a-125a or 53a-125b. (n) When any person has been found to be a persistent offender for possession of a controlled substance, the court, in lieu of imposing the sentence authorized by section 53a-36 for the crime of which such person presently stands convicted, may impose the sentence of imprisonment for a class E felony authorized by section 53a-35a. (o) When any person has been found to be a persistent felony offender, the court, in lieu of imposing the sentence authorized by section 53a-35a for the crime of which such person presently stands convicted, may impose the sentence of imprisonment authorized by said section for the next more serious degree of felony; provided the sentence imposed may not be less than three years, and provided further three years of the sentence so imposed may not be suspended or reduced by the court. (p) (1) Whenever a person is arrested for any of the crimes enumerated in subsection (a) of this section, the prosecuting authority shall investigate and ascertain whether such person has, at separate times prior to the commission of the present crime, been twice convicted of and imprisoned for any of the crimes enumerated in said subsection (a) and would be eligible to be sentenced under subsection (i) of this section if convicted of such crime. (2) If the prosecuting authority ascertains that such person has, at separate times prior to the commission of the present crime, been twice convicted of and imprisoned for any of the crimes enumerated in subsection (a) of this section and such person has been presented to a geographical area courthouse, the prosecuting authority shall cause such person to be transferred to a judicial district courthouse. (3) No court shall accept a plea of guilty, not guilty or nolo contendere from a person arrested for any of the crimes enumerated in subsection (a) of this section unless it finds that the prosecuting authority has complied with the requirements of subdivision (1) of this subsection. (4) If the prosecuting authority ascertains that such person has, at separate times prior to the commission of the present crime, been twice convicted of and imprisoned for any of the crimes enumerated in subsection (a) of this section but decides not to initiate proceedings to seek the sentence enhancement provided by subsection (i) of this section, the prosecuting authority shall state for the record the specific reason or reasons for not initiating such proceedings. (5) If the prosecuting authority ascertains that such person has, at separate times prior to the commission of the present crime, been twice convicted of and imprisoned for any of the crimes enumerated in subsection (a) of this section and initiates proceedings to seek the sentence enhancement provided by subsection (i) of this section, but subsequently decides to terminate such proceedings, the prosecuting authority shall state for the record the specific reason or reasons for terminating such proceedings. (1969, P.A. 828, S. 40; 1971, P.A. 871, S. 15; P.A. 73-616, S. 40; P.A. 76-336, S. 20; P.A. 80-442, S. 12, 28; P.A. 83-4, S. 1, 2; P.A. 85-603; P.A. 92-260, S. 18; P.A. 94-37, S. 1; June Sp. Sess. P.A. 99-2, S. 48; P.A. 01-84, S. 18, 26; Jan. Sp. Sess. P.A. 08-1, S. 6, 7; P.A. 08-51, S. 1, 2; June Sp. Sess. P.A. 15-2, S. 19; P.A. 19-151, S. 3; 19-189, S. 19; P.A. 21-102, S. 10.) History: 1971 act removed requirements that offenders under Subsecs. (a) and (b) have been previously convicted and imprisoned "two or more times" and "at separate times" and redefined persistent larceny offender as one who stands convicted of larceny in "the third or fourth degree" rather than in "the second or a lesser degree" in Subsec. (c); P.A. 73-616 corrected section reference re assault with intent to kill, substituting Sec. 54-117 for Sec. 53-117 in Subsec. (a); P.A. 76-336 substituted sexual assault in first or third degree or sexual assault in first or third degree with a firearm for "rape" in Subsec. (a) and specified applicability of conviction for crimes enumerated in Secs. 53a-72, 53a-75 or 53a-78 prior to October 1, 1975; P.A. 80-442 specified applicability of Subsec. (b) to persistent "serious" felony offenders, inserted new Subsec. (d) re persistent felony offenders, relettering as necessary, amended Subsecs. (f) to (h), formerly (e) to (g), re crimes committed on or after July 1, 1981, and added Subsec. (i) re extended incarceration effective July 1, 1981; P.A. 83-4 amended Subsec. (c) to reflect the establishment of six degrees of larceny pursuant to P.A. 82-271 by including persons convicted of larceny in the third degree "in violation of the provisions of section 53a-124 in effect prior to October 1, 1982" and larceny in the "fifth or sixth" degree; P.A. 85-603 made a technical change to Subsec. (h) and rewrote some of the language of said Subsec. to reflect said change; P.A. 92-260 amended Subsec. (a) to replace an obsolete reference to the offense of "sexual assault in the first degree with a firearm" with its revised name of "aggravated sexual assault in the first degree", and made other minor technical changes in Subsecs. (a), (b) and (d); P.A. 94-37 amended Subsec. (f) to revise the penalty for a person found to be a persistent dangerous felony offender by replacing the provision that permitted the court to impose the sentence of imprisonment authorized for a class A felony with the provision requiring the court to sentence such person to a term of imprisonment of not more than 40 years and by adding the provision requiring the court to sentence such person to a term of imprisonment of not more than life if such person has been twice convicted and imprisoned for any of the crimes enumerated in Subsec. (a)(2); June Sp. Sess. P.A. 99-2 amended Subsec. (a) to delete from category of a persistent dangerous felony offender a person who stands convicted of sexual assault in the first or third degree, aggravated sexual assault in the first degree or sexual assault in the third degree with a firearm and has been previously convicted and imprisoned for more than one year for any of said crimes or any predecessor statutes, or an attempt to commit any of said crimes, to revise and restructure Subsec. to reflect such deletion and to revise Subdiv. and Subpara. indicators accordingly, added new Subsec. (b) re persistent dangerous sexual offender, new Subsec. (d) re persistent serious sexual offender, new Subsec. (i) re penalty for persistent dangerous sexual offender and new Subsec. (k) re penalty for persistent serious sexual offender, relettering intervening and remaining Subsecs. accordingly, and made provisions of section gender neutral; P.A. 01-84 amended Subsec. (d) to replace in provision re the offense for which the person presently stands convicted the reference to "a violation of subdivision (2) of section 53-21" with "a violation of subdivision (2) of subsection (a) of section 53-21", to replace in provision re offenses for which the person was previously convicted the reference to "a violation of subdivision (2) of section 53-21" with "a violation of subdivision (2) of section 53-21 of the general statutes, committed on or after October 1, 1995, and prior to October 1, 2000," and to add reference to a prior conviction for "a violation of

subdivision (2) of subsection (a) of section 53-21”, effective July 1, 2001; Jan. Sp. Sess. P.A. 08-1 amended Subsec. (h) to replace reference to “subdivision (2) of subsection (a) of this section” with “subparagraph (B) of subdivision (1) of subsection (a) of this section”, amended Subsecs. (h) and (i) to delete requirement for imposition of enhanced sentence that “the court is of the opinion that such person's history and character and the nature and circumstances of such person's criminal conduct indicate that extended incarceration and lifetime supervision will best serve the public interest” and amended Subsecs. (j) to (m) to delete requirement for imposition of enhanced sentence that “the court is of the opinion that such person's history and character and the nature and circumstances of such person's criminal conduct indicate that extended incarceration will best serve the public interest”, effective January 25, 2008, and amended Subsec. (a) to include the crimes of home invasion, burglary in the first degree and burglary in the second degree with a firearm in Subdivs. (1)(A) and (2)(B)(i), effective March 1, 2008; P.A. 08-51 amended Subsec. (h) to replace “the court, in lieu of imposing the sentence of imprisonment authorized by section 53a-35 for the crime of which such person presently stands convicted, or authorized by section 53a-35a if the crime of which such person presently stands convicted was committed on or after July 1, 1981,” with “the court, in lieu of imposing the sentence of imprisonment authorized by the general statutes for the crime of which such person presently stands convicted”, insert Subdiv. designators (1) and (2) and in Subdiv. (1) replace a term of imprisonment of “not more than forty years” with a term of imprisonment “that is not (A) less than twice the minimum term of imprisonment authorized for such crime or (B) more than twice the maximum term of imprisonment authorized for such crime or forty years, whichever is greater, provided, if a mandatory minimum term of imprisonment is authorized for such crime, such sentence shall include a mandatory minimum term of imprisonment that is twice such authorized mandatory minimum term of imprisonment”, and in Subdiv. (2) replace reference to “subparagraph (B) of subdivision (1) of subsection (a) of this section” with “subsection (a) of this section” and replace a term of imprisonment “of not more than life” with a term of imprisonment “that is not less than three times the minimum term of imprisonment authorized for such crime or more than life, provided, if a mandatory minimum term of imprisonment is authorized for such crime, such sentence shall include a mandatory minimum term of imprisonment that is three times such authorized mandatory minimum term of imprisonment”, and added Subsec. (n) re obligations of the prosecuting authority and the court whenever a person is arrested for any of the crimes enumerated in Subsec. (a), effective May 8, 2008; June Sp. Sess. P.A. 15-2 added new Subsecs. (f) and (n) re persistent offender for possession of controlled substance, redesignated existing Subsecs. (f) to (l) as Subsecs. (g) to (m) and existing Subsecs. (m) and (n) as Subsecs. (o) and (p), and made conforming changes; P.A. 19-151 amended Subsec. (e) by deleting “prior to the commission of the present larceny,”, adding provision re violations committed during 10 years prior to commission of present larceny and making a technical change, and amended Subsec. (m) by designating existing provisions re person found to be persistent larceny offender as Subdiv. (1) and amending same by adding “, but prior to October 1, 2019”, and adding Subdiv. (2) re violation committed on or after October 1, 2019; P.A. 19-189 amended Subsec. (d) by replacing “53a-70b” with “section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019”, and making technical changes; P.A. 21-102 amended Subsec. (f)(2) by adding language re the 10 years prior to the commission of present violation and Subsec. (g) by referencing class E felonies and adding language re the 10 years prior to the commission of present felony in Subdiv. (2). Cited. 176 C. 270; 180 C. 660; 184 C. 215; 188 C. 27; 191 C. 180; 192 C. 471; 194 C. 573; Id., 692; 195 C. 326; 197 C. 280; 198 C. 158; Id., 273; 203 C. 506; 207 C. 619; 218 C. 273; 224 C. 397; 226 C. 601; 227 C. 751; 234 C. 324; 240 C. 317; 242 C. 143. Finding by trial court, rather than jury, that imposing extended incarceration would best serve the public interest clearly violated defendant's constitutional rights under the sixth amendment to U.S. Constitution; section is unconstitutional to the extent it does not provide that defendant is entitled to have jury make a required finding that exposes defendant to a greater punishment than that authorized by jury's guilty verdict. 283 C. 748. Cited. 9 CA 686; 12 CA 1; 31 CA 140; 36 CA 401; 37 CA 733; 45 CA 369; Id., 390. Admission of certified copy of judgment sufficient to prove persistent dangerous felony offender. 50 CA 521. Section constitutes a sentence enhancement and not an independent criminal offense. 117 CA 486. Rule in 283 C. 748 does not apply retroactively. 130 CA 435. Defendant's status as a persistent felony offender and his resulting sentence enhancements do not run contrary to the plain language of section which permits enhancement of defendant's conviction of robbery in the first degree under Subsec. (a) and of his conviction of attempt to escape from custody under Subsec. (b) and defendant's arguments that his conviction of robbery in the first degree under Subsec. (a) precludes a sentence enhancement under Subsec. (b) and that the legislature did not intend for more than one recidivist enhancement to apply to the conviction of multiple current charges because he was not afforded the opportunity to reform are without merit. 173 CA 119; judgment affirmed in part, see 330 C. 793. Subsec. (a): Constitutionality of dangerous felony offender statutes has long been upheld. 173 C. 545. Cited. 193 C. 273. Nothing in statute precludes state from offering probative evidence to clarify an official judgment of conviction in order to prove defendant a second offender. 194 C. 573. No viable basis for challenge to statute on the grounds of vagueness. 195 C. 326. Cited. Id., 475; 200 C. 350; Id., 453; 202 C. 509; 203 C. 81; 206 C. 621; 207 C. 276; 210 C. 573; 213 C. 97; 216 C. 220; 224 C. 445; 232 C. 455. Cited. 17 CA 490; 19 CA 571; 29 CA 274; 37 CA 672; Id., 733; 39 CA 82; 46 CA 131. Jury improperly found defendant to be a persistent dangerous felony offender because his conviction of attempted assault in the first degree is not one of the qualifying felonies enumerated in Subsec. 51 CA 171. Cited. 43 CS 77. Subsec. (b): Presentence report used to prove that defendant was not persistent felony offender under Subsec. 169 C. 263. Cited. 182 C. 176. Failure to allege imprisonment under provisions of statute not considered reversible error where proof of imprisonment was established during trial and defendant failed to request complete statement of facts. 184 C. 215. Cited. Id., 369; 187 C. 264; 224 C. 397; 227 C. 711; Id., 751; 232 C. 455. Cited. 9 CA 133; 10 CA 279; 12 CA 375; 13 CA 438; 20 CA 586; 31 CA 178; 34 CA 1; 35 CA 405; 37 CA 733; 39 CA 82; Id., 789; 45 CA 369. Subsec. (c): Cited. 202 C. 369. By pleading nolo contendere to charge of being a persistent larceny offender, defendant waived her right to appeal this issue. 4 CA 676. Cited. 14 CA 88; 21 CA 331; 37 CA 228. The word “and” in the

exemption contained in subsection is used in a conjunctive manner. 168 CA 37. Subsec. (d): Language of section and its legislative purpose require sequence of offense, conviction and punishment for each prior felony before enhanced penalty as a persistent offender attaches. 240 C. 317. Cited. 41 CA 391. Subsec. (g) (former Subsec. (f)): Cited. 169 C. 263; 187 C. 264; 200 C. 453; 207 C. 276. Purpose is to allow sentencing court to impose a more severe sentence than would be allowed for the substantive offense; Subsec. requires sentencing court to consider defendant's history and character and the nature and circumstances of his criminal conduct and whether extended incarceration and lifetime supervision will best serve the public interest; there is no requirement that sentences imposed be strictly proportional to the nature of substantive offense or offenses of which defendant was convicted; nature of substantive offense is only one factor to be considered by sentencing court. 254 C. 613. Cited. 19 CA 571. Under plain and unambiguous language of Subsec., only class D felonies, which carry a lesser maximum punishment than unclassified felonies, are excluded as predicate felonies, the legislature having specifically chosen not to exclude unclassified felonies. 128 CA 765. When defendant knowingly, voluntarily and intelligently pleads guilty to a sentence enhancement provision, defendant waives right to jury trial thereon, and no constitutional violation occurs where defendant's increased penalty allegedly results from trial court's, rather than jury's, consideration of factors other than defendant's previous convictions. 141 CA 814. Subsec. (i) (former Subsec. (h)): Under 2001 revision, section clearly reflected legislature's negative view of persistent dangerous felony offenders and the degree of punishment it wished to impose on them at the time defendant committed the offenses such that defendant was on fair notice that the substantive provision of section would apply even if certain procedural provisions were later found to be unconstitutional; text and legislative history of section indicate that the term "public interest", as used in section, does not include the public interest in minimizing costs of incarceration. 303 C. 246. Cited. 21 CA 331; 37 CA 228. Court followed 283 C. 748 in holding that jury and not the court must make finding of whether defendant's extended incarceration will best serve the public interest. 105 CA 278. Section is not unconstitutionally vague as applied to defendant or on its face. 121 CA 672. Subsec. (k) (former Subsec. (j)): Under 2007 revision, and following 283 C. 748, where defendant's guilty plea effectively waived his right to a jury finding that enhancement of his sentence as a persistent serious felony offender was in the public interest, defendant was not presumed to have waived a court finding on the public interest determination and the court was the proper entity to make such public interest determination. 143 CA 76. The applicable law for the purposes of sentencing the defendant was the law in effect at the time that the crimes were committed, which authorized the court to enhance the defendant's sentence under the public interest provision that was eliminated in 2008, since there was no language stating that the legislative amendment applied retroactively. 206 CA 209.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-40a. - Persistent offenders of crimes involving bigotry or bias. Authorized sentences.

(a) A persistent offender of crimes involving bigotry or bias is a person who (1) stands convicted of a violation of section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l, and (2) has been, prior to the commission of the present crime, convicted of a violation of section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l or section 53a-181b in effect prior to October 1, 2000. (b) When any person has been found to be a persistent offender of crimes involving bigotry or bias, the court shall: (1) In lieu of imposing the sentence authorized for the crime under section 53a-35a if the crime is a felony, impose the sentence of imprisonment authorized by said section for the next more serious degree of felony, or (2) in lieu of imposing the sentence authorized for the crime under section 53a-36 if the crime is a misdemeanor, impose the sentence of imprisonment authorized by said section for the next more serious degree of misdemeanor, except that if the crime is a class A misdemeanor the court shall impose the sentence of imprisonment for a class D felony as authorized by section 53a-35a. (P.A. 90-137, S. 2; P.A. 00-72, S. 10; Jan. Sp. Sess. P.A. 08-1, S. 8.) History: P.A. 00-72 amended Subsec. (a) to replace reference in Subdiv. (1) to "subsection (a) or (c) of section 53a-181b" with reference to Sec. "53a-181j, 53a-181k or 53a-181l" and to replace reference in Subdiv. (2) to "subsection (a) or (c) of section 53a-181b" with reference to "section 53a-181j, 53a-181k or 53a-181l or section 53a-181b in effect prior to October 1, 2000" and amended Subsec. (b) to make technical changes for purposes of gender neutrality; Jan. Sp. Sess. P.A. 08-1 amended Subsec. (b) to delete requirement for imposition of enhanced sentence that "the court is of the opinion that such person's history and character and the nature and circumstances of such person's criminal conduct indicate that an increased penalty will best serve the public interest", effective January 25, 2008.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-40b. - Additional term of imprisonment authorized for offense committed while on release.

A person convicted of an offense committed while released pursuant to sections 54-63a to 54-63g, inclusive, or sections 54-64a to 54-64c, inclusive, other than a violation of section 53a-222 or 53a-222a, may be sentenced, in addition to the sentence prescribed for the offense to (1) a term of imprisonment of not more than ten years if the offense is a felony, or (2) a term of imprisonment of not more than one year if the offense is a misdemeanor. (P.A. 90-213, S. 54; P.A. 98-90, S. 2; P.A. 10-36, S. 21.) History: P.A. 98-90 excepted convictions under Sec. 53a-222 from provisions of section; P.A. 10-36 excepted convictions under Sec. 53a-222a from provisions of section, effective July 1, 2010. Question of whether defendant was on release at time of the offense for which he was convicted and therefore subject to enhanced penalty was not reasonably in dispute, was conceded as fact by defendant, and did not require a jury determination. 280 C. 69. Although the state may not use the erased records to prove the basis for the sentence enhancement, the erasure provisions of Sec. 54-142a do not prohibit the imposition of a sentence enhancement pursuant to this section after the records pertaining to the charges for which defendant was on pretrial release have been erased. 319 C. 494. Jury hearing not constitutionally required for enhanced sentence based on prior conviction; enhanced penalty provisions do apply to

defendant who committed second crime while released on written promise to appear. 62 CA 34. Trial court lacked jurisdiction to consider defendant's claim that sentencing court failed to articulate any reason for enhancing his sentence. 93 CA 61.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-40c. - Psychological counseling required for person convicted of sexual assault of a minor.

Any person convicted of a violation of section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a where the victim of the sexual assault was a person ten years of age or under shall, in addition to any fine or term of imprisonment imposed, be sentenced to undergo psychological counseling. (P.A. 93-340, S. 15.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-40d. - Persistent offenders of crimes involving assault, stalking, trespass, threatening, harassment, criminal violation of a protective order, criminal violation of a standing criminal protective order or criminal violation of a restraining order. Authorized sentences.

(a) A persistent offender of crimes involving assault, stalking, trespass, threatening, harassment, criminal violation of a protective order, criminal violation of a standing criminal protective order or criminal violation of a restraining order is a person who (1) stands convicted of assault under section 53a-61, stalking under section 53a-181d, threatening under section 53a-62, harassment under section 53a-183, criminal violation of a protective order under section 53a-223, criminal violation of a standing criminal protective order under section 53a-223a, criminal violation of a restraining order under section 53a-223b or criminal trespass under section 53a-107 or 53a-108, and (2) has, prior to the commission of the present crime, (A) been convicted of a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, a class A felony, a class B felony, except a conviction under section 53a-86 or 53a-122, a class C felony, except a conviction under section 53a-87, 53a-152 or 53a-153, or a class D felony under sections 53a-60 to 53a-60c, inclusive, 53a-72a, 53a-72b, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, assault under section 53a-61, stalking under section 53a-181d, threatening under section 53a-62, harassment under section 53a-183, criminal violation of a protective order under section 53a-223, criminal violation of a standing criminal protective order under section 53a-223a, criminal violation of a restraining order under section 53a-223b, or criminal trespass under section 53a-107 or 53a-108, or (B) been convicted in any other state of any crime the essential elements of which are substantially the same as any of the crimes enumerated in subparagraph (A) of this subdivision. (b) When any person has been found to be a persistent offender of crimes involving assault, stalking, trespass, threatening, harassment, criminal violation of a protective order, criminal violation of a standing criminal protective order or criminal violation of a restraining order, the court shall, in lieu of imposing the sentence authorized for the crime under section 53a-36 or section 53a-35a, as applicable, impose the sentence of imprisonment authorized by said section 53a-36 or section 53a-35a for the next more serious degree of misdemeanor or felony, except that if the crime is a class A misdemeanor the court shall impose the sentence of imprisonment for a class D felony, as authorized by section 53a-35a. (P.A. 95-193, S. 2; P.A. 02-127, S. 4; Jan. Sp. Sess. P.A. 08-1, S. 9; P.A. 10-144, S. 12; P.A. 12-5, S. 20; P.A. 14-122, S. 58; 14-147, S. 1.) History: P.A. 02-127 applied the provisions to criminal violation of a restraining order under Sec. 53a-223b and in Subsec. (b) added references to Sec. 53a-35a, specified "felony" in the provision concerning the imposition of the sentence of imprisonment authorized for the next more serious crime and made technical changes for the purpose of gender neutrality; Jan. Sp. Sess. P.A. 08-1 amended Subsec. (b) to delete requirement for imposition of enhanced sentence that "the court is of the opinion that such person's history and character and the nature and circumstances of such person's criminal conduct indicate that an increased penalty will best serve the public interest", effective January 25, 2008; P.A. 10-144 amended Subsec. (a)(2) to delete limitation re 5 years preceding commission of the present crime, designate existing provisions as Subparas. (A) and (C), add Subpara. (B) re conviction in any other state of any crime substantially the same as crimes enumerated in Subpara. (A) and delete "whichever is later" in Subpara. (C); P.A. 12-5 amended Subsec. (a)(2)(A) to add reference to provisions of Sec. 53a-54b in effect prior to April 25, 2012, re conviction of a capital felony, effective April 25, 2012; P.A. 14-122 made a technical change in Subsec. (a); P.A. 14-147 added references to criminal violation of a standing criminal protective order throughout and amended Subsec. (a)(2) to add "prior to the commission of the present crime," and delete former Subpara. (C) re release from incarceration with respect to conviction, effective October 1, 2014, and applicable to convictions entered on or after that date.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-40e. - Standing criminal protective orders.

(a) If any person is convicted of, or found not guilty by reason of mental disease or defect of, (1) a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (1) or (2) of subsection (a) of section 53-21, section 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-181e, 53a-182b or 53a-183, subdivision (2) of subsection (a) of section 53a-192a, section 53a-223, 53a-223a or 53a-223b or attempt or conspiracy to violate any of said sections or section 53a-54a, or (2) any crime that the court determines constitutes a family violence crime, as defined in section 46b-38a, or attempt or conspiracy to commit any such crime, the court may, in addition to imposing the sentence authorized for the crime under section 53a-35a or 53a-36, if the court is of the opinion that the history and character and the nature and circumstances of the criminal conduct of such offender indicate that a standing criminal protective order will best serve the interest of the victim and the public, issue a standing criminal protective order which shall remain in effect for a duration specified by the court until modified or revoked by the court for good cause shown. If any person is convicted of, or found not guilty by reason of mental disease or defect of, any crime not specified in subdivision (1) or (2) of this

subsection, the court may, for good cause shown, issue a standing criminal protective order pursuant to this subsection. (b) Such standing criminal protective order may include, but need not be limited to, provisions enjoining the offender from (1) imposing any restraint upon the person or liberty of the victim; (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the victim; or (3) entering the family dwelling or the dwelling of the victim. If the victim is enrolled in a public or private elementary or secondary school, including a technical high school, or an institution of higher education, as defined in section 10a-55, the clerk of the court shall, upon the request of the victim, send, by facsimile or other means, a copy of such standing criminal protective order, or the information contained in any such order, to such school or institution of higher education, the president of any institution of higher education at which the victim is enrolled and the special police force established pursuant to section 10a-142, if any, at the institution of higher education at which the victim is enrolled, if the victim provides the clerk with the name and address of such school or institution of higher education. (c) (1) Such standing criminal protective order shall include the following notice: "In accordance with section 53a-223a of the Connecticut general statutes, violation of this order shall be punishable by a term of imprisonment of not less than one year nor more than ten years, a fine of not more than ten thousand dollars, or both." (2) Upon issuance of a standing criminal protective order under subsection (a) of this section, each victim protected by such order shall be given a notice that contains the following language: "If a standing criminal protective order has been issued on your behalf or on behalf of your child, you may elect to give testimony or appear in a family court proceeding remotely, pursuant to section 46b-15c. Please notify the court in writing at least two days in advance of a proceeding if you choose to give testimony or appear remotely, and your physical presence in the courthouse will not be required in order to participate in the court proceeding." (d) For the purposes of this section and any other provision of the general statutes, "standing criminal protective order" means (1) a standing criminal restraining order issued prior to October 1, 2010, or (2) a standing criminal protective order issued on or after October 1, 2010. (P.A. 96-228, S. 1; P.A. 98-15; June Sp. Sess. P.A. 98-1, S. 41, 121; P.A. 99-186, S. 13; P.A. 05-147, S. 2; P.A. 07-123, S. 5; P.A. 10-144, S. 5; P.A. 11-152, S. 5; P.A. 14-147, S. 2; 14-217, S. 128; 14-234, S. 8; P.A. 16-71, S. 14; P.A. 17-163, S. 4; P.A. 19-189, S. 20; P.A. 21-78, S. 7; P.A. 24-137, S. 8.) History: (Revisor's note: In Subsec. (c) the reference in public act 96-228 to "section 1 of this act" was deemed by the Revisors to be a reference to section 2 of that act and therefore codified as "section 53a-110c"); P.A. 98-15 amended Subsec. (a) to add references to Secs. 53a-181c, 53a-181d and 53a-181e; June Sp. Sess. P.A. 98-1 made a technical change in Subsec. (c), effective June 24, 1998; P.A. 99-186 amended Subsec. (a) to make provisions applicable to any person convicted "of attempt or conspiracy to violate any of said sections or section 53a-54a"; P.A. 05-147 amended Subsec. (a) to include a violation of Sec. 53a-223 and make a technical change; P.A. 07-123 amended Subsec. (a) to designate list of qualifying offenses as Subdiv. (1) and amended same by including a violation of Sec. 53a-182b, 53a-183, 53a-223a or 53a-223b and making technical changes, to add Subdiv. (2) re any crime that the court determines constitutes a family violence crime, as defined in Sec. 46b-38a, or attempt or conspiracy to commit any such crime, include sentence authorized under Sec. 53a-36 and to add provision authorizing a court for good cause shown to issue standing criminal restraining order if person is convicted of a crime against a family or household member other than a crime specified in Subdiv. (1) or (2); P.A. 10-144 substituted "standing criminal protective order" for "standing criminal restraining order" in Subsecs. (a) and (b), amended Subsec. (a) to provide that order remain in effect for duration specified by court, made technical changes in Subsec. (b) and replaced former Subsec. (c) re required language with new Subsec. (c) re required notice; P.A. 11-152 amended Subsec. (a)(1) to include a violation of Sec. 53-21(a)(1) or (2), 53a-70c or 53a-73a; P.A. 14-147 added Subsec. (d) defining "standing criminal protective order"; P.A. 14-217 amended Subsec. (c) to replace "five years" and "five thousand dollars" with "ten years" and "ten thousand dollars", respectively, and make a technical change, effective January 1, 2015; P.A. 14-234 amended Subsec. (a) by deleting references to crime against a family member or household member, as defined in Sec. 46b-38a, and making a conforming change, effective January 1, 2015; P.A. 16-71 amended Subsec. (a)(1) by adding reference to Sec. 53a-192a(a)(2); P.A. 17-163 added provision re victim enrolled in school or institution of higher education in Subsec. (b), effective January 1, 2018; P.A. 19-189 amended Subsec. (a) by replacing "53a-70b," with "section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or"; P.A. 21-78 designated existing provisions of Subsec. (c) as Subdiv. (1) and added Subdiv. (2) re notice to victim protected by order; P.A. 24-137 amended Subsec. (a) by adding references to any person found not guilty by reason of mental disease or defect. See Sec. 51-5c re automated registry of protective orders. Imposition of a standing criminal restraining order after defendant began serving his sentence did not constitute punishment or affect defendant's sentence and therefore, trial court had jurisdiction to impose it. 269 C. 107. Order precluding defendant from having contact with his minor children is within scope of statute. 81 CA 84. Subsec. (a): Subsec. clearly articulates the discretionary standard for trial courts when imposing standing criminal protective orders; there is nothing in the Subsec. that suggests that a trial court's authority to issue a standing criminal protective order has a temporal element to it or is limited to when there is a change in circumstances. 221 CA 164.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-40f. - Persistent operating while under the influence felony offender. Authorized sentences.

(a) A persistent operating while under the influence felony offender is a person who (1) stands convicted of a violation of section 53a-56b or 53a-60d and (2) has, prior to the commission of the present crime and within the preceding ten years, been convicted of a violation of section 53a-56b, 53a-60d, 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n or been convicted in any other state of an offense the essential elements of which are substantially the same as section 53a-56b, 53a-60d, 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n. (b) When any person has been found to be a persistent operating while under the influence felony offender, the court, in lieu of imposing the sentence authorized by section

53a-35a for the crime of which such person presently stands convicted, may impose the sentence of imprisonment authorized by said section for the next more serious degree of felony. (P.A. 97-291, S. 1; Jan. Sp. Sess. P.A. 08-1, S. 10; P.A. 16-126, S. 30.) History: Jan. Sp. Sess. P.A. 08-1 amended Subsec. (b) to delete requirement for imposition of enhanced sentence that “the court is of the opinion that his history and character and the nature and circumstances of his criminal conduct indicate that extended incarceration will best serve the public interest”, effective January 25, 2008; P.A. 16-126 amended Subsec. (a) by replacing references to Sec. 14-227a(a) with references to Sec. 14-227a and by adding references to Secs. 14-227m and 14-227n(a)(1) and (2).

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-41. - Fines for felonies.

A fine for the conviction of a felony shall, unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise, be fixed by the court as follows: (1) For a class A felony, an amount not to exceed twenty thousand dollars; (2) for a class B felony, an amount not to exceed fifteen thousand dollars; (3) for a class C felony, an amount not to exceed ten thousand dollars; (4) for a class D felony, an amount not to exceed five thousand dollars; (5) for a class E felony, an amount not to exceed three thousand five hundred dollars; and (6) for an unclassified felony, an amount in accordance with the fine specified in the section of the general statutes that defines or provides the penalty for the crime. (1969, P.A. 828, S. 41; P.A. 92-256, S. 1; 92-260, S. 19; May Sp. Sess. P.A. 92-11, S. 50, 70; P.A. 13-258, S. 3.) History: P.A. 92-256 increased the maximum fine for a class A felony from \$10,000 to 20,000, for a class B felony from \$10,000 to \$15,000, and for a class C felony from \$5,000 to \$10,000; P.A. 92-260 amended Subdiv. (3) to replace “law” with “section of the general statutes”; May Sp. Sess. P.A. 92-11 changed effective date of P.A. 92-256 but did not affect the date applicable to this section; P.A. 13-258 added “unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise”, added new Subdiv. (5) re maximum fine for a class E felony, and redesignated existing Subdiv. (5) as Subdiv. (6) and amended same to add provision re section of general statutes that provides the penalty for the crime. See Sec. 53a-35a re terms of imprisonment for felonies. See Sec. 54-74 re remission of fine. Cited. 231 C. 514. Cited. 9 CA 686. Failure of trial court to inform defendant of amount of fine not plain error. 65 CA 234.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-42. - Fines for misdemeanors.

A fine for the conviction of a misdemeanor shall, unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise, be fixed by the court as follows: (1) For a class A misdemeanor, an amount not to exceed two thousand dollars; (2) for a class B misdemeanor, an amount not to exceed one thousand dollars; (3) for a class C misdemeanor, an amount not to exceed five hundred dollars; (4) for a class D misdemeanor, an amount not to exceed two hundred fifty dollars; and (5) for an unclassified misdemeanor, an amount in accordance with the fine specified in the section of the general statutes that defines or provides the penalty for the crime. (1969, P.A. 828, S. 42; P.A. 92-256, S. 2; 92-260, S. 20; May Sp. Sess. P.A. 92-11, S. 50, 70; P.A. 12-80, S. 3.) History: P.A. 92-256 increased the maximum fine for a class A misdemeanor from \$1,000 to \$2,000; P.A. 92-260 replaced “law” with “section of the general statutes”; May Sp. Sess. P.A. 92-11 changed effective date of P.A. 92-256 but did not affect the date applicable to this section; P.A. 12-80 added “unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise”, added new Subdiv. (4) re maximum fine for class D misdemeanor, redesignated existing Subdiv. (4) as Subdiv. (5) and amended same to add provision re section of general statutes that provides the penalty for the crime. See Sec. 53a-36 re terms of imprisonment for misdemeanors. See Sec. 54-74 re remission of fine. Cited. 178 C. 145; 180 C. 557; 217 C. 73. Cited. 8 CA 607; 9 CA 686; 32 CA 656; judgment reversed in part, see 232 C. 345.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-43. - Fines for violations.

A fine for a violation shall be fixed by the court in an amount not to exceed five hundred dollars. In the case of a violation defined in any other section of the general statutes, if the amount of the fine is expressly specified in the section that defines the offense, the amount of the fine shall be fixed in accordance with such section. (1969, P.A. 828, S. 43.) Cited. 9 CA 686.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-44. - Alternative fine based on defendant's gain.

If a person has gained money or property through the commission of any felony, misdemeanor or violation, upon conviction thereof the court, in lieu of imposing the fine authorized for the offense under section 53a-41, 53a-42 or 53a-43, may sentence the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain from the commission of the offense. In such case the court shall make a finding as to the amount of the defendant's gain from the offense and, if the record does not contain sufficient evidence to support such a finding, the court may conduct a hearing upon the issue. For purposes of this section, the term “gain” means the amount of money or the value of property derived. (1969, P.A. 828, S. 44; P.A. 92-260, S. 21.) History: P.A. 92-260 made technical changes in punctuation. Cited. 231 C. 514. Cited. 9 CA 686.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-44a. - Surcharge on fine for criminal trespass or criminal mischief on public land.

Whenever any person is convicted of a violation of subdivision (4) of subsection (a) of section 53a-107, subdivision (2) of subsection (a) of section 53a-108, subdivision (3) of subsection (a) of section 53a-109, subdivision (5) of subsection (a) of section 53a-115, subdivision (3) of subsection (a) of section 53a-116, subdivision (3) or (4) of subsection (a) of section 53a-117 or subdivision (3) or (4) of subsection (a) of section 53a-117a, the court, in addition to imposing any fine authorized by section 53a-41 or 53a-42 for such violation, shall impose a surcharge in an amount equal to fifty per cent of such fine. Any such surcharge collected shall be payable to the municipality in which the arrest was made unless the arresting law enforcement authority was a conservation officer, special conservation officer or patrolman appointed by the Commissioner of Energy and Environmental Protection under authority of section 26-5, in which case such surcharge shall be payable to the Department of Energy and Environmental Protection. (P.A. 05-234, S. 9; P.A. 11-80, S. 1.) History: P.A. 05-234 effective January 1, 2006; pursuant to P.A. 11-80, "Commissioner of Environmental Protection" and "Department of Environmental Protection" were changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection" and "Department of Energy and Environmental Protection", respectively, effective July 1, 2011.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-45. - Murder: Penalty; waiver of jury trial; finding of lesser degree.

(a) Murder is punishable as a class A felony in accordance with subdivision (2) of section 53a-35a unless it is a capital felony committed prior to April 25, 2012, punishable in accordance with subparagraph (A) of subdivision (1) of section 53a-35a, murder with special circumstances committed on or after April 25, 2012, punishable as a class A felony in accordance with subparagraph (B) of subdivision (1) of section 53a-35a, or murder under section 53a-54d. (b) If a person indicted for murder or held to answer for murder after a hearing conducted in accordance with the provisions of section 54-46a waives his right to a jury trial and elects to be tried by a court, the court shall be composed of three judges designated by the Chief Court Administrator or his designee, who shall name one such judge to preside over the trial. Such judges, or a majority of them, shall have power to decide all questions of law and fact arising upon the trial and render judgment accordingly. (c) The court or jury before which any person indicted for murder or held to answer for murder after a hearing conducted in accordance with the provisions of section 54-46a is tried may find such person guilty of homicide in a lesser degree than that charged. (1969, P.A. 828, S. 45; P.A. 73-137, S. 1; P.A. 80-442, S. 13, 28; P.A. 82-298, S. 4; P.A. 83-210, S. 2, 5; P.A. 92-260, S. 22; P.A. 12-5, S. 4.) History: P.A. 73-137 added reference to capital felonies in Subsec. (a) and substituted reference to Sec. 53a-46a for reference to Sec. 53a-46, deleted former Subsec. (b) which had allowed person indicted for murder to plead guilty with consent of court and state's attorney in which case court would sentence him as for a Class A felony, relettering former Subsecs. (c) and (d) accordingly; P.A. 80-442 specified punishment in accordance with Sec. 53a-35a and deleted reference to death sentenced under Sec. 53a-46a in Subsec. (a), effective July 1, 1981; P.A. 82-298 amended Subsec. (b) to provide that court shall be composed of three judges designated by chief court administrator, who shall also name one such judge to preside, where previously one judge was the judge presiding at the session and the other two were designated by the chief justice of the supreme court; P.A. 83-210 amended Subsecs. (b) and (c) by inserting "or held to answer for murder after a hearing conducted in accordance with the provisions of section 54-46a"; P.A. 92-260 amended Subsec. (a) to add exception for "murder under section 53a-54d", amended Subsec. (b) to replace provision that such judges or a majority of them "shall determine the question of guilt or innocence and shall, as provided in said section 53a-46a, render judgment and impose sentence" with "shall have power to decide all questions of law and fact arising upon the trial and render judgment accordingly", and amended Subsec. (c) to replace "him" with "such person"; P.A. 12-5 amended Subsec. (a) to replace reference to capital felony with provision re capital felony committed prior to April 25, 2012, punishable under Sec. 53a-35a(1)(A), or murder with special circumstances committed on or after April 25, 2012, punishable as a class A felony under Sec. 53a-35a(1)(B), effective April 25, 2012. Cited. 187 C. 6; 201 C. 435; 206 C. 346. Cited. 9 CA 686. Subsec. (b): Cited. 180 C. 382; 190 C. 639; 198 C. 77; 199 C. 163; 207 C. 374. Defendant's decision to forgo a jury determination in capital felony sentencing proceeding and opt for sentencing by a three-judge panel was knowing, voluntary and intelligent; formulaic canvass of defendant is not required and validity of jury waiver is determined by examination of totality of the circumstances. 303 C. 71. Subsec. (c): Constitutionally permissible for a jury to find defendant indicted for murder guilty of homicide in a lesser degree where the evidence supports such a finding although the state of mind required is different. 180 C. 382. Cited. 181 C. 187; Id., 406; 182 C. 66; 188 C. 542; 190 C. 639; 193 C. 695; 195 C. 232. Manslaughter is not lesser included offense of felony murder. 196 C. 421. Cited. 201 C. 174; Id., 368; 210 C. 78; 212 C. 593; 214 C. 57; 225 C. 55; 226 C. 237; 231 C. 115; 240 C. 727. Cited. 7 CA 180; 17 CA 502; judgment reversed, see 213 C. 579; 40 CA 151. Cited. 42 CS 426.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-46. - Sentencing proceedings; appeal.

Section 53a-46 is repealed. (1969, P.A. 828, S. 46; 1972, P.A. 56, S. 1; P.A. 73-137, S. 15.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-46a. - Imposition of sentence for capital felony committed prior to April 25, 2012. Hearing. Special verdict. Mitigating and aggravating factors. Factors barring death sentence.

(a) A person shall be subjected to the penalty of death for a capital felony committed prior to April 25, 2012, under the provisions of section 53a-54b in effect prior to April 25, 2012, only if (1) a hearing is held in accordance with the provisions of this section, and

(2) such person was eighteen years of age or older at the time the offense was committed. (b) For the purpose of determining the sentence to be imposed when a defendant is convicted of or pleads guilty to a capital felony, the judge or judges who presided at the trial or before whom the guilty plea was entered shall conduct a separate hearing to determine the existence of any mitigating factor concerning the defendant's character, background and history, or the nature and circumstances of the crime, and any aggravating factor set forth in subsection (i) of this section. Such hearing shall not be held if the state stipulates that none of the aggravating factors set forth in subsection (i) of this section exists or that any factor set forth in subsection (h) of this section exists. Such hearing shall be conducted (1) before the jury that determined the defendant's guilt, or (2) before a jury impaneled for the purpose of such hearing if (A) the defendant was convicted upon a plea of guilty; (B) the defendant was convicted after a trial before three judges as provided in subsection (b) of section 53a-45; or (C) if the jury that determined the defendant's guilt has been discharged by the court for good cause, or (3) before the court, on motion of the defendant and with the approval of the court and the consent of the state. (c) In such hearing the court shall disclose to the defendant or his counsel all material contained in any presentence report that may have been prepared. No presentence information withheld from the defendant shall be considered in determining the existence of any mitigating or aggravating factor. Any information relevant to any mitigating factor may be presented by either the state or the defendant, regardless of its admissibility under the rules governing admission of evidence in trials of criminal matters, but the admissibility of information relevant to any of the aggravating factors set forth in subsection (i) of this section shall be governed by the rules governing the admission of evidence in such trials. The state and the defendant shall be permitted to rebut any information received at the hearing and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any mitigating or aggravating factor. The burden of establishing any of the aggravating factors set forth in subsection (i) of this section shall be on the state. The burden of establishing any mitigating factor shall be on the defendant. (d) In determining whether a mitigating factor exists concerning the defendant's character, background or history, or the nature and circumstances of the crime, pursuant to subsection (b) of this section, the jury or, if there is no jury, the court shall first determine whether a particular factor concerning the defendant's character, background or history, or the nature and circumstances of the crime, has been established by the evidence, and shall determine further whether that factor is mitigating in nature, considering all the facts and circumstances of the case. Mitigating factors are such as do not constitute a defense or excuse for the capital felony of which the defendant has been convicted, but which, in fairness and mercy, may be considered as tending either to extenuate or reduce the degree of his culpability or blame for the offense or to otherwise constitute a basis for a sentence less than death. (e) The jury or, if there is no jury, the court shall return a special verdict setting forth its findings as to the existence of any factor set forth in subsection (h) of this section, the existence of any aggravating factor or factors set forth in subsection (i) of this section and whether any aggravating factor or factors outweigh any mitigating factor or factors found to exist pursuant to subsection (d) of this section. (f) If the jury or, if there is no jury, the court finds that (1) none of the factors set forth in subsection (h) of this section exist, (2) one or more of the aggravating factors set forth in subsection (i) of this section exist, and (3) (A) no mitigating factor exists or (B) one or more mitigating factors exist but are outweighed by one or more aggravating factors set forth in subsection (i) of this section, the court shall sentence the defendant to death. (g) If the jury or, if there is no jury, the court finds that (1) any of the factors set forth in subsection (h) of this section exist, or (2) none of the aggravating factors set forth in subsection (i) of this section exist, or (3) one or more of the aggravating factors set forth in subsection (i) of this section exist and one or more mitigating factors exist, but the one or more aggravating factors set forth in subsection (i) of this section do not outweigh the one or more mitigating factors, the court shall impose a sentence of life imprisonment without the possibility of release. (h) The court shall not impose the sentence of death on the defendant if the jury or, if there is no jury, the court finds by a special verdict, as provided in subsection (e) of this section, that at the time of the offense (1) the defendant was a person with intellectual disability, as defined in section 1-1g, or (2) the defendant's mental capacity was significantly impaired or the defendant's ability to conform the defendant's conduct to the requirements of law was significantly impaired but not so impaired in either case as to constitute a defense to prosecution, or (3) the defendant was criminally liable under sections 53a-8, 53a-9 and 53a-10 for the offense, which was committed by another, but the defendant's participation in such offense was relatively minor, although not so minor as to constitute a defense to prosecution, or (4) the defendant could not reasonably have foreseen that the defendant's conduct in the course of commission of the offense of which the defendant was convicted would cause, or would create a grave risk of causing, death to another person. (i) The aggravating factors to be considered shall be limited to the following: (1) The defendant committed the offense during the commission or attempted commission of, or during the immediate flight from the commission or attempted commission of, a felony and the defendant had previously been convicted of the same felony; or (2) the defendant committed the offense after having been convicted of two or more state offenses or two or more federal offenses or of one or more state offenses and one or more federal offenses for each of which a penalty of more than one year imprisonment may be imposed, which offenses were committed on different occasions and which involved the infliction of serious bodily injury upon another person; or (3) the defendant committed the offense and in such commission knowingly created a grave risk of death to another person in addition to the victim of the offense; or (4) the defendant committed the offense in an especially heinous, cruel or depraved manner; or (5) the defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value; or (6) the defendant committed the offense as consideration for the receipt, or in expectation of the receipt, of anything of pecuniary value; or (7) the defendant committed the offense with an assault weapon, as defined in section 53-202a; or (8) the defendant committed the offense set forth in subdivision (1) of section 53a-54b to avoid arrest for a criminal act or prevent detection of a criminal act or to hamper or prevent the victim from carrying out any act within the scope of the victim's official duties or to retaliate against the victim for the performance of the victim's official duties. (P.A. 73-137, S. 4; P.A. 80-332, S. 1; 80-442, S. 14, 28; P.A. 85-366, S. 1; P.A. 93-306, S. 12; P.A. 95-19, S.

1; P.A. 01-151, S. 1, 2, 5; P.A. 11-129, S. 20; P.A. 12-5, S. 5; P.A. 15-84, S. 6.) History: P.A. 80-332 restated provisions and referred to mitigating or aggravating factors throughout, replacing references to factors set forth in Subsecs. (f) and (g); P.A. 80-442 referred to imposition of sentence in accordance with Sec. 53a-35a(1) rather than to sentence for a Class A felony in Subsec. (e), effective July 1, 1981; P.A. 85-366 added a new Subsec. (d) to specify the procedure for the determination by a jury or court of the existence of a mitigating factor and to add a definition of mitigating factors, relettered the remaining Subsecs. and amended Subsec. (f) to replace “a sentence in accordance with Sec. 53a-35a(1)” with “a sentence of life imprisonment without the possibility of release”; P.A. 93-306 amended Subsec. (h) to add as an aggravating factor that the defendant committed the offense with an assault weapon; P.A. 95-19 revised section to permit the jury or court to make findings as to whether any aggravating factor or factors outweigh any mitigating factor or factors and require the court to sentence the defendant accordingly, while retaining provision that the existence of certain factors concerning the defendant will operate to automatically bar the imposition of the death sentence, and, more specifically, amended Subsec. (b) to provide that the separate hearing shall not be held if the state stipulates “that any factor set forth in subsection (h) exists” rather than “that one or more mitigating factors exist” and make technical changes, amended Subsec. (c) to make technical changes, amended Subsec. (e) to require the jury or court to return a special verdict setting forth its findings as to “the existence of any factor set forth in subsection (h), the existence of any aggravating factor or factors set forth in subsection (i) and whether any aggravating factor or factors outweigh any mitigating factor or factors found to exist pursuant to subsection (d)” rather than “the existence of any aggravating or mitigating factor”, amended Subsec. (f) to revise the circumstances that must be found for the court to impose the death sentence by requiring the court to sentence the defendant to death if the jury or court finds “that (1) none of the factors set forth in subsection (h) exist, (2) one or more of the aggravating factors set forth in subsection (i) exist and (3)(A) no mitigating factor exists or (B) one or more mitigating factors exist but are outweighed by one or more aggravating factors set forth in subsection (i)” rather than “that one or more of the factors set forth in subsection (h) exist and that no mitigating factor exists”, designated provisions of Subsec. (f) re the circumstances that must be found for the court to impose a sentence of life imprisonment without the possibility of release as new Subsec. (g) and amended said Subsec. to require the court to impose said sentence if the jury or court finds “that (1) any of the factors set forth in subsection (h) exist, or (2) none of the aggravating factors set forth in subsection (i) exists or (3) one or more of the aggravating factors set forth in subsection (i) exist and one or more mitigating factors exist, but the one or more aggravating factors set forth in subsection (i) do not outweigh the one or more mitigating factors” rather than “that none of the factors set forth in subsection (h) exists or that one or more mitigating factors exist”, redesignated former Subsec. (g) as new Subsec. (h) and amended said Subsec. to replace the provision that the court shall not impose the death sentence if the jury or court finds that “any mitigating factor exists” and that “the mitigating factors to be considered concerning the defendant shall include, but are not limited to” the five enumerated factors with the provision that the court shall not impose the death sentence if the jury or court finds any of the enumerated factors and deleted former Subdiv. (3) as a factor that would in and of itself bar the imposition of the death sentence the circumstance that at the time of the offense the defendant “was under unusual and substantial duress, although not such duress as to constitute a defense to prosecution”, renumbering Subdivs. (4) and (5) as Subdivs. (3) and (4), respectively, redesignated former Subsec. (h) re aggravating factors as new Subsec. (i) and amended said Subsec. to replace the provision requiring the court to impose the death sentence if no mitigating factor is present and the jury or court finds one of the enumerated factors with “The aggravating factors to be considered shall be limited to the following:”; P.A. 01-151 amended Subsec. (h) to add new Subdiv. (2) barring the imposition of the death sentence on a defendant who was a person with mental retardation, as defined in Sec. 1-1g, redesignate existing Subdivs. (2), (3) and (4) as Subdivs. (3), (4) and (5), and make technical changes for purposes of gender neutrality and amended Subsec. (i) to add Subdiv. (8) establishing as an aggravating factor the commission of the offense set forth in Sec. 53a-54b(1) to avoid arrest for a criminal act, prevent detection of a criminal act, hamper or prevent the victim carrying out the victim's official duties or retaliate against the victim for performance of the victim's official duties and make a technical change for purposes of gender neutrality, effective July 1, 2001; pursuant to P.A. 11-129, “mental retardation” was changed editorially by the Revisors to “intellectual disability” in Subsec. (h)(2); P.A. 12-5 amended Subsec. (a) to replace reference to capital felony with provision re capital felony committed prior to April 25, 2012, under provisions of Sec. 53a-54b in effect prior to April 25, 2012, effective April 25, 2012; P.A. 15-84 amended Subsec. (a) to designate existing provision re hearing as Subdiv. (1) and add Subdiv. (2) re person 18 years of age or older at time of offense, amended Subsec. (h) to delete former Subdiv. (1) re defendant under age 18 and redesignate existing Subdivs. (2) to (5) as Subdivs. (1) to (4), and made technical changes, effective October 1, 2015, and applicable to any person convicted prior to, on or after that date. See Sec. 53a-35b re definition of “life imprisonment”. See Sec. 53a-35c re availability of sentence of life imprisonment without possibility of release. Cited. 197 C. 436; 207 C. 374; 209 C. 225; 212 C. 258; 221 C. 430; 225 C. 559. Does not violate prohibition of cruel and unusual punishment nor infringe on rights to due process. 230 C. 183. Cited. 233 C. 813; 234 C. 735; 235 C. 206; 237 C. 332; 238 C. 389; 240 C. 743; 242 C. 409. Court upheld previous holding that statute does not require a capital sentencer to give mitigating force to any particular proven factor solely because that factor establishes something good about defendant; instead, statute leaves the decision as to whether a proven factor is mitigating in nature to sentencer's reasoned moral judgment; once sentencer has found an aggravating factor proven beyond a reasonable doubt, there is no requirement that it go further and make an additional determination that the presence of that factor justifies imposition of the death penalty. 264 C. 1. Statutory scheme does not contemplate right of allocution in a capital sentencing hearing; once one or more jurors find that defendant has proven existence of a mitigating factor by a preponderance of the evidence, entire jury, and not just those jurors who have found the existence of that mitigating factor, proceed to the weighing process; nonunanimous decision during penalty phase of a capital trial does not result automatically in sentence of life imprisonment without the possibility of release; trial court improperly declined to instruct jury that,

in order to sentence defendant to death, it must be persuaded beyond a reasonable doubt that aggravating factor or factors outweigh mitigating factor or factors and that, accordingly, it is persuaded beyond a reasonable doubt that death is the appropriate punishment. 272 C. 106. Death penalty does not constitute cruel and unusual punishment; holdings in 230 C. 183 and 238 C. 389 reaffirmed. 303 C. 71. Death penalty unconstitutional under Art. I, Secs. 8 and 9 of Connecticut Constitution. 318 C. 1. Cited. 9 CA 686; 32 CA 296; 36 CA 364. Subsec. (b): Term “judges” in the first sentence does not entitle defendant who elected to have a jury determine his sentence at the penalty phase hearing to have all three members of the panel before whom the guilt phase was conducted preside at such hearing. 264 C. 1. Provision does not preclude trial court's declaring a mistrial and impaneling new jury after original jury becomes deadlocked in penalty phase of a capital case. 271 C. 338. Subdiv. (3): Defendant's decision to forgo jury determination in capital felony sentencing proceeding and opt for sentencing by three-judge panel was knowing, voluntary and intelligent; formulaic canvass of defendant is not required and validity of jury waiver is determined by examination of totality of the circumstances. 303 C. 71. Subsec. (c): Cited. 241 C. 57. The state may present evidence to rebut mitigation at the penalty phase that would not be admissible under normal rules of evidence; under statute, the state like defendant only has to meet the relevancy standard for evidence to be allowed. 251 C. 579. Although defendant may offer any evidence relevant to any mitigating factor, trial court is vested with discretion to exclude irrelevant information. 272 C. 106. Subsec. (d): Mercy is a legitimate consideration only insofar as it is related to mitigating evidence; requirement for capital sentencer to consider “all the facts and circumstances of the case” is not unconstitutionally vague. 264 C. 1. Lack of remorse is not listed as a statutory aggravating factor, and so may not be relied upon as an aggravating factor, but because mitigating factors call upon jury to elect whether to exercise mercy, defendant's lack of remorse will be relevant generally to rebut defendant's claimed mitigating factors; jury must make its determination of whether the proposed mitigating evidence is mitigating in nature considering all facts and circumstances of the case, but statute does not require that mitigating evidence have some nexus to the offense. 266 C. 171. “Facts and circumstances” language is a constitutionally permissible method of determining how mitigating circumstances are to be established; nowhere does statute require that mitigating evidence have some nexus to the offense. 272 C. 106. Requiring fact finder to determine whether a particular mitigating factor established by the evidence is mitigating in nature as a prerequisite to the weighing of aggravating and mitigating factors does not improperly prevent mitigating evidence offered by defendant from being given full consideration and effect; not improper for three-judge panel to find cumulative factor both factually proven and to be mitigating in nature but not find any of the individual factors to be mitigating in nature although some were factually proven. 303 C. 71. Court's instruction to jury that it was permitted, but not required, to cumulate the evidence to find a mitigating factor complies with previously articulated constitutional standard; instruction describing mitigating evidence as “unique factors concerning the nature of the crime or who the defendant is” did not preclude jury from considering relevant mitigating evidence; “facts and circumstances” language does not unconstitutionally preclude sentencer from considering relevant mitigating evidence and does not unconstitutionally require that mitigating factor have some nexus to the crime; addition of weighing process in 1995 does not alter the constitutionality of allocating to defendant the burden of proving that a factor is mitigating in light of the facts and circumstances of the case. 305 C. 101, but see 318 C. 1. Subsec. (e): Cited. 199 C. 163. Imposition of death penalty premised on two unanimous findings by trier of fact that (1) existence of aggravating factor proved beyond a reasonable doubt by state, and (2) existence of a mitigating factor not proved by defendant by a preponderance of the evidence. 207 C. 374. Subsec. (f): Cited. 199 C. 163; 208 C. 125; 237 C. 694. Statute requires that jury determine that aggravating factors outweigh mitigating factors by any amount or degree; in light of the unique nature of death penalty, of the need for reliability and consistency and the nature of rendering a verdict requiring death penalty, jury must be persuaded beyond a reasonable doubt that aggravating factors outweigh mitigating factors and therefore it is persuaded beyond a reasonable doubt that death sentence should be imposed. 266 C. 171. Three-judge panel could reasonably have concluded, beyond a reasonable doubt, that defendant's age, troubled background and other aspects of his person were outweighed, by any amount or degree, by the cruelty, heinousness and depravity of defendant's crime. 303 C. 71. Subsec. (g): Cited. 199 C. 163; 235 C. 206; 238 C. 828. Although trial court should generally use language of Subdiv. (2) in instructing jury on the statutory mitigating factor, it is not possible that court's minor misstatement, involving such a tenuous semantic distinction, could have misled jury; general thrust of statute as a whole persuades us that legislature intended to recognize as mitigating, per se, only those factors that tend to reduce defendant's moral culpability for the offense and make it unlikely that threat of execution would serve as effective deterrent; “mental capacity” as used in Subdiv. (2) is not open-ended term referring to any and all types of mental function, but refers specifically to defendant's ability, at time of the offense, to understand the wrongful nature and consequences of his conduct; legislature's intent in enacting Subsec. was to specify factual circumstances under which defendant's moral culpability for committing the offense is reduced; in order to establish either prong of the mitigating factor of Subdiv. (2), defendant must show that his mental impairment had a causal nexus with the offense, thereby reducing his moral culpability. 269 C. 213. Subsec. (h): Subdiv. (4): Meaning of “especially cruel” must include intentional infliction of extreme pain or torture above and beyond that necessarily accompanying the underlying killing. 212 C. 258. “Same felony” means a felony that is the same in all material respects as the felony that is committed in this state during commission of the capital felony; that requirement is fully satisfied only if the two felonies share the same essential elements. 264 C. 1. Subsec. (i): To qualify as an aggravating factor that defendant committed the offense in an especially heinous, cruel or depraved manner, victim must have suffered extreme pain and torture beyond that necessary to cause death. 253 C. 1. Subdiv. (6) does not apply to a capital felony committed during the course of a robbery. 261 C. 111. In order to establish the aggravating factor defined in Subdiv. (4), state must prove that defendant murdered both victims in an especially heinous, cruel or depraved manner. 262 C. 537. Principles of accessorial liability may be used to prove aggravating factors in the penalty phase of a capital case. 271 C. 338. Subdiv. (3): In order to establish this aggravating factor, state must prove that defendant knew that in

killing one person, another person would be subject to a very serious risk or danger to his or her life. Id. Subdiv. (4) requires proof that defendant engaged in intentional conduct that inflicted extreme physical or psychological pain, suffering or torture on victim above and beyond that necessarily accompanying the underlying killing, and that defendant specifically intended to inflict such extreme pain, suffering or torture or was callous or indifferent to the extreme physical or psychological pain, suffering or torture that his intentional conduct in fact inflicted on victim. 272 C. 106. Subdiv. (4): Court's limiting instruction on aggravating factor of committing offense in "an especially heinous, cruel or depraved manner" that permits proof by callousness or indifference to the additional pain, suffering or torture that defendant's intentional conduct inflicted on the victim does not render aggravating factor unconstitutionally vague. 303 C. 71. Subdiv. (6): It is not a violation of the state constitution for the sole aggravating factor found by the jury, namely, murder committed for pecuniary gain, to duplicate an element of the underlying crime of capital felony by murder for hire under Sec. 53a-54b(2); statutory language does not impose any additional temporal or premeditation requirements beyond that the expectation of compensation must be created before the murder and exist at the time of the murder. 305 C. 101, but see 318 C. 1. Subdiv. (1): To ensure that prior felony conviction that is based on a constitutionally invalid guilty plea is not used as aggravant in a death penalty case, it is in the interests of justice that court hear evidence on whether the plea was voluntarily and knowingly made, and defendant bears burden of establishing the constitutional invalidity of prior plea. 48 CS 279.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-46b. - Review of death sentence.

(a) Any sentence of death imposed in accordance with the provisions of section 53a-46a shall be reviewed by the Supreme Court pursuant to its rules. In addition to its authority to correct errors at trial, the Supreme Court shall either affirm the sentence of death or vacate said sentence and remand for imposition of a sentence in accordance with subparagraph (A) of subdivision (1) of section 53a-35a. (b) The Supreme Court shall affirm the sentence of death unless it determines that: (1) The sentence was the product of passion, prejudice or any other arbitrary factor; or (2) the evidence fails to support the finding of an aggravating factor specified in subsection (i) of section 53a-46a. (c) The sentence review shall be in addition to direct appeal and, if an appeal is taken, the review and appeal shall be consolidated for consideration. The court shall then render its decision on the legal errors claimed and the validity of the sentence. (P.A. 80-332, S. 2; P.A. 81-472, S. 151, 159; P.A. 85-366, S. 2; P.A. 92-260, S. 23; P.A. 95-16, S. 3, 5; 95-19, S. 3; P.A. 12-5, S. 6.) History: P.A. 81-472 made technical changes; P.A. 85-366 made a technical change to reflect changes made to Sec. 53a-46a by same public act; P.A. 92-260 made technical changes; P.A. 95-16 deleted Subsec. (b)(3) that had required Supreme Court to affirm the death sentence unless it determines the sentence to be excessive or disproportionate to the penalty imposed in similar cases, effective April 12, 1995; P.A. 95-19 made a technical change; P.A. 12-5 amended Subsec. (a) to add "subparagraph (A) of" re reference to Sec. 53a-35a(1), effective April 25, 2012. Cited. 212 C. 258. Does not violate prohibition of cruel and unusual punishment nor infringe on due process rights. 230 C. 183. Cited. 235 C. 206; 237 C. 332. Death penalty unconstitutional under Art. I, Secs. 8 and 9 of Connecticut Constitution. 318 C. 1. Cited. 9 CA 686. Subsec. (b): Class of similar cases to include all convictions of a capital felony after October 1, 1973, resulting from a trial or from a plea whether or not convictions were followed by imposition of death penalty. 225 C. 559. Prohibition against disproportionality discussed. 234 C. 735. Court concluded that statutory proportionality review scheme is constitutional and that it involves the precedent seeking method of comparative, rather than traditional, proportionality review. 238 C. 389. Court stayed proceedings pending review. 272 C. 674. Subsec. does not create nonwaivable right to mandatory sentence review by Connecticut Supreme Court of any and all claims that death sentence was "the product of passion, prejudice or any other arbitrary factor", regardless of the time and manner in which claim was raised; court is not required to impose moratorium on execution of death sentences whenever an unproven claim of systemic arbitrariness in administration of death penalty scheme is raised. Id., 676. Defendant's claim that his death sentence was imposed arbitrarily and capriciously because there are no uniform standards guiding prosecutors' decisions to seek the death penalty is contradicted by overwhelming authority and is rejected. 303 C. 71. Jury could reasonably have found beyond a reasonable doubt that the sole aggravating factor outweighed the numerous mitigating factors and therefore the jury's sentencing verdict was not unreasonable and the sentence was not the product of passion, prejudice or other arbitrary factor. 305 C. 101, but see 318 C. 1.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-46c. - Applicability of death penalty provisions in effect on and after October 1, 1980.

The provisions of sections 53a-46a and 53a-46b in effect on and after October 1, 1980, shall be applicable to any person who is convicted of or pleads guilty to a capital felony under subdivisions (1) to (6), inclusive, of section 53a-54b on or after June 13, 1983. (P.A. 83-327, S. 1, 2; P.A. 92-260, S. 24.) History: P.A. 92-260 replaced "on October 1, 1980" with "on and after October 1, 1980". Does not violate prohibition of cruel and unusual punishment nor infringe on rights to due process. 230 C. 183. Cited. 238 C. 389. Cited. 9 CA 686.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-46d. - Victim impact statement read in court prior to imposition of sentence for crime punishable by death or life imprisonment without possibility of release.

A victim impact statement prepared with the assistance of a victim advocate in accordance with subdivision (2) of subsection (a) of section 54-220 may be read in court prior to imposition of sentence upon a defendant found guilty of a crime punishable by death or life imprisonment without the possibility of release. (P.A. 00-200, S. 6; P.A. 03-179, S. 2; 03-278, S. 104; P.A. 12-5, S. 21; P.A.

17-99, S. 40.) History: P.A. 03-179 replaced “prepared by” with “prepared with the assistance of” and made a technical change; P.A. 03-278 made a technical change, effective July 9, 2003; P.A. 12-5 added provision re crime punishable by life imprisonment without possibility of release, effective April 25, 2012; P.A. 17-99 deleted “to be placed in court files”.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-47. - Disposition of person found not guilty by reason of mental disease or defect. Confinement and examination. Release.

Section 53a-47 is repealed. (1969, P.A. 828, S. 47; P.A. 75-476, S. 5, 6; P.A. 78-280, S. 1, 2, 115, 127; P.A. 81-301, S. 2; P.A. 83-486, S. 2; P.A. 85-506, S. 31, 32.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-48. - Conspiracy. Renunciation.

(a) A person is guilty of conspiracy when, with intent that conduct constituting a crime be performed, he agrees with one or more persons to engage in or cause the performance of such conduct, and any one of them commits an overt act in pursuance of such conspiracy. (b) It shall be a defense to a charge of conspiracy that the actor, after conspiring to commit a crime, thwarted the success of the conspiracy, under circumstances manifesting a complete and voluntary renunciation of his criminal purpose. (1969, P.A. 828, S. 48, 49; 1971, P.A. 871, S. 16.) History: 1971 act amended Subsec. (b) to remove reference to “affirmative” defense. See Sec. 53a-50 re effect of motivation on renunciation. Cited. 169 C. 377; Id., 517; Id., 642. Generally, may prosecute and sentence defendant for both conspiracy to commit offense and offense itself; Wharton's rule: An agreement by two persons to commit crime which necessarily requires participation of two persons cannot be prosecuted as conspiracy; rule currently valid only as presumption of legislative intent; exception to rule when more persons than required participate; abuse of conspiracy charge to bring in otherwise improper evidence. 171 C. 105. Cited. Id., 524; 172 C. 74; 174 C. 135; Id., 338; Id., 376; 176 C. 131; 177 C. 370; 178 C. 67; Id., 163; Id., 649. Defendant is entitled to a theory of defense instruction as a matter of law when evidence under section is before jury. Id., 704. Cited. 180 C. 481; 182 C. 262; Id., 595; 184 C. 369; 186 C. 426; Id., 648; Id., 696; 187 C. 109; Id., 264; Id., 513; 188 C. 515; Id., 542; Id., 671; 189 C. 201; Id., 337; 190 C. 259; 191 C. 360; 194 C. 18; Id., 361; 195 C. 128; Id., 183; Id., 598; 196 C. 115; Id., 567; 197 C. 201; Id., 326; Id., 413; Id., 644. There is no such thing as a conspiracy to commit a crime which is defined in terms of recklessly or negligently causing a result, therefore conspiracy to commit arson in the third degree in violation of this statute and Sec. 53a-113 is not crime cognizable under state law. 199 C. 1. Cited. Id., 14; 200 C. 113; Id., 310; 201 C. 489; 202 C. 520; 204 C. 240; Id., 630; 207 C. 323; 209 C. 1; 210 C. 435; 211 C. 289; 212 C. 195; Id., 387; Id., 593; 213 C. 233. Conspiracy charge against defendant is barred after acquittal of sole alleged coconspirator; conspiracy statute as “bilateral” in nature discussed. Id., 243. Cited. Id., 422; Id., 708; 215 C. 716; Id., 739; 216 C. 801; 218 C. 349; Id., 432; 220 C. 602; Id., 765; 221 C. 447; Id., 595; 223 C. 243; Id., 384; 224 C. 322; 225 C. 270; Id., 347; 227 C. 1; Id., 32; Id., 207; 235 C. 397; Id., 679; Id., 748; 236 C. 176; Id., 514; 237 C. 518; 238 C. 380; 239 C. 56; Id., 481; 240 C. 210; Id., 708; 241 C. 322; 242 C. 93. The requisite evidence of an agreement between individuals accused as coconspirators may be provided by a coconspirator's conduct at the scene. 290 C. 816. Conspiracy to commit a reckless act is not a cognizable crime in this state because it is legally impossible to conspire to commit or achieve an unintentional or reckless act. 305 C. 101, but see 318 C. 1. To satisfy specific intent requirements for a conviction of conspiracy to distribute drugs, state must proffer evidence of an agreement to distribute drugs, in addition to mere buyer-seller relationship. 311 C. 1. Cited. 1 CA 524; 3 CA 503; 5 CA 347; Id., 491; Id., 599; 8 CA 119; Id., 478; Id., 667; 9 CA 548; 10 CA 130; Id., 147; Id., 447; 11 CA 397; Id., 621; 14 CA 205; Id., 445; Id., 605; Id., 807; 15 CA 122; Id., 328; Id., 539; 16 CA 18; Id., 601; 17 CA 247; Id., 648; 19 CA 554; Id., 640; 21 CA 299; Id., 386; Id., 519; 22 CA 449; Id., 567; 23 CA 502; Id., 615; Id., 667; 24 CA 316; Id., 493; 26 CA 94; Id., 667; Id., 779; 27 CA 596; 28 CA 34; Id., 126; Id., 416; 29 CA 359; Id., 843; 30 CA 190; Id., 232; Id., 550; Id., 654; Id., 712; 32 CA 224; 33 CA 253; Id., 409; 34 CA 751; judgment reversed, see 233 C. 211; 35 CA 714; Id., 839; 36 CA 59; Id., 190; Id., 454; Id., 556; Id., 631; Id., 672; Id., 753; Id., 774; 37 CA 219; Id., 456; judgment reversed, see 236 C. 176; 38 CA 481; Id., 536; Id., 581; Id., 777; Id., 868; 39 CA 224; Id., 333; Id., 526; Id., 550; 40 CA 515; Id., 789; 41 CA 47; Id., 147; Id., 495; 42 CA 472; Id., 500; Id., 555; Id., 687; 43 CA 142; Id., 252; Id., 555; 44 CA 338; 45 CA 110; Id., 282; Id., 455; 46 CA 684; Id., 791. Elements of crime of conspiracy under section discussed. 63 CA 82. Statute is bilateral in nature in that conspiracy requires a showing that two or more coconspirators intended to engage in or cause conduct that constitutes a crime. 64 CA 384. Conviction and sentencing for multiple conspiracy offenses based on a single agreement is double jeopardy violation. 65 CA 788. Elements of crime of conspiracy discussed. 70 CA 393. There was sufficient evidence to prove beyond a reasonable doubt that defendant knowingly entered into a conspiracy to possess a narcotic substance with intent to sell. 75 CA 223. Jury instructions on conspiracy to commit murder must indicate that state was required to prove intent to agree or conspire to commit murder and intent to cause murder. 92 CA 92. Attempt to commit robbery in first degree in violation of Sec. 53a-49 and conspiracy to commit robbery in violation of this section are separate and distinct offenses for purposes of double jeopardy. 118 CA 35. Defendant's sentences on four separate conspiracy charges arising from two incidents constituted double jeopardy. 124 CA 9. Conviction for two conspiracy charges arising from same agreement constituted double jeopardy. 125 CA 307. Conspiracy is a specific intent crime, with the intent divided into two elements: The intent to agree or conspire, and the intent to commit the offense which is the object of the conspiracy. 126 CA 192. Conviction of conspiracy to possess narcotics under Sec. 21a-279(a) and conspiracy to possess narcotics with intent to sell under Sec. 21a-277(a) constitutes double jeopardy. 137 CA 733. Conviction for conspiracy to commit false statement under Sec. 53a-157b and conspiracy to fabricate physical evidence under Sec. 53a-155 pursuant to the same unlawful agreement violates constitutional protection against double jeopardy. 138 CA 420; judgment reversed in part, see 325 C. 399. Multiple sentences for 3 separate

conspiracies arising out of a single unlawful agreement violates prohibition against double jeopardy. 144 CA 731; judgment affirmed, see 320 C. 781. Evidence insufficient to prove beyond a reasonable doubt that defendant or alleged coconspirator stole headphones, either as a substantive crime or as overt act in furtherance of conspiracy. 164 CA 25. Cited. 29 CS 344; 30 CS 211. Overt act is essential element of offense and must be alleged in information charging conspiracy. 35 CS 96. Cited. 36 CS 603; 37 CS 527; Id., 853; 38 CS 301; Id., 374; Id., 593. Subsec. (a): Cited. 177 C. 243; 189 C. 752; 192 C. 383; 199 C. 389; 200 C. 586; 201 C. 289; 203 C. 420; 207 C. 118; 210 C. 78; Id., 619; 212 C. 50; Id., 485; 213 C. 243; 214 C. 122; Id., 344; 215 C. 570; 217 C. 243; 218 C. 151; 223 C. 635; 227 C. 363; 230 C. 351; 232 C. 431; judgment superseded by en banc reconsideration, see 235 C. 502; Id., 537; 235 C. 502; 239 C. 235; Id., 467; 240 C. 727; 241 C. 1; Id., 502; 242 C. 125; Id., 296. Appellate Court in 41 CA 495 reversed trial court's judgment on grounds of insufficient evidence to convict, judgment of Appellate Court reversed. Id., 485. Evidence was sufficient to support conspiracy conviction. 253 C. 354. Where two defendants were tried separately and their respective juries were presented with separate, independent evidence of their agreement to commit the crime in question, acquittal of defendant's coconspirator did not nullify defendant's conviction of the same charge. 257 C. 587. To prove defendant guilty of conspiracy to commit robbery in the second degree in violation of Subsec. and Sec. 53a-135(a)(2), state needs to prove defendant specifically agreed that there would be the display or threatened use of what was represented as a deadly weapon or dangerous object during the robbery or immediate flight therefrom. 315 C. 451. Cited. 7 CA 701; 9 CA 313; 14 CA 309; judgment reversed, see 212 C. 50; Id., 688; 15 CA 416; 16 CA 245; Id., 402; 18 CA 134; 19 CA 179; Id., 195; 20 CA 665; 22 CA 340; 23 CA 602; Id., 746; judgment reversed, see 221 C. 595; 25 CA 3; Id., 21; Id., 318; 26 CA 279; 27 CA 558; Id., 161; Id., 306; Id., 474; Id., 645; Id., 721; 29 CA 59; Id., 207; 31 CA 370; 32 CA 842; 33 CA 122; Id., 339; judgment reversed, see 235 C. 502; Id., 647; 34 CA 58; judgment reversed, see 232 C. 537; Id., 96; judgment reversed, see 232 C. 537; Id., 595; 35 CA 740; 36 CA 41; Id., 483; Id., 488; 37 CA 156; Id., 360; Id., 574; 38 CA 434; 39 CA 63; Id., 242; Id., 579; Id., 645; 40 CA 47; Id., 526; 43 CA 488; Id., 830; 44 CA 499; 45 CA 270; 46 CA 640. Conviction for conspiracy to sell a controlled substance within one thousand five hundred feet of a public housing project reversed where trial court instructed that jury must find that conspiracy occurred within one thousand five hundred feet of public housing project; the law is not concerned with where the plan was hatched, but with where conspirators proposed to carry out its unlawful purpose. 73 CA 386. The nexus between defendant's role in the conspiracy and illegal conduct of his coconspirators was not so attenuated or remote that it would be unjust to hold him responsible for the criminal conduct of his coconspirators. 107 CA 413. Nothing in Subsec. requires state to prove future or past criminal acts; federal "buyer-seller exception" not applicable to charge of conspiracy to sell narcotics. 131 CA 433; judgment affirmed, see 311 C. 1. Existence of formal agreement between conspirators need not be proved and may be inferred from proof of the separate acts of the alleged coconspirators and the circumstances surrounding the commission of the acts. 147 CA 53. Defendant's conviction of and sentencing under Subsec. and Secs. 53a-123(a)(3) and 53a-124(a)(2) constitute multiple punishments for the same offense and violate defendant's right against double jeopardy. 176 CA 687. Cited. 44 CS 490. Subsec. (b): Cited. 40 CA 526. Breakdown of an agreement does not end a conspiracy or disqualify previous overt acts. 131 CA 433.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-49. - Criminal attempt: Sufficiency of conduct; renunciation as defense.

(a) A person is guilty of an attempt to commit a crime if, acting with the kind of mental state required for commission of the crime, he: (1) Intentionally engages in conduct which would constitute the crime if attendant circumstances were as he believes them to be; or (2) intentionally does or omits to do anything which, under the circumstances as he believes them to be, is an act or omission constituting a substantial step in a course of conduct planned to culminate in his commission of the crime. (b) Conduct shall not be held to constitute a substantial step under subdivision (2) of subsection (a) of this section unless it is strongly corroborative of the actor's criminal purpose. Without negating the sufficiency of other conduct, the following, if strongly corroborative of the actor's criminal purpose, shall not be held insufficient as a matter of law: (1) Lying in wait, searching for or following the contemplated victim of the crime; (2) enticing or seeking to entice the contemplated victim of the crime to go to the place contemplated for its commission; (3) reconnoitering the place contemplated for the commission of the crime; (4) unlawful entry of a structure, vehicle or enclosure in which it is contemplated that the crime will be committed; (5) possession of materials to be employed in the commission of the crime, which are specially designed for such unlawful use or which can serve no lawful purpose of the actor under the circumstances; (6) possession, collection or fabrication of materials to be employed in the commission of the crime, at or near the place contemplated for its commission, where such possession, collection or fabrication serves no lawful purpose of the actor under the circumstances; (7) soliciting an innocent agent to engage in conduct constituting an element of the crime. (c) When the actor's conduct would otherwise constitute an attempt under subsection (a) of this section, it shall be a defense that he abandoned his effort to commit the crime or otherwise prevented its commission, under circumstances manifesting a complete and voluntary renunciation of his criminal purpose. (1969, P.A. 828, S. 50; 1971, P.A. 871, S. 17; P.A. 92-260, S. 25.) History: 1971 act amended Subsec. (c) to remove reference to "affirmative" defense; P.A. 92-260 made technical changes. See Sec. 53a-50 re effect of motivation on renunciation. Cited. 169 C. 377; Id., 581; 173 C. 254; Id., 317; Id., 360; 174 C. 16; Id., 142; 175 C. 398; 179 C. 1; 180 C. 481; 182 C. 207; Id., 430; Id., 595; 183 C. 29; 184 C. 157; 185 C. 163; Id., 199; 186 C. 261; 187 C. 681; 189 C. 383; 193 C. 70; Id., 602; 194 C. 233; Id., 241; Id., 408; 195 C. 611; 196 C. 36; Id., 567; 198 C. 124; 199 C. 14; Id., 155; Id., 591; 200 C. 30; 201 C. 174; Id., 190; Id., 289; Id., 605; 202 C. 259; Id., 509; Id., 520; 203 C. 445; Id., 484; 204 C. 630; 205 C. 61; Id., 616; 206 C. 213; 207 C. 1; 209 C. 34; 210 C. 519; Id., 652; 214 C. 454; 215 C. 695; Id., 716; 216 C. 585; Id., 647; 218 C. 747; 220 C. 384; Id., 765; 221 C. 109; 222 C. 117; Id., 718; 226 C. 497; 227 C. 301; 228 C. 384; Id., 393; 229 C. 125; 231 C. 235; 232 C. 455; 235 C. 397; Id., 40;

Id., 469; Id., 502; Id., 748; 236 C. 266; 237 C. 501; Id., 518; Id., 748; 238 C. 389; 241 C. 1; Id., 413; Id., 502; 242 C. 125; Id., 389; Id., 648. In charge of attempt to commit sexual assault, conduct of a suspect who, for the purpose ultimately of having sex with a person whom the suspect believes to be a child, travels to a prearranged place to meet that child, is sufficient to constitute a substantial step in furtherance of the planned crime even if the person to be met is in fact an undercover officer and section is not unconstitutionally vague based on these facts. 277 C. 155. It is possible to commit the crime of home invasion without committing the crime of attempt to commit assault in the first degree, therefore home invasion in violation of Sec. 53a-100aa(a)(2) and attempt to commit assault in the first degree in violation of section and Sec. 53a-59(a)(1) are not the same offense for purposes of double jeopardy. 343 C. 470. Cited. 1 CA 344; 2 CA 333; 3 CA 166; 6 CA 24; 7 CA 1; Id., 257; Id., 367; Id., 503; Id., 701; 8 CA 351; Id., 496; Id., 545; Id., 631; 9 CA 169; judgment reversed, see 205 C. 370; Id., 587; 10 CA 130; Id., 503; 12 CA 32; Id., 163; Id., 217; Id., 395; Id., 604; Id., 685; 13 CA 69; 14 CA 526; 15 CA 531; Id., 704; 16 CA 38; Id., 284; 17 CA 359; 19 CA 618; Id., 631; 20 CA 27; 21 CA 326; Id., 386; 22 CA 199; Id., 340; Id., 449; 23 CA 160; Id., 315; 24 CA 13; Id., 624; Id., 697; 25 CA 104; Id., 298; Id., 334; Id., 433; Id., 578; Id., 725; 27 CA 73; Id., 403; Id., 601; 28 CA 34; Id., 64; Id., 469; 30 CA 26; Id., 406; judgment reversed, see 228 C. 335; 31 CA 370; 33 CA 339; judgment reversed in part, see 232 C. 431; judgment reversed on issues of sufficiency of evidence and jury misconduct, see 235 C. 502; 34 CA 103; Id., 223; 35 CA 51; Id., 138; Id., 740; 36 CA 161; Id., 336; Id., 641; Id., 680; Id., 805; Id., 831; 37 CA 62; judgment reversed, see 237 C. 501; Id., 733; 38 CA 777; Id., 581; 39 CA 1; Id., 18; Id., 267; Id., 333; Id., 789; Id., 810; 40 CA 60; Id., 374; Id., 483; 41 CA 515; Id., 751; 42 CA 472; 43 CA 61; Id., 252; Id., 599; 44 CA 6; Id., 70; Id., 231; Id., 476; 45 CA 390; 46 CA 684; Id., 691; Id., 734. Jury was within its right to conclude that defendant, armed with dangerous instrument, entered apartment unlawfully with intent to commit a robbery, but once inside, did not do anything which constituted a substantial step in a course of conduct planned to culminate in a robbery or that he abandoned his attempt. 87 CA 251. To be guilty of attempt, defendant's conscious objective must be to cause result which would constitute the substantive crime. 107 CA 517. Attempt to commit robbery in first degree in violation of this section and conspiracy to commit robbery in violation of Sec. 53a-48 are separate and distinct offenses for purposes of double jeopardy. 118 CA 35. Threats, in connection with holding knife and advancing towards victim, are sufficient evidence for jury to conclude beyond a reasonable doubt that defendant took a substantial step toward the commission of assault in the first degree. 127 CA 1. Cited. 33 CS 599; 37 CS 755; 38 CS 464; 39 CS 347. Subsec. (a): Cited. 177 C. 140; 178 C. 689; 182 C. 176; Id., 585; part of ruling in 182 C. 585, in which court had ruled that defendant was entitled on remand to a direction of acquittal with respect to a count improperly added to other charges of which defendant had had proper notice, overruled, see 224 C. 1; 188 C. 574; 189 C. 303; 190 C. 822; 194 C. 258; 195 C. 651; 198 C. 53; 199 C. 255; 200 C. 44; Id., 607; 205 C. 528; Id., 673; 207 C. 646; 208 C. 202; 209 C. 416; Id., 733; 211 C. 18; Id., 441; Id., 555; 212 C. 31; Id., 50; 216 C. 492; 217 C. 243; 220 C. 408; Id., 652; Id., 928; 221 C. 402; Id., 915; 222 C. 556; 224 C. 397; 225 C. 524; 227 C. 616; 228 C. 234; 229 C. 60; Id., 839; 232 C. 431; judgment superseded by en banc reconsideration, see 235 C. 502; 233 C. 502; 238 C. 313; 240 C. 395; 241 C. 322; Id., 802; 242 C. 485. Evidence that defendant merely solicited a murder by mailing a coded letter from the correctional facility where he was incarcerated, without any accompanying or following act of perpetration, was insufficient to support conviction for attempted murder. 262 C. 295. An instruction on Subdiv. (1) should be given when evidence indicates that perpetrator failed to accomplish or complete all elements of a particular crime solely because attendant circumstances were not as perpetrator believed them to be, rendering commission of the crime impossible, while an instruction under Subdiv. (2) should be given when perpetrator's conduct falls short of completed offense for reasons other than impossibility; under unique circumstances of case, where information was not specific to which part of attempt statute state was alleging, evidence presented did not clarify this omission, and trial court instructed jury only on Subdiv. (1), there was insufficient evidence to convict. 293 C. 234, but see 317 C. 292. Subdiv. (2): Because there were two separate and distinct transactions, defendant could be convicted of attempted robbery in the first degree and robbery in the first degree without offending the prohibition on double jeopardy. 299 C. 640. Attendant circumstances provision in Subdiv. (1) is not limited to situation where it is impossible for defendant to commit the crime, and applied where defendant admitted to assaulting victim with intent to kill her and believed that he had killed her; substantial step provision in Subdiv. (2) criminalizes certain conduct that would not violate attendant circumstances provision in Subdiv. (1), and both provisions ensure elimination of the impossibility defense. 317 C. 292. Determination of what conduct constitutes a substantial step focuses on what the actor has already done rather than what the actor has left to do to complete the substantive crime. 331 C. 1. Cited. 5 CA 586; 6 CA 164; Id., 476; 7 CA 149; Id., 257; 10 CA 217; Id., 462; 11 CA 80; 12 CA 221; 13 CA 12; Id., 237; 14 CA 309; judgment reversed, see 212 C. 50; 15 CA 222; Id., 416; 23 CA 663; Id., 692; 24 CA 27; judgment reversed, see 220 C. 652; Id., 264; 26 CA 52; Id., 65; Id., 114; Id., 242; Id., 367; Id., 433; Id., 779; 28 CA 290; Id., 306; Id., 402; Id., 548; 29 CA 39; Id., 262; 30 CA 9; Id., 68; Id., 470; Id., 606; 31 CA 120; Id., 385; 33 CA 368; Id., 647; Id., 743; judgment reversed, see 233 C. 502; 35 CA 279; Id., 699; 36 CA 41; Id., 718; 38 CA 536; 39 CA 224; Id., 242; 40 CA 387; Id., 624; 41 CA 47; Id., 287; 42 CA 264; 43 CA 488; Id., 578; Id., 619; Id., 680; Id., 785; 44 CA 499; 45 CA 658; Id., 756. Proof of prior plan or premeditation not necessary to establish criminal liability for attempted murder. 47 CA 401. Subdiv. (2) cited re testimony of sole witness sufficient to establish guilt beyond reasonable doubt, and re showing that victim had custody or control over appropriated property is sufficient to support a charge of larceny. 49 CA 486. Subdiv. (2): Defendant took substantial step in hiring an agent to commit an arson even though agent was not actually paid; to constitute a substantial step, consummation of the deed is not required. 59 CA 362. Statutory provisions codified common law distinction between the acts of solicitation and attempt and an attempt not a solicitation under Sec. 53a-179a. 65 CA 145. On basis of the evidence, jury could reasonably conclude that defendant intended to force victim to have sexual intercourse with him and intended to compel sexual intercourse by use of force or the threat of use of force. 75 CA 447. To be guilty of crime of attempt to commit assault in the first degree, defendant must be shown to have had the mental state required to commit assault in the

first degree and fact that the wounds actually inflicted by defendant were relatively minor does not mean that there was insufficient evidence to find that he intended to inflict serious injury. 78 CA 646. Evidence which established that defendant arranged for sale of heroin to undercover police officer then left his residence and traveled in the direction of designated meeting place for the sale was sufficient to find defendant guilty of attempt to commit a crime, in particular, the sale of narcotics by a person who is not drug dependent in violation of Sec. 21a-278(b). 82 CA 111. Intent required for crime of attempted assault of a peace officer is the intent to prevent the officer from performing duties, regardless of whether injury is intended. 96 CA 634. Subdiv. (2): Conviction as accessory to attempted robbery in the first degree does not require state to demonstrate that accused intended for accomplice to possess a deadly weapon. "Circumstances as he believes them to be" language does not establish additional specific intent element necessitating proof that defendant believed one of his accomplices was armed with deadly weapon during attempted robbery. 184 CA 24. Attempted murder under this section and assault in the first degree under Sec. 53a-59(a) are not the same offense for purposes of double jeopardy. 204 CA 207. Cited. 41 CS 229; 43 CS 46. Subsec. (b): Cited. 194 C. 258; 211 C. 555. Court rejected defendant's argument that "following" must have a predatory thrust and requires proximity in space as well as in time; the jury could reasonably have concluded that defendant followed the intended victim. 105 CA 335. Subsec. (c): Cited. 221 C. 915. Cited. 17 CA 128. Renunciation by defendant found not to be voluntary where defendant failed to continue course of criminal conduct because of circumstances of fellow inmate's early release and rumors that defendant's conversations were being recorded. 59 CA 362.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-50. - Effect of motivation on renunciation.

For purposes of this part, renunciation of criminal purpose is not voluntary if it is motivated, in whole or in part, by circumstances, not present or apparent at the inception of the actor's course of conduct, which increase the probability of detection or apprehension or which make more difficult the accomplishment of the criminal purpose. Renunciation is not complete if it is motivated by a decision to postpone the criminal conduct or to transfer the criminal effort to another but similar objective or victim. (1969, P.A. 828, S. 51.) Cited. 182 C. 595. Cited. 17 CA 128; 23 CA 160. Renunciation by defendant found not to be voluntary where defendant failed to continue course of criminal conduct because of circumstances of fellow inmate's early release and rumors that defendant's conversations were being recorded. 59 CA 362.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-51. - Classification of attempt and conspiracy.

Attempt and conspiracy are crimes of the same grade and degree as the most serious offense which is attempted or is an object of the conspiracy, except that an attempt or conspiracy to commit a class A felony is a class B felony. (1969, P.A. 828, S. 52.) Cited. 182 C. 595; 184 C. 369; 195 C. 183; 202 C. 520; 204 C. 630; 211 C. 18; 213 C. 708; 235 C. 502. Defendant guilty of conspiracy to commit robbery in the first degree is subject to the minimum nonsuspendable sentence in Sec. 53a-134(b). 264 C. 593. Cited. 8 CA 545; 10 CA 447; 21 CA 299; 22 CA 567; 29 CA 843; 33 CA 253; 36 CA 190. Legislature clearly intended attempt and conspiracy to commit a class B felony to be punished the same as a class B felony or it would have noted otherwise, as it did with class A felonies. 118 CA 35.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-52. - Conviction; sentencing.

Section 53a-52 is repealed. (1969, P.A. 828, S. 53; 1971, P.A. 871, S. 129.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-53 and 53a-54. - Homicide defined. Murder defined; affirmative defenses; evidence of mental condition; classification.

Sections 53a-53 and 53a-54 are repealed. (1969, P.A. 828, S. 54, 55; 1971, P.A. 871, S. 129; P.A. 73-137, S. 15.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-54a. - Murder.

(a) A person is guilty of murder when, with intent to cause the death of another person, he causes the death of such person or of a third person or causes a suicide by force, duress or deception; except that in any prosecution under this subsection, it shall be an affirmative defense that the defendant committed the proscribed act or acts under the influence of extreme emotional disturbance for which there was a reasonable explanation or excuse, the reasonableness of which is to be determined from the viewpoint of a person in the defendant's situation under the circumstances as the defendant believed them to be, provided nothing contained in this subsection shall constitute a defense to a prosecution for, or preclude a conviction of, manslaughter in the first degree or any other crime. (b) Evidence that the defendant suffered from a mental disease, mental defect or other mental abnormality is admissible, in a prosecution under subsection (a) of this section, on the question of whether the defendant acted with intent to cause the death of another person. (c) Murder is punishable as a class A felony in accordance with subdivision (2) of section 53a-35a unless it is (1) a capital felony committed prior to April 25, 2012, by a person who was eighteen years of age or older at the time of the offense, punishable in accordance with subparagraph (A) of subdivision (1) of section 53a-35a, (2) murder with special circumstances committed on or after April 25, 2012, by a person who was eighteen years of age or older at the time of the offense, punishable as a class A felony in accordance with subparagraph (B) of subdivision (1) of section 53a-35a, or (3) murder under section 53a-54d

committed by a person who was eighteen years of age or older at the time of the offense. (P.A. 73-137, S. 2; P.A. 80-442, S. 15, 28; P.A. 83-486, S. 4; P.A. 92-260, S. 26; P.A. 12-5, S. 7; P.A. 15-84, S. 9.) History: P.A. 80-442 amended Subsec. (c) to specify punishment in accordance with Sec. 53a-35a(2), deleting reference to death penalty imposed as provided by Sec. 53a-46a for capital felony, effective July 1, 1981; P.A. 83-486 amended Subsec. (a) by replacing "acted" with "committed the proscribed act or acts"; P.A. 92-260 amended Subsec. (c) to add exception for murder under Sec. 53a-54d; P.A. 12-5 amended Subsec. (c) to replace reference to capital felony with provision re capital felony committed prior to April 25, 2012, punishable under Sec. 53a-35a(1)(A), or murder with special circumstances committed on or after April 25, 2012, punishable as a class A felony under Sec. 53a-35a(1)(B), effective April 25, 2012; P.A. 15-84 amended Subsec. (c) to designate existing provision re capital felony as Subdiv. (1), existing provision re murder with special circumstances as Subdiv. (2) and existing provision re murder under Sec. 53a-54d as Subdiv. (3) and add provisions re person 18 years of age or older at time of offense, effective October 1, 2015, and applicable to any person convicted prior to, on or after that date. See Sec. 53a-54b re murder with special circumstances. See Sec. 53a-54c re felony murder. See Sec. 53a-54e re construction of statutes re capital felony committed prior to April 25, 2012. Cited. 171 C. 241; 173 C. 414; 176 C. 508; 177 C. 1; 178 C. 450; Id., 626; 179 C. 1; Id., 431; 180 C. 141. Constitutionally permissible for a jury to find defendant indicted for murder guilty of homicide in a lesser degree where the evidence supports such a finding although the state of mind required is different. Id., 382. Cited. Id., 589; 181 C. 406; 182 C. 66; Id., 388; Id., 497; Id., 603; 185 C. 163; 186 C. 261; Id., 476; 188 C. 626; 189 C. 303; Id., 346; 190 C. 639; 191 C. 233; Id., 545; 194 C. 408; Id., 416; Id., 483; Id., 530; 195 C. 475; 196 C. 667; 197 C. 60; Id., 180; Id., 337; Id., 436; Id., 507; 198 C. 124; Id., 209; Id., 397; Id., 542; Id., 560; Id., 573; Id., 644; 199 C. 102; Id., 155; Id., 163; Id., 631; Id., 718; 200 C. 553; 201 C. 174; Id., 190; Id., 276; Id., 368; Id., 605; 202 C. 18; Id., 75; Id., 86; Id., 316; 203 C. 212; Id., 641; 204 C. 240; 205 C. 279; Id., 298; Id., 507; Id., 616; 206 C. 182; Id., 213; Id., 323; Id., 346; Id., 512; Id., 678; 207 C. 374; Id., 646; 208 C. 125; 209 C. 225; Id., 290; Id., 622; 210 C. 78; Id., 304; Id., 519; Id., 631; Id., 652; 211 C. 215; Id., 289; Id., 441; 212 C. 325; Id., 387; Id., 612; 213 C. 97; Id., 243; Id., 388; Id., 405; Id., 579; Id., 593; Id., 708; 214 C. 57; Id., 77; Id., 118; Id., 454; Id., 476; Id., 493; Id., 616; 215 C. 231; Id., 277; Id., 570; Id., 646; Id., 695; Id., 739; 216 C. 139; Id., 188; Id., 282; Id., 301; Id., 585; Id., 699; 218 C. 349; Id., 486; Id., 714; 219 C. 16; Id., 596; Id., 721; 220 C. 169; Id., 270; Id., 285; Id., 602; Id., 765; 221 C. 58; Id., 93; Id., 109; 222 C. 506; 223 C. 273; Id., 674; 224 C. 63; Id., 168; Id., 372; 225 C. 55; Id., 114; Id., 524; Id., 609; 226 C. 20; Id., 237; Id., 497; 227 C. 231; Id., 301; Id., 417; Id., 456; Id., 566; 228 C. 62; Id., 118; Id., 281; Id., 412; 229 C. 125; Id., 193; Id., 328; Id., 691; 231 C. 43; Id., 115; Id., 235; 233 C. 44; Id., 215; 234 C. 139; Id., 324; Id., 381; Id., 683; 235 C. 206; Id., 274; Id., 397; Id., 413; Id., 473; 236 C. 189. Affirmative defense of extreme emotional disturbance cited; failure of trial court to instruct jury on extreme emotional disturbance was error; judgment of Appellate Court affirming judgment of trial court in 36 CA 448 reversed, Id., 342. Cited. Id., 514; 237 C. 58; Id., 339; Id., 364; Id., 518; Id., 694. Under appropriate circumstances, defendant can simultaneously intend to cause death of, and serious physical injury to, the same person; judgment of Appellate Court in 39 CA 18 reversed. Id., 748. Cited. 238 C. 389; Id., 588; 239 C. 56; Id., 481; 240 C. 210; Id., 727; Id., 743; 241 C. 322; Id., 502; Id., 702; 242 C. 605; Id., 666; 247 C. 318. Evidence that defendant merely solicited a murder by mailing a coded letter from the correctional facility where he was incarcerated, without any accompanying or following act of perpetration, was insufficient to support a conviction for attempted murder. 262 C. 295. Death penalty unconstitutional under Art. I, Secs. 8 and 9 of Connecticut Constitution. 318 C. 1. While manslaughter in the first degree under Sec. 53a-55 is a lesser included offense of murder under this section, the states of minds required by the two offenses are mutually exclusive; a jury finding guilty verdicts on both offenses are inconsistent verdicts and both verdicts must be vacated. 325 C. 236. Cited. 7 CA 180; Id., 223; Id., 470; 10 CA 357; 12 CA 32; Id., 217; 17 CA 502; judgment reversed, see 213 C. 579; Id., 602; 19 CA 111; judgment reversed, see 215 C. 538; Id., 440; Id., 609; Id., 674; 22 CA 669; 24 CA 115; Id., 244; Id., 692; 25 CA 104; Id., 433; Id., 456; 26 CA 259; 27 CA 1; Id., 520; 28 CA 416; Id., 548; Id., 425; Id., 608; Id., 771; 29 CA 386; Id., 452; Id., 499; 30 CA 677; 32 CA 170; 33 CA 90; Id., 763; 34 CA 103; Id., 317; 35 CA 438; Id., 541; Id., 762; 36 CA 250; Id., 345; Id., 364; Id., 448; judgment reversed, see 236 C. 342; Id., 473; Id., 506; Id., 516; Id., 556; 37 CA 749; 38 CA 371; Id., 434; 39 CA 18; judgment reversed, see 237 C. 748; Id., 242; Id., 224; Id., 632; 40 CA 151; Id., 318; Id., 387; 41 CA 604; Id., 809; 42 CA 348; Id., 555; 43 CA 61; Id., 549; 44 CA 6; Id., 70; Id., 231; Id., 476; Id., 790; 45 CA 148; Id., 207; Id., 261; Id., 584; 46 CA 216; Id., 285; Id., 578; Id., 640; Id., 684; Id., 734. Evidence was sufficient beyond a reasonable doubt to conclude that defendant intended to cause victim's death. 55 CA 469. It is possible to commit attempted murder without creating risk of any physical injury to another person. 56 CA 592. Failure of trial court to inform defendant of intent requirement under statute not plain error. 65 CA 234. Trial court did not improperly exclude proffered evidence re defendant's claim of intoxication at time of murder. 91 CA 169. To establish crime of murder, state must prove beyond reasonable doubt that defendant, with intent to cause death of another, caused the death of such person or a third person; specific intent to kill is an essential element of crime of murder; to act intentionally, defendant must have had the conscious objective to cause the death of the victim. 129 CA 1. Sentences for murder and felony murder were ancillary to capital felony conviction, thus the convictions for murder and felony murder must be vacated. 145 CA 494; judgment affirmed, see 317 C. 741. Conviction of murder under this section and felony murder under Sec. 53a-54c for same offense violated prohibition against double jeopardy. 153 CA 691. Cited. 40 CS 38; Id., 498; 42 CS 10; Id., 426; 43 CS 367. Subsec. (a): Cited. 172 C. 65. "Extreme emotional disturbance" guidelines. 177 C. 1. Cited. Id., 487; 180 C. 171; 181 C. 268; Id., 284; 182 C. 142; Id., 585; part of ruling in 182 C. 585, in which court had ruled that defendant was entitled on remand to a direction of acquittal with respect to a count improperly added to other charges of which defendant had had proper notice, overruled, see 224 C. 1; 184 C. 121; 186 C. 414; Id., 574; 187 C. 6; 190 C. 219; 191 C. 27; 192 C. 700; 193 C. 474; Id., 646; 194 C. 376; Id., 392; 195 C. 166; Id., 232; Id., 651; 196 C. 557; 197 C. 106; Id., 595; 198 C. 53; Id., 77; 200 C. 224; Id., 607; Id., 642; Id., 743. Charge on this defense was inadequate under the circumstances. 201 C. 174. Cited. Id., 244; Id., 534; 202 C. 259; Id., 429; 204 C. 207; Id., 259; 205 C. 370;

Id., 578; Id., 723; 206 C. 229; Id., 300; Id., 391; 208 C. 455; 209 C. 596; 210 C. 481; Id., 619; 212 C. 258; Id., 351; Id., 593; 214 C. 122; Id., 146; Id., 161; Id., 344; Id., 540; 216 C. 492; 217 C. 243. Interpretation of section not to require reasonableness of defendant's extreme emotional disturbance to be determined solely from his subjective viewpoint. Id., 648. Cited. 218 C. 747; Id., 766; 219 C. 234; Id., 295; 220 C. 385; Id., 408; 221 C. 128; Id., 430; 222 C. 1; Id., 718; 223 C. 41; Id., 127; Id., 207; Id., 384; Id., 411; Id., 535; Id., 635; 224 C. 196; Id., 325; 227 C. 389; Id., 448; 228 C. 384; 230 C. 183; 232 C. 537; 233 C. 1; Id., 106; Id., 174; Id., 517; Id., 813; 236 C. 388; 238 C. 253; Id., 313; Id., 395; 241 C. 1; Id., 665; 242 C. 409; Id., 485; 243 C. 205. Term "death" as used in Penal Code includes irreversible cessation of functioning of brain. 244 C. 761. Section incorporates doctrine of transferred intent and holds both a principal and an accomplice liable for death of an unintended victim. 253 C. 354. Re jury charge on extreme emotional disturbance, it was proper for trial court to refuse to instruct jury to consider defendant's unique mental and emotional characteristics and impact of those characteristics on defendant since statute incorporates a standard that is objective as to its overview, but subjective as to defendant's belief. 261 C. 336. Defendant was entitled to a jury instruction on the lesser included offense of manslaughter as set forth in Sec. 53a-55(a)(1). 262 C. 453. Statute specifically provides for intent to be transferred from the target of defendant's conduct to an unintended victim. 273 C. 393. The "born alive" rule, which prescribes that only one who has been born alive can be the victim of a homicide, was the common law of this state when Penal Code was adopted and has not been abrogated by the legislature, and therefore trial court properly determined that an infant who is born alive and who subsequently dies of injuries sustained in utero is a "person" within meaning of homicide statutes; nothing in section requires a temporal nexus between the victim's status as a person and the conduct that brings about the person's death; transferred intent provisions are equally applicable to a fetus born alive as they are to any other person. 296 C. 622. Cited. 7 CA 367; Id., 457; 8 CA 496; Id., 147; judgment reversed, see 206 C. 278; Id., 169; judgment reversed, see 205 C. 370; 10 CA 697; 11 CA 80; Id., 628; 20 CA 27; 21 CA 801; 22 CA 199; Id., 507; Id., 521; 23 CA 692; 24 CA 624; 26 CA 242; 27 CA 73; Id., 403; Id., 643; 28 CA 231; Id., 469; 29 CA 573; 30 CA 406; judgment reversed, see 228 C. 335; 31 CA 385; 32 CA 438; Id., 687; Id., 759; 33 CA 122; Id., 782; 34 CA 58; judgment reversed, see 232 C. 537; Id., 96; judgment reversed, see 232 C. 537; Id., 368, see also 233 C. 517; 35 CA 138; Id., 374; judgment reversed, see 235 C. 413; Id., 541; 36 CA 336; Id., 417; Id., 805; Id., 831; 37 CA 252; judgment reversed, see 236 C. 388; Id., 404; Id., 574; 40 CA 47; Id., 60; Id., 374; Id., 470; 41 CA 361; Id., 495; Id., 515; 43 CA 252; Id., 830; 44 CA 198; Id., 338; 45 CA 297; 46 CA 600. Statute sets forth a standard that is objective in its overview, but subjective as to defendant's belief. 48 CA 784. Trial court's instruction re extreme emotional disturbance defense was proper. 55 CA 469. Cited. 57 CA 734. Subsec. permits conviction of manslaughter in the first degree with a firearm under Sec. 53a-55a regardless of extreme emotional disturbance defense. 86 CA 784. One who uses deadly weapon upon a vital part of another will be deemed to have intended the probable result of that act, and from such circumstance a proper inference may be drawn in some cases that there was an intent to kill. 95 CA 263. Murder is a specific intent crime and although court's instruction improperly referred to general intent to engage in proscribed conduct, the erroneous instruction was not harmful beyond a reasonable doubt and defendant was not deprived of fair trial because court also properly instructed jury that it had to find defendant intended to cause victim's death. 99 CA 230. A homicide influenced by an extreme emotional disturbance is not one which is necessarily committed in hot blood stage, but rather one that was brought about by a significant mental trauma that caused defendant to brood for long period of time and then react violently, seemingly without provocation. 104 CA 780. Subsec. must be read without the word "affirmative"; the state must prove beyond a reasonable doubt all of the elements of the offense charged without imposing any burden on defendant. 33 CS 28. Unborn not included in definition of "person". 40 CS 498. Cited re ineffective counsel claim. 46 CS 344. Subsec. (b): Evidence of mental capacity admissible when defendant is charged with commission of crime under which state must prove defendant acted recklessly. 195 C. 232. Subsec. (c): Cited. 180 C. 171; 181 C. 151; 193 C. 144; Id., 350; 194 C. 376; Id., 392; 196 C. 655; 200 C. 721; 201 C. 244; Id., 395; 205 C. 638; 214 C. 378. Cited. 41 CA 530.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-54b. - Murder with special circumstances.

A person is guilty of murder with special circumstances who is convicted of any of the following and was eighteen years of age or older at the time of the offense: (1) Murder of a member of the Division of State Police within the Department of Emergency Services and Public Protection or of any local police department, a chief inspector or inspector in the Division of Criminal Justice, a state marshal who is exercising authority granted under any provision of the general statutes, a judicial marshal in performance of the duties of a judicial marshal, a constable who performs criminal law enforcement duties, a special policeman appointed under section 29-18, a conservation officer or special conservation officer appointed by the Commissioner of Energy and Environmental Protection under the provisions of section 26-5, an employee of the Department of Correction or a person providing services on behalf of said department when such employee or person is acting within the scope of such employee's or person's employment or duties in a correctional institution or facility and the actor is confined in such institution or facility, or any firefighter, while such victim was acting within the scope of such victim's duties; (2) murder committed by a defendant who is hired to commit the same for pecuniary gain or murder committed by one who is hired by the defendant to commit the same for pecuniary gain; (3) murder committed by one who has previously been convicted of intentional murder or of murder committed in the course of commission of a felony; (4) murder committed by one who was, at the time of commission of the murder, under sentence of life imprisonment; (5) murder by a kidnapper of a kidnapped person during the course of the kidnapping or before such person is able to return or be returned to safety; (6) murder committed in the course of the commission of sexual assault in the first degree; (7) murder of two or more persons at the same time or in the course of a single transaction; or (8) murder of a person under sixteen years of age. (P.A.

73-137, S. 3; P.A. 77-604, S. 39, 84; 77-614, S. 486, 610; P.A. 80-335; P.A. 85-144; P.A. 92-260, S. 27; P.A. 95-16, S. 4; P.A. 98-126, S. 1; P.A. 00-99, S. 120, 154; P.A. 01-84, S. 10, 26; 01-151, S. 3, 5; P.A. 11-51, S. 134; 11-80, S. 1; P.A. 12-5, S. 1; P.A. 15-84, S. 7.) History: P.A. 77-604 substituted “chief inspector or inspector in the division of criminal justice” for “county detective” in Subdiv. (1); P.A. 77-614 made state police department a division within the department of public safety, effective January 1, 1979; P.A. 80-335 added Subdivs. (7) and (8) making murder in course of committing sexual assault in first degree and murder of two or more persons at same time a capital felony; P.A. 85-144 amended Subdiv. (6) by adding “economic” and deleting the proviso that the seller was not, at the time of such sale, a drug-dependent person; P.A. 92-260 made technical changes in Subdivs. (1) and (3); P.A. 95-16 added Subdiv. (9) re murder of a person under 16 years of age; P.A. 98-126 amended Subdiv. (1) to replace “an official of the Department of Correction authorized by the Commissioner of Correction to make arrests in a correctional institution or facility” with “an employee of the Department of Correction or a person providing services on behalf of said department when such employee or person is acting within the scope of his employment or duties in a correctional institution or facility and the actor is confined in such institution or facility”; P.A. 00-99 amended Subdiv. (1) to replace reference to sheriff and deputy sheriff with provision re state marshal exercising statutory authority and judicial marshal in performance of duties, effective December 1, 2000; P.A. 01-84 replaced “fireman” with “firefighter” and made other technical changes for purposes of gender neutrality, effective July 1, 2001; P.A. 01-151 amended Subdiv. (1) to include the murder of a conservation officer or special conservation officer appointed by the Commissioner of Environmental Protection under the provisions of Sec. 26-5, deleted former Subdiv. (6) re the illegal sale, for economic gain, of cocaine, heroin or methadone to a person who dies as a direct result of the use of such cocaine, heroin or methadone, redesignating existing Subdivs. (7), (8) and (9) as Subdivs. (6), (7) and (8), and made technical changes for purposes of gender neutrality, effective July 1, 2001; pursuant to P.A. 11-51, “Department of Public Safety” was changed editorially by the Revisors to “Department of Emergency Services and Public Protection”, effective July 1, 2011; pursuant to P.A. 11-80, “Commissioner of Environmental Protection” was changed editorially by the Revisors to “Commissioner of Energy and Environmental Protection”, effective July 1, 2011; P.A. 12-5 substituted “murder with special circumstances” for “capital felony”, effective April 25, 2012, and applicable to crimes committed on or after that date; P.A. 15-84 added provision re person 18 years of age or older at time of offense, effective October 1, 2015, and applicable to any person convicted prior to, on or after that date. See Sec. 53a-54a re murder. See Sec. 53a-54c re felony murder. See Sec. 53a-54e re construction of statutes re capital felony committed prior to April 25, 2012. Cited. 194 C. 416; 198 C. 92; 199 C. 163; 201 C. 276; 211 C. 289; 215 C. 570; 216 C. 699; 218 C. 486; 230 C. 183; 234 C. 324; Id., 735; 235 C. 206; 237 C. 332; 238 C. 389; Id., 828; 240 C. 727; 241 C. 702; 242 C. 409. Murder in the course of kidnapping does not require ransom; murder in the course of sexual assault includes murder to prevent victim from becoming a witness; denial of a bill of particulars on aggravating factors did not deny fair hearing; meaning of “heinous” and “depraved” discussed; “heinous, cruel or depraved” as a unitary rather than three separate factors discussed; statute complies with the eighth and fourteenth amendments; statutory construction and precedent support conclusion that the burden of persuasion applies to both elements of mitigation; proportionality review still available in this case despite repeal of requirement. 251 C. 285. Trial court properly instructed jury that it could convict defendant of capital felony based upon a theory of conspiratorial liability even though defendant did not pull trigger of gun that killed victims and was not present when the shootings occurred. 271 C. 338. Cited. 32 CA 38; 36 CA 364; 41 CA 604; 42 CA 348; 43 CA 549; 45 CA 207; Id., 390. Cited 42 CS 426. Subdiv. (1): Conviction for felony murder under Sec. 53a-54c cannot serve as the predicate murder for the crime of capital felony under this section; term “murder” in capital felony statute may be applied only to intentional murder. 241 C. 702. In order to satisfy the element that police officer had been “acting within the scope of his duties”, the state was only required to prove that police officer was acting in the good faith discharge of his official duties when he stopped defendant and attempted to subdue him. 264 C. 1. Subdiv. (2): Capital felony murder discussed. 199 C. 163. Cited. 203 C. 420. Evidence that codefendant said “I’ve got a job for you” and that defendant made preparations for the murder and received a snowmobile after the victim was killed was sufficient to support finding of probable cause that defendant committed murder for pecuniary gain; defendant, having been hired to kill the victim, could be held accessorially liable for capital felony under Subdiv. even if jury found that codefendant, who was not a party to any hiring relationship, was the principal actor who killed the victim; hiring element contemplates a bargained for exchange involving pecuniary gain as consideration for the commission of the murder, and the mere receipt of money or property before or after the murder is not sufficient to hold defendant liable under Subdiv. 305 C. 101, but see 318 C. 1. Cited. 19 CA 111; judgment reversed, see 215 C. 538. Subdiv. (5): Cited. 197 C. 436; 213 C. 388. Provision does not require that kidnapping be accompanied by a demand for ransom. 249 C. 645. Trial court properly instructed jury that its verdict of guilty on charge of intentional murder would provide the predicate for criminal liability under Subdiv. 263 C. 478. Subdiv. (6): Cited. 233 C. 174. State need only prove that the murder in a kidnap-murder or sexual-assault murder was aggravated in order to establish the aggravating factor. 269 C. 213. Subdiv. (7): Cited. 205 C. 298; 237 C. 694. Double jeopardy clause not violated where defendant convicted for two counts of capital felony; evidence indicated that the murders occurred in two sets, at distinctly separate times. 260 C. 339. Subdiv. (8): Cited. 206 C. 213; 207 C. 374; 208 C. 125; 209 C. 225; 212 C. 258; 213 C. 708; 218 C. 349; 221 C. 430; 229 C. 125; 233 C. 813. Only an intentional murder can be a predicate murder to capital felony charge under section. 238 C. 828. Cited. 241 C. 322; Id., 702; 242 C. 93. Proper construction to be given to term “in the course of a single transaction” is that there need only be some nexus between murders, that the murders be connected by a common purpose or plan in order to be “in the course of a single transaction”; does not require murders to be at the same time in order to constitute “in the course of a single transaction”; temporal relationship between murders is not an absolute prerequisite to prosecution under Subdiv. 254 C. 578. Read together, Sec. 53a-54(a) and this Subdiv. provide that conviction of intentional murder under doctrine of transferred intent may be the predicate for conviction of capital felony under this

Subdiv. when victim is under 16, regardless of defendant's subjective state of mind; knowledge of the victim's age is not an element of Subdiv.; to limit applicability of Subdiv. to cases in which state can prove that defendant knew or reasonably should have known the age of his victim would be both impracticable and inconsistent with the legislative intent. 265 C. 35. Legislature had rational basis for classifying intentional murder of a person under the age of 16 as a capital felony. 272 C. 106. Cited. 38 CA 581.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-54c. - Felony murder.

A person is guilty of murder when, acting either alone or with one or more persons, such person commits or attempts to commit robbery, home invasion, burglary, kidnapping, sexual assault in the first degree, aggravated sexual assault in the first degree, sexual assault in the third degree, sexual assault in the third degree with a firearm, escape in the first degree, or escape in the second degree and, in the course of and in furtherance of such crime or of flight therefrom, such person, or another participant, if any, causes the death of a person other than one of the participants, except that in any prosecution under this section, in which the defendant was not the only participant in the underlying crime, it shall be an affirmative defense that the defendant: (1) Did not commit the homicidal act or in any way solicit, request, command, importune, cause or aid the commission thereof; and (2) was not armed with a deadly weapon, or any dangerous instrument; and (3) had no reasonable ground to believe that any other participant was armed with such a weapon or instrument; and (4) had no reasonable ground to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury. (P.A. 74-186, S. 11, 12; P.A. 76-336, S. 21; P.A. 79-570, S. 2; P.A. 92-260, S. 28; P.A. 15-211, S. 3.) History: P.A. 76-336 replaced rape in first degree, deviate sexual intercourse in first degree and sexual contact in first degree with sexual assault in first degree, sexual assault in first degree with firearm, sexual assault in third degree and sexual assault in third degree with firearm; P.A. 79-570 removed murder resulting from commission of or attempt to commit arson from purview of section; P.A. 92-260 replaced obsolete reference to offense of "sexual assault in the first degree with a firearm" with revised name of "aggravated sexual assault in the first degree"; (Revisor's note: In 1995 the indicators (A), (B), (C) and (D) were changed editorially by the Revisors to (1), (2), (3) and (4) respectively for consistency with statutory usage); P.A. 15-211 added "home invasion," and made technical changes. See Sec. 53a-54a re murder. See Sec. 53a-54b re capital felony. Cited. 171 C. 683; 176 C. 257; 177 C. 677; 178 C. 116; 179 C. 78. Court did not err in refusing to instruct jury on lesser offenses of first degree burglary and first degree robbery since element of causation, which differentiates felony murder from the lesser offenses, was not sufficiently in dispute. 180 C. 599. Cited. 181 C. 151; Id., 187; 182 C. 419; Id., 580; 183 C. 299; 186 C. 1; 188 C. 542; 189 C. 346; 191 C. 636; Id., 659; 193 C. 70; Id., 144; Id., 350; 194 C. 223; Id., 279; Id., 416; Id., 530; 195 C. 505. Manslaughter is not a lesser included crime otherwise of felony murder. 196 C. 421. Cited. 197 C. 396; Id., 436; Id., 588; 198 C. 92; Id., 255; Id., 386; Id., 397; Id., 435; Id., 506; Id., 517; Id., 638; Id., 644; 199 C. 110; 200 C. 323; Id., 721; 201 C. 34; Id., 395; Id., 462; 202 C. 18; Id., 39; 203 C. 4; Id., 212; 204 C. 377; 205 C. 298; Id., 485; Id., 507; Id., 616; Id., 638; 206 C. 157; Id., 657; 207 C. 1; 208 C. 52; 209 C. 34; Id., 75; Id., 290; Id., 564; Id., 636; 210 C. 78; Id., 652; Id., 751; 211 C. 289; 212 C. 387; 213 C. 388; 214 C. 132; Id., 454; Id., 493; 215 C. 695; 216 C. 282; Id., 367; Id., 699; 218 C. 85; Id., 151; Id., 309; Id., 447; Id., 486; 219 C. 743; 220 C. 1; Id., 385; Id., 417; 221 C. 315; Id., 635; Id., 643; Id., 685; 222 C. 117; 223 C. 299; Id., 595; Id., 635; Id., 834; 225 C. 270; Id., 347; 227 C. 101; 229 C. 691; 230 C. 88; Id., 183; Id., 351; 233 C. 44; 234 C. 97; 235 C. 595; Id., 748; Id., 802; 237 C. 390; Id., 518; Id., 694; 238 C. 389; Id., 828; 240 C. 727; 241 C. 1; Id., 322. Conviction for felony murder under this section cannot serve as predicate for the crime of capital felony under Sec. 53a-54b(1). Id., 702. Cited. 242 C. 93; Id., 125; Id., 409; Id., 666; 247 C. 662. It is inconsistent with purpose of statute to allow defendant who causes a death in the course of a felony to claim self-defense because victim attempted to thwart the felony. 254 C. 184. The defense of self-defense does not apply to charge of felony murder as a matter of law. Id., 202. A proper charge on felony murder predicated on an attempt crime should include an instruction on the definition of criminal attempt. 286 C. 707. Conviction of felony murder and robbery in first degree under Sec. 53a-134(a)(1) does not constitute double jeopardy. 302 C. 287. Defendant could be found guilty of felony murder if found guilty of the underlying felony robbery charge regardless of whether defendant was found guilty of the robbery charge as a principal, accessory or on the basis of vicarious liability under the Pinkerton doctrine. 303 C. 378. Felony murder is a class A felony subject to the penalties in Sec. 53a-35a(2). 308 C. 263. Cited. 11 CA 80; 12 CA 385; 24 CA 723; 27 CA 794; 29 CA 573; Id., 771; 30 CA 381; 31 CA 771; judgment reversed, see 230 C. 88; 32 CA 38; Id., 431; 33 CA 90; 35 CA 762; 36 CA 364; Id., 506; Id., 556; 38 CA 581; 41 CA 515. Self-defense not available as a defense to charge of felony murder. 42 CA 348. Cited. Id., 472; 43 CA 61; 45 CA 32; Id., 187; Id., 390; Id., 658. Reaffirmed prior holding that self-defense not a valid defense to charge of felony murder. 51 CA 798. Court rejects defendant's argument that killing of victim who resisted a robbery attempt by walking away is not committed "in the course of and in furtherance of" the attempted robbery because the attempted robbery had ceased. 64 CA 596. Felony murder conviction carries mandatory minimum sentence of 25 years imprisonment. 127 CA 718. Homicide and assault were committed "in furtherance of" conspiracy to commit robbery, because it was within defendant's contemplation that one or more of the people she intended to rob at gunpoint would be shot and injured or killed. Id., 819. Conviction of murder under Sec. 53a-54a and felony murder under this section for same offense violated prohibition against double jeopardy. 153 CA 691. Legislature intended multiple punishments for felony murder and the underlying predicate offenses; conviction for kidnapping under Sec. 53a-92(a)(2) and robbery under Sec. 53a-134(a)(1) do not violate double jeopardy even though they are the predicate offenses for felony murder conviction. 180 CA 371; judgment affirmed on alternate grounds, see 338 C. 54. Cited. 36 CS 141; 41 CS 385; 42 CS 426.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-54d. - Arson

murder.

A person is guilty of murder when, acting either alone or with one or more persons, he commits arson and, in the course of such arson, causes the death of a person. Notwithstanding any other provision of the general statutes, any person convicted of murder under this section who was eighteen years of age or older at the time of the offense shall be punished by life imprisonment and shall not be eligible for parole. (P.A. 79-570, S. 1; P.A. 15-84, S. 8.) History: P.A. 15-84 added provision re person 18 years of age or older at time of offense, effective October 1, 2015, and applicable to any person convicted prior to, on or after that date. Cited. 191 C. 636. Does not violate defendant's right to due process and equal protection. 196 C. 655. Cited. Id., 667. When two or more persons are the victims of a single episode, there are as many offenses as there are victims. 198 C. 92. Cited. 204 C. 377; 210 C. 22; Id., 519; 211 C. 258; Id., 289; 213 C. 161; 214 C. 378; 216 C. 699; 237 C. 694; 238 C. 828; 240 C. 727; 241 C. 702. Cited. 41 CA 476. Cited. 42 CS 426.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-54e. - Construction of statutes re capital felony committed prior to April 25, 2012.

The provisions of subsection (t) of section 1-1 and section 54-194 shall apply and be given full force and effect with respect to a capital felony committed prior to April 25, 2012, under the provisions of section 53a-54b in effect prior to April 25, 2012. (P.A. 12-5, S. 38.) History: P.A. 12-5 effective April 25, 2012.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-55. - Manslaughter in the first degree: Class B felony.

(a) A person is guilty of manslaughter in the first degree when: (1) With intent to cause serious physical injury to another person, he causes the death of such person or of a third person; or (2) with intent to cause the death of another person, he causes the death of such person or of a third person under circumstances which do not constitute murder because he committed the proscribed act or acts under the influence of extreme emotional disturbance, as provided in subsection (a) of section 53a-54a, except that the fact that homicide was committed under the influence of extreme emotional disturbance constitutes a mitigating circumstance reducing murder to manslaughter in the first degree and need not be proved in any prosecution initiated under this subsection; or (3) under circumstances evincing an extreme indifference to human life, he recklessly engages in conduct which creates a grave risk of death to another person, and thereby causes the death of another person. (b) Manslaughter in the first degree is a class B felony. (1969, P.A. 828, S. 56; P.A. 73-137, S. 9; P.A. 83-486, S. 5.) History: P.A. 73-137 substituted reference to Sec. 53a-54a for reference to Sec. 53a-54 in Subdiv. (2); P.A. 83-486 amended Subsec. (a)(2) by replacing "acts" with "committed the proscribed act or acts". Cited. 168 C. 610; 169 C. 309; 170 C. 81; 180 C. 171; 181 C. 406; 182 C. 66; 188 C. 542; 190 C. 639; 192 C. 85; 193 C. 632; Id., 646; Id., 695. Manslaughter is not a lesser included offense of felony murder. 196 C. 421. Cited. 200 C. 553; 201 C. 174; 202 C. 429; 210 C. 78; Id., 652; 211 C. 591; 213 C. 38; 215 C. 695; 216 C. 699; 217 C. 498; 223 C. 273; 225 C. 559; 226 C. 237; 233 C. 174; 234 C. 139; 236 C. 342. A conviction of reckless manslaughter pursuant to a robbery conspiracy is permitted under the Pinkerton doctrine because the commission of a reckless crime may be a reasonably foreseeable consequence of such conspiracy. 292 C. 296. While manslaughter in the first degree under this section is a lesser included offense of murder under Sec. 53a-54a despite the fact that the elements of manslaughter are not included in the elements of murder, the states of minds required by the two offenses are mutually exclusive; a jury finding guilty verdicts on both offenses are inconsistent verdicts and both verdicts must be vacated. 325 C. 236. Cited. 7 CA 223; 8 CA 307; 15 CA 74; judgment reversed, see 211 C. 591; 16 CA 223; 24 CA 115; 37 CA 722; 40 CA 189; Id., 374; 41 CA 565; Id., 604; 42 CA 348; 44 CA 62; 46 CA 216. Cited. 33 CS 28. Subsec. (a): Subdiv. (1): It is incumbent upon the state to prove a specific intent to cause serious physical injury as intent to achieve a result is an element of the crime charged. 165 C. 400. Cited. 174 C. 89; 176 C. 107. Subdiv. (3): The conduct proscribed does not require infliction of a physical blow. Id., 227. Cited. 177 C. 538; 179 C. 381. Subdivs. (1) and (3): Manslaughter is a lesser included offense of murder although the state of mind required is different. 180 C. 382. Cited. 181 C. 187; 182 C. 403; 183 C. 394; 185 C. 63; 188 C. 237; Id., 653. Subdiv. (1): Attempt to commit is not cognizable. 189 C. 303. Cited. 190 C. 219; Id., 576; 194 C. 119; Id., 279; Id., 376; Id., 408; 196 C. 519; 198 C. 53; Id., 209; Id., 220; Id., 273; Id., 454; 199 C. 155; Id., 383; Id., 417; 200 C. 224; Id., 453; 201 C. 534; Id., 598; 202 C. 520; Id., 520. Subdiv. (3): Not unconstitutionally vague as applied to defendant. Id., 629. Cited. 203 C. 466; 204 C. 120; 205 C. 279; 206 C. 278; 207 C. 276; 209 C. 133; 211 C. 441; 212 C. 612; 213 C. 500; Id., 579; 214 C. 57; Id., 77; 216 C. 220; 218 C. 766; 219 C. 16; 220 C. 169; Id., 285; 222 C. 444; 224 C. 546; 225 C. 55; 227 C. 456; Id., 566; Id., 611; 228 C. 118; Id., 147; Id., 281; 229 C. 193; Id., 397; 230 C. 183; 231 C. 115; Id., 484; 233 C. 106; Id., 215; Id., 517; 235 C. 413; Id., 473; Id., 595; 236 C. 189; 238 C. 253; Id., 313; 240 C. 395; Id., 727; Id., 743; Id., 799; 241 C. 502. Motion to dismiss on grounds that Subdiv. (3) is unconstitutionally vague because legislature failed to define phrases "extreme indifference to human life" and "grave risk of death" and defendant was not given "fair warning" and statute is susceptible to "arbitrary enforcement" fails to meet burden of proof because person of ordinary intelligence would have had fair warning that defendant's actions were proscribed and was properly denied by trial court; based on established principles concerning how evidence is construed, and the inferences reasonably drawn therefrom, evidence was sufficient to support trial court's verdict of manslaughter in the first degree with a firearm. 257 C. 544. Defendant who was convicted of murder pursuant to Sec. 53a-54a(a) was entitled to a jury instruction on the lesser included offense of manslaughter as set forth in Subdiv. (1). 262 C. 453. Subdiv. (1): Crime of intentional manslaughter, unlike reckless manslaughter under Subdiv. (3), or criminally negligent operation, under Sec. 53a-57(a), does not require proof of the defendant's mental state

with respect to the risk of death. 342 C. 538. Subdiv. (3): To be guilty of violating statute, a person must have the general intent to engage in the proscribed conduct. 5 CA 571. Cited. 7 CA 457; Id., 656; 8 CA 273; 9 CA 147; judgment reversed, see 206 C. 278; 11 CA 425; Id., 628; 13 CA 175; 17 CA 502; judgment reversed, see 213 C. 579; Id., 602; 18 CA 423; 19 CA 576; Id., 609; Id., 674; 20 CA 410; 21 CA 138; 22 CA 265; Id., 321; Id., 340; Id., 507; Id., 521; Id., 669; 23 CA 431; Id., 502; 24 CA 586; Id., 692; 25 CA 456; Id., 734; 26 CA 165; Id., 242; Id., 259; 27 CA 1; Id., 520; Id., 643; 28 CA 34; Id., 81; Id., 231; Id., 771; Id., 825; 29 CA 68; judgment reversed, see 227 C. 566; Id., 162; judgment reversed, see 229 C. 397; Id., 394; Id., 452; Id., 533; Id., 754; Id., 773; 30 CA 26; Id., 232; 31 CA 385; 32 CA 687; Id., 854; 33 CA 116; Id., 782; 34 CA 236; Id., 368, see also 233 C. 517; 35 CA 138; Id., 374; judgment reversed, see 235 C. 413; Id., 438; 37 CA 180; Id., 404; Id., 473; 38 CA 801; Id., 815; 39 CA 224; Id., 242; 40 CA 151; 41 CA 831; 42 CA 41; Id., 382; 43 CA 252; Id., 488; 44 CA 790; Id., 731. Evidence presented at trial concerning a healthy 1-year-old left in defendant's care was sufficient to support conviction. 47 CA 188. Subdiv. (1): Criminal liability as an accessory to manslaughter in the first degree has long been recognized under this state's jurisprudence. 49 CA 121. To be guilty under Subsec., it must be established that defendant must have had the general intent to engage in the proscribed conduct. 56 CA 742. Subdiv. (3): Action of defendant in entering house, after car chase, obtaining loaded shotgun, walking 100 feet to edge of driveway and shooting victim showed an extreme indifference to human life. 61 CA 463. Evidence insufficient to find that defendant demonstrated an extreme indifference to human life to support conviction of manslaughter in the first degree when defendant himself ingested fentanyl lollipops, there was no evidence that he or anyone to whom he had given the lollipops had an adverse reaction to them, risks associated with ingestion of methadone and fentanyl not commonly known by laypeople, and defendant immediately called 9-1-1 upon hearing the victim was unresponsive. 106 CA 467. Subdiv. (3): Conviction under Subdiv. and Sec. 53a-59(a)(3) constituted double jeopardy violation because there was no conceivable circumstance in which defendant could have caused victim's death without also having caused victim "serious physical injury" as defined in Sec. 53a-3(4). 187 CA 725. The mens rea elements in the two provisions, namely, the "intent to cause serious physical injury" in Subdiv. (1) and "recklessly engaging in conduct which creates a grave risk of death" in Subdiv. (3), do not relate to the same result; the mental state elements in the two provisions - failing to perceive a substantial and unjustifiable risk that your manner of operation would cause death under Sec. 53a-57(a) and an intent to cause serious physical injury under Subdiv. (1) - do not relate to the same result; the mental state element under Subdiv. (3) and under Sec. 53a-57(a) is mutually exclusive and relate to the same result, thus guilty verdicts as to the crimes of reckless manslaughter and criminally negligent operation were legally inconsistent. 191 CA 33; judgment reversed in part, see 342 C. 538. Subdiv. (1): As charged, defendant's rights to be free from double jeopardy violated as the offenses of manslaughter in the first degree under Subdiv. and risk of injury to a child under Sec. 53-21 arose from the same actions and constituted the same offense, and the offense of risk of injury to a child is a lesser included offense of manslaughter in the first degree. 197 CA 302; judgment reversed, see 340 C. 425. Cited. 44 CS 417.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-55a. - Manslaughter in the first degree with a firearm: Class B felony: Five years not suspendable.

(a) A person is guilty of manslaughter in the first degree with a firearm when he commits manslaughter in the first degree as provided in section 53a-55, and in the commission of such offense he uses, or is armed with and threatens the use of or displays or represents by his words or conduct that he possesses a pistol, revolver, shotgun, machine gun, rifle or other firearm. No person shall be found guilty of manslaughter in the first degree and manslaughter in the first degree with a firearm upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information. (b) Manslaughter in the first degree with a firearm is a class B felony and any person found guilty under this section shall be sentenced to a term of imprisonment in accordance with subdivision (5) of section 53a-35a of which five years of the sentence imposed may not be suspended or reduced by the court. (P.A. 75-380, S. 3; July Sp. Sess. P.A. 94-2, S. 1; P.A. 07-143, S. 13.) History: July Sp. Sess. P.A. 94-2 amended Subsec. (b) to add provision that any person found guilty under this section shall be sentenced to a term of imprisonment in accordance with Sec. 53a-35a(4) and increase the nonsuspendable sentence from one year to five years; P.A. 07-143 amended Subsec. (b) to make a technical change, effective July 1, 2007. Cited. 190 C. 639; 192 C. 85; 193 C. 695; 198 C. 77; Id., 454; 201 C. 174; 206 C. 346; 207 C. 412; 216 C. 699; 225 C. 559. In accordance with 95 CA 362, to establish accessorial liability under Sec. 53a-8 for violation of this section, state must prove that defendant, acting with intent to cause serious physical injury to another person, intentionally aided a principal offender in causing the death of such person or of a third person, and that the principal, in committing the act, used, carried or threatened to use a firearm. 300 C. 490. Cited. 7 CA 223; 10 CA 357; 11 CA 425; 17 CA 97; 21 CA 801; 23 CA 502; 25 CA 734; 26 CA 259; 33 CA 116; 37 CA 722; 39 CA 224; Id., 242. Sec. 53a-54a(a) permits conviction under this section regardless of extreme emotional disturbance defense. 86 CA 784. When defendant is charged with violation of section as an accessory, state must prove that defendant intended to inflict serious physical injury and to aid the principal in doing so, but does not have to also prove that defendant intended the use, carrying or threatened use of the firearm. 95 CA 362. Subsec. (a): Court's instructions on intent as element of manslaughter unconstitutional since they could be interpreted as creating a conclusive or burden-shifting presumption. 180 C. 171. Cited. 195 C. 160; 199 C. 383; 203 C. 466; 216 C. 282. Cited. 27 CA 263.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-56. - Manslaughter in the second degree: Class C felony.

(a) A person is guilty of manslaughter in the second degree when: (1) He recklessly causes the death of another person; or (2) he intentionally causes or aids another person, other than by force, duress or deception, to commit suicide. (b) Manslaughter in the

second degree is a class C felony. (1969, P.A. 828, S. 57.) Cited. 169 C. 309; 181 C. 406; 188 C. 542; 195 C. 232. Manslaughter is not a lesser included offense of felony murder. 196 C. 421. Cited. 199 C. 631; 201 C. 174; 202 C. 629; 210 C. 78; 212 C. 593; 213 C. 579; 216 C. 699; 217 C. 498; 226 C. 237; 227 C. 566; 236 C. 342. Cited. 7 CA 180; 11 CA 425; 19 CA 674; 21 CA 654; 24 CA 586; 26 CA 448; 32 CA 687; Id., 759; 37 CA 722; 42 CA 348. Cited re evidence sufficient to sustain conviction. 51 CA 814. Subsec. (a): Cited. 174 C. 89. Subdiv. (1): Manslaughter is a lesser included offense of murder although the state of mind required is different. 180 C. 382. Cited. 185 C. 63; 187 C. 6; 193 C. 632; 194 C. 119; 199 C. 155; 206 C. 657; 214 C. 57; 219 C. 16; 222 C. 444; 225 C. 55; 226 C. 20; 228 C. 118; Id., 147; 231 C. 115; 238 C. 253. Cited. 5 CA 157; Id., 338; 11 CA 628; 17 CA 502; judgment reversed, see 213 C. 579; 20 CA 430; 25 CA 456; 28 CA 771; Id., 825; 30 CA 95; judgment reversed, see 228 C. 147; 32 CA 854; 38 CA 815; 40 CA 47. Conviction for manslaughter under Subdiv. (1) and manslaughter in second degree with a motor vehicle under Sec. 53a-56b(a) for the death of one person does not constitute double jeopardy. 111 CA 466.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-56a. - Manslaughter in the second degree with a firearm: Class C felony: One year not suspendable.

(a) A person is guilty of manslaughter in the second degree with a firearm when he commits manslaughter in the second degree as provided in section 53a-56, and in the commission of such offense he uses or is armed with and threatens the use of or displays or represents by his words or conduct that he possesses a pistol, revolver, shotgun, rifle, machine gun or other firearm. No person shall be found guilty of manslaughter in the second degree and manslaughter in the second degree with a firearm upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information. (b) Manslaughter in the second degree with a firearm is a class C felony for which one year of the sentence imposed may not be suspended or reduced by the court. (P.A. 75-380, S. 4.) Cited. 199 C. 631; 201 C. 174; 207 C. 191; Id., 412; 216 C. 282; Id., 699; 227 C. 456; 228 C. 281. Cited. 10 CA 697.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-56b. - Manslaughter in the second degree with a motor vehicle: Class C felony.

(a) A person is guilty of manslaughter in the second degree with a motor vehicle when, while operating a motor vehicle under the influence of intoxicating liquor or any drug or both, he causes the death of another person as a consequence of the effect of such liquor or drug. (b) Manslaughter in the second degree with a motor vehicle is a class C felony and the court shall suspend the motor vehicle operator's license or nonresident operating privilege of any person found guilty under this section for one year. The court shall also order such person not to operate any motor vehicle that is not equipped with an approved ignition interlock device, as defined in section 14-227j, for a period of two years after such person's operator's license or nonresident operating privilege is restored by the Commissioner of Motor Vehicles. (P.A. 82-403, S. 1; P.A. 83-534, S. 8; P.A. 85-147, S. 1; P.A. 08-150, S. 59.) History: P.A. 83-534 amended Subsec. (b) to require the court to suspend the motor vehicle operator's license or nonresident operating privilege of any person found guilty for one year; P.A. 85-147 deleted "while intoxicated" from the title of the offense and a provision that defined "intoxication" to include intoxication by alcohol or by drug or both, and replaced elements of offense of "when, in consequence of his intoxication while operating a motor vehicle, he causes the death of another person" with "when, while operating a motor vehicle under the influence of intoxicating liquor or any drug or both, he causes the death of another person as a consequence of the effect of such liquor or drug"; P.A. 08-150 amended Subsec. (b) to require court to order a person found guilty not to operate any motor vehicle that is not equipped with an approved ignition interlock device for a period of two years after restoration of such person's operator's license or nonresident operating privilege. See Sec. 14-111g re motor vehicle operator's retraining program. See Sec. 14-227o re discount for ignition interlock device services. Cited. 193 C. 632; 213 C. 74; 216 C. 699; 219 C. 752; 229 C. 228. There is no language in section to indicate expressly that legislature intended that a person convicted of second degree manslaughter with a motor vehicle could not also be convicted of first degree manslaughter. 263 C. 390. Cited. 5 CA 378; 9 CA 686; 11 CA 122; 12 CA 129; Id., 294; 16 CA 358; 18 CA 223; 21 CA 138; 22 CA 108; 23 CA 215; Id., 720; 29 CA 825; 34 CA 557; Id., 655; 36 CA 710; 40 CA 359. Subsec. (a): Sec. 53a-57 not a lesser included offense. 11 CA 473. Cited. 20 CA 495. Conviction under Subsec. and for manslaughter in second degree under Sec. 53a-56(a)(1) for the death of one person does not constitute double jeopardy. 111 CA 466.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-57. - Misconduct with a motor vehicle: Class D felony.

(a) A person is guilty of misconduct with a motor vehicle when, with criminal negligence in the operation of a motor vehicle, he causes the death of another person. (b) Misconduct with a motor vehicle is a class D felony. (1969, P.A. 828, S. 58; P.A. 76-16; P.A. 82-403, S. 3.) History: P.A. 76-16 defined "intoxication" for purposes of section; P.A. 82-403 amended Subsec. (a) by deleting the provision that a person is guilty of misconduct with a motor vehicle when he causes the death of another person "in consequence of his intoxication while operating a motor vehicle" and by deleting the definition of "intoxication". See Sec. 14-111g re motor vehicle operator's retraining program. Cited. 174 C. 112; Id., 118; 176 C. 445; Id., 451; 188 C. 620; 202 C. 629; 207 C. 336; 216 C. 699; 222 C. 444; 229 C. 228. Cited. 3 CA 137. Violation of Sec. 14-222a, negligent homicide with a motor vehicle, is a lesser included offense of misconduct with a motor vehicle. 9 CA 686. Not a lesser included offense of Sec. 53a-56b(a). 11 CA 473. Cited. 15 CA 392; 16 CA 497; 21 CA 138; 22 CA 108; 23 CA 720; 28 CA 283; 29 CA 825; 30 CA 428; 34 CA 655. Conviction upheld where defendant became aware that his ability to operate a motor vehicle was impaired, yet continued to operate the motor vehicle. 64 CA

631. Cited. 35 CS 519; 36 CS 527. Subsec. (a): Cited. 20 CA 495. This Subsec. and Sec. 14-223(b) contain multiple elements that are dissimilar, and the clear language of the statutes themselves is sufficient for conclusion that they do not impose two punishments for the same act. 84 CA 351. The mental state elements in the two provisions - failing to perceive a substantial and unjustifiable risk that your manner of operation would cause death under Subsec. and an intent to cause serious physical injury under Sec. 53a-55(a)(1) - do not relate to the same result; the mental state element under Sec. 53a-55(a)(3) and under Subsec. is mutually exclusive and relate to the same result, thus guilty verdicts as to the crimes of reckless manslaughter and criminally negligent operation were legally inconsistent. 191 CA 33; judgment reverse in part, see 342 C. 538.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-58. - Criminally negligent homicide: Class A misdemeanor.

(a) A person is guilty of criminally negligent homicide when, with criminal negligence, he causes the death of another person, except where the defendant caused such death by a motor vehicle. (b) Criminally negligent homicide is a class A misdemeanor. (1969, P.A. 828, S. 59.) Cited. 174 C. 89. Criminally negligent homicide is a lesser included offense of murder although the state of mind required is different. 180 C. 382. Cited. 181 C. 406; 185 C. 63; 187 C. 6; 195 C. 232; 201 C. 174; 202 C. 520; Id., 629; 204 C. 410; Id., 429; 212 C. 593; 213 C. 579; 214 C. 57; 216 C. 699; 223 C. 273; 226 C. 237; 227 C. 456; 228 C. 118, 127. Trial court improperly refused to instruct jury on this lesser included offense; judgment of Appellate Court in 30 CA 95 reversed. Id., 147. Cited. Id., 281; 231 C. 115; 238 C. 253. Cited. 17 CA 502; judgment reversed, see 213 C. 579; 24 CA 586; 26 CA 448; 28 CA 388; Id., 771; 30 CA 95; judgment reversed, see 228 C. 147; Id., 232; 32 CA 687; 34 CA 368, see also 233 C. 517; 35 CA 438. Defendant's diminished mental capacity did not prevent her from forming the mental state associated with criminally negligent homicide since the standard is that of the reasonably prudent person. 131 CA 65; judgment affirmed, see 308 C. 835. Cited. 40 CS 498.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-58a. - Negligent homicide with a motor vehicle.

Section 53a-58a is repealed. (P.A. 73-639, S. 5; P.A. 81-26, S. 2.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-59. - Assault in the first degree: Class B felony: Nonsuspendable sentences.

(a) A person is guilty of assault in the first degree when: (1) With intent to cause serious physical injury to another person, he causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument; or (2) with intent to disfigure another person seriously and permanently, or to destroy, amputate or disable permanently a member or organ of his body, he causes such injury to such person or to a third person; or (3) under circumstances evincing an extreme indifference to human life he recklessly engages in conduct which creates a risk of death to another person, and thereby causes serious physical injury to another person; or (4) with intent to cause serious physical injury to another person and while aided by two or more other persons actually present, he causes such injury to such person or to a third person; or (5) with intent to cause physical injury to another person, he causes such injury to such person or to a third person by means of the discharge of a firearm. (b) Assault in the first degree is a class B felony provided (1) any person found guilty under subdivision (1) of subsection (a) shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court and (2) any person found guilty under subsection (a) shall be sentenced to a term of imprisonment of which ten years of the sentence imposed may not be suspended or reduced by the court if the victim of the offense is a person under ten years of age or if the victim of the offense is a witness, as defined in section 53a-146, and the actor knew the victim was a witness. (1969, P.A. 828, S. 60; P.A. 80-442, S. 16, 28; P.A. 92-87, S. 1; July Sp. Sess. P.A. 94-2, S. 3; P.A. 95-142, S. 12; P.A. 99-240, S. 13.) History: P.A. 80-442 added proviso in Subsec. (b) requiring at least 5 years' imprisonment for person found guilty under Subsec. (a)(1), effective July 1, 1981; P.A. 92-87 added Subsec. (a)(4) re causing serious physical injury to another person while aided by two or more other persons actually present; July Sp. Sess. P.A. 94-2 added Subsec. (a)(5) re causing physical injury to another person or to a third person by means of the discharge of a firearm; P.A. 95-142 added Subsec. (b)(2) requiring the defendant to be sentenced to a term of imprisonment of which 10 years of the sentence imposed may not be suspended or reduced by the court if the victim is under 10 years of age; P.A. 99-240 amended Subsec. (b)(2) to make the nonsuspendable sentence applicable if the victim of the offense is a witness, as defined in Sec. 53a-146, and the actor knew the victim was a witness. Cited. 171 C. 264. Whether physical injury sustained by victim was "serious" was question of fact for the jury. 175 C. 204. Cited. 191 C. 142; 193 C. 333; 196 C. 18; 200 C. 607; 203 C. 484; 207 C. 233; 209 C. 34; 211 C. 441; 215 C. 739; 219 C. 363; 221 C. 402; 227 C. 301; 239 C. 467; 240 C. 743; 242 C. 125; Id., 389. Cited. 3 CA 607; 5 CA 590; 8 CA 545; 11 CA 621; Id., 699; 13 CA 139; 14 CA 244; Id., 309; 17 CA 200; 19 CA 654; 20 CA 437; Id., 521; 21 CA 557; 25 CA 171; 34 CA 103; 35 CA 107; Id., 609; Id., 762; 36 CA 336; 37 CA 180; 38 CA 20; Id., 777; 39 CA 333; Id., 645; 42 CA 624; 43 CA 549; 44 CA 6; 46 CA 691. Assault statute provides for intent to be transferred and does not require that defendant be aware of the presence of unintended victim. 84 CA 263. In challenge of evidence as being insufficient to prove element that appellant was "aided by two or more other persons actually present", where appellant and another defendant assaulted the driver of a jeep while a third defendant assaulted the passenger of a jeep and a fourth defendant kept lookout, it was reasonable for the jury to conclude that the lookout aided in the assault by following the jeep, blocking the jeep from exiting an alleyway and acting as a lookout, and it was reasonable for the jury to conclude that appellant and other two defendants had aided each other by attacking

from both sides of the jeep so that neither victim could assist the other or run for help. 111 CA 184. Re accessory liability under section, defendant only needs to have the intent to cause serious physical injury, not the intent to do so with a dangerous instrument; jury could have reasonably inferred that defendant intended to aid another to inflict serious physical injury on victim and that principal used a dangerous instrument. 136 CA 568; judgment reversed on eyewitness identification, see 314 C. 131. Convictions for assault in the first degree in violation of this section and risk of injury to a child in violation of Sec. 53-21, revised to 1997, are separate and distinct offenses for purposes of double jeopardy. 145 CA 374. Cited. 39 CS 347. Subsec. (a): Cited. 169 C. 428; 172 C. 94; Id., 275; 173 C. 254. Evidence victim suffered various broken facial bones and spent eleven days in hospital was sufficient to show the "serious physical injury" required for conviction. Id., 389. Cited. 174 C. 16; Id., 604; 176 C. 138; 178 C. 116; Id., 448; 180 C. 481; Id., 557; 182 C. 449; Id., 501; Id., 585; part of ruling in 182 C. 585, in which court had ruled that defendant was entitled on remand to a direction of acquittal with respect to a count improperly added to other charges of which defendant had had proper notice, overruled, see 224 C. 1; 183 C. 29; 184 C. 400; 185 C. 63; Id., 372; 186 C. 1; Id., 17; Id., 654; 187 C. 681; 189 C. 61; Id., 303; 190 C. 219; 191 C. 12; 193 C. 48; Id., 474; Id., 632; 194 C. 89; Id., 119; Id., 408; 195 C. 475; Id., 651; 196 C. 395; 197 C. 602; 198 C. 23; 199 C. 155; Id., 322; 200 C. 642; 202 C. 259; Id., 463. Subdiv. (3): Not unconstitutionally vague as applied to defendant. Id., 629. Cited. 204 C. 207; Id., 523; 205 C. 370; Id., 673; 208 C. 38; 209 C. 322; 210 C. 619; 211 C. 1; 212 C. 50; 213 C. 97; 214 C. 122; Id., 344; Id., 717; 216 C. 188; Id., 492; Id., 585; Id., 647; 217 C. 243; 218 C. 747; 219 C. 16; Id., 363; 220 C. 385; Id., 408; Id., 915; 222 C. 117; Id., 444; Id., 718; 225 C. 450; Id., 524; 227 C. 301; Id., 518; Id., 711; Id., 751; 228 C. 147; Id., 234; Id., 335; 229 C. 125; Id., 178; 230 C. 608; 231 C. 235; 233 C. 502; 235 C. 473; Id., 746; Id., 748; 237 C. 694. Subdiv. (1): Under appropriate circumstances, defendant can simultaneously intend to cause death of, and serious physical injury to, same person; judgment of Appellate Court in 39 CA 18 reversed. Id., 748. Cited. 239 C. 481; 240 C. 395; 241 C. 665; Id., 802; 242 C. 143; Id., 485; Id., 723; Id., 745. Subdiv. (3): Criminal conduct can arise by an omission to act when there is a legal duty to do so and defendant who had established a familial relationship with victim's mother and her children, had assumed responsibility for the welfare of the children and had taken care of the children as though he were their father, had a legal duty to protect victim from abuse and breach of that duty exposed defendant to criminal liability. 245 C. 209. Cited. 247 C. 662. Defendant was not without fair warning and his due process rights were not denied by court's holding construing a common law duty to act under section; evidence that child abuse victim had sustained obvious injuries was sufficient to support defendant's conviction based on his failure to act; re double jeopardy claim, defendant failed to meet his burden of proving that his conviction with regard to different injuries arose out of the same act; this section and Sec. 53-21 do not stand in relationship to each other as greater and lesser included offenses and are not the same offense for double jeopardy purposes. 260 C. 93. Defendant who was not perpetrator of physical assaults on child and who was neither a parent nor a legal guardian could not be criminally liable for assault in the first degree in violation of Subdiv. (3); accordingly, defendant's conviction of two counts of that crime were reversed and case remanded for resentencing on remaining charge of risk of injury to a child. 274 C. 727. Sec. 53a-61(a)(2) is lesser included offense of Subdiv. (3), and court's refusal to grant related jury instruction constituted harmful error. 289 C. 742. Subdiv. (1): A fist or other body part is not a dangerous instrument. 307 C. 115. Convictions under Subdivs. (1) and (3) are not legally inconsistent because a person may intend to seriously injure a person within the meaning of Subdiv. (1) while simultaneously recklessly creating a risk of that person's death within the meaning of Subdiv. (3). 316 C. 651. Subsection's use of "serious disfigurement" evidences intent to require consideration of factors such as permanence, location, size, general appearance and visibility to others; serious disfigurement does not have to be permanent or in a location that is visible to others. 332 C. 472. Evidence insufficient to find serious disfigurement where regardless if evaluated at the time of injury or of trial, victim had two lacerations on her forearm caused by a knife that left a permanent scar of one and one-half inches which is unremarkable in appearance and does not substantially detract from her appearance. Id. Where court reversed conviction of assault in the first degree for insufficient evidence, court declined to modify the judgment to reflect the highest lesser included offense that requires only physical injury, assault in the second degree, and remanded case for acquittal and vacating of sentence for said charge. Id. Because Subdiv. (1) does not indicate unit of prosecution intended by legislature, and absent clear legislative intent to impose multiple punishments for violations of same criminal statute arising out of single transaction or occurrence, unit of prosecution must be resolved in favor of rule of lenity to resolve any doubt against turning a single transaction into multiple offenses. 336 C. 219. Subdiv. (1): It is possible to commit the crime of home invasion without committing the crime of attempt to commit assault in the first degree, therefore home invasion in violation of Sec. 53a-100aa(a)(2) and attempt to commit assault in the first degree in violation of Subdiv. and Sec. 53a-49 are not the same offense for purposes of double jeopardy. 343 C. 470. Cited. 1 CA 609; 3 CA 166; 5 CA 40; 6 CA 124; Id., 469; Id., 476; 7 CA 309; 8 CA 119; Id., 176; 9 CA 79; Id., 169; judgment reversed, see 205 C. 370; Id., 330; 10 CA 103; Id., 176; Id., 302; Id., 462; Id., 643; 11 CA 499; 12 CA 217; Id., 655; 13 CA 12; Id., 120; Id., 237; Id., 687; Id., 824; 14 CA 1; Id., 140; Id., 493; Id., 511; 15 CA 34; Id., 416; Id., 531; Id., 704; 16 CA 184; Id., 206; Id., 346; Id., 390; 17 CA 391; 18 CA 477; 19 CA 174; Id., 618; 20 CA 27; 21 CA 688; 22 CA 199; Id., 340; Id., 610; 23 CA 28; Id., 315; Id., 663; Id., 692; 24 CA 152; Id., 264; Id., 316; Id., 556; Id., 563; Id., 624; 25 CA 243; Id., 275; Id., 433; Id., 578; Id., 619; 26 CA 52; Id., 114; Id., 145; Id., 331; Id., 367; Id., 433; Id., 641; 27 CA 73; Id., 322; Id., 654; 28 CA 34; Id., 290; Id., 402; Id., 548; Id., 825; Id., 833; judgment reversed, see 227 C. 518; 29 CA 59; Id., 262; Id., 704; Id., 744; 30 CA 9; Id., 26; Id., 68; Id., 232; Id., 359; Id., 406; judgment reversed, see 228 C. 335; Id., 606; 31 CA 58; 32 CA 553; 33 CA 60; Id., 122; Id., 743; judgment reversed, see 233 C. 502; 34 CA 223; Id., 261; Id., 610; Id., 691; Id., 807; 35 CA 51; Id., 138; Id., 279; Id., 699; Id., 740; 36 CA 41; Id., 473; Id., 483; Id., 506; Id., 576; Id., 695; Id., 805; Id., 831; 37 CA 21; Id., 464; Id., 749; 39 CA 18; judgment reversed, see 237 C. 748; Id., 563; 40 CA 60; Id., 387; Id., 483; Id., 515; Id., 624; 41 CA 515; Id., 565; Id., 831; 42 CA 307; Id., 371; 43 CA 205; Id., 488; Id., 578; 44 CA 26; Id., 231; Id., 476; Id., 499; 45 CA 270; Id., 591; 46 CA 684; Id., 734. Offenses described in Subdivs. (1) and (4) are

two separate offenses for purposes of double jeopardy. 53 CA 581. To secure conviction for assault in the first degree under Subdiv. (1), state must establish beyond a reasonable doubt that defendant intended to cause serious physical injury to another person, did, in fact, cause serious physical injury to that person and caused that injury by means of a dangerous instrument. 70 CA 232. There was sufficient evidence from which jury reasonably could have found victim had suffered serious and permanent disfigurement and that defendant intended to cause such serious and permanent disfigurement where defendant butted victim's face with his head, bit her face, struck her on the head with a hairdryer, kicked her and attempted to choke her, resulting in scars to victim's face. 74 CA 633. Defendant's actions in shaking infant with such violence as to cause injuries consistent with "shaken baby syndrome" was a gross deviation from the standard of conduct a reasonable person would observe and evinced extreme indifference to human life. Id., 736. Subdiv. (2): Fact that the wounds actually inflicted by defendant were relatively minor does not mean that there was insufficient evidence to find that he intended to inflict serious injury. 78 CA 646. Subdiv. (1): Evidence that defendant arrived at crime scene and fired several shots at bedroom where he believed wife was staying was sufficient for jury to conclude that defendant committed attempt to commit assault in the first degree which requires proof of intentional conduct constituting a substantial step toward intentionally causing victim serious physical injury by means of a dangerous instrument or deadly weapon. 99 CA 203. Subdiv. (5): Court's instructions to jury improperly included additional element of intent to use firearm but did not prejudice defendant because inclusion of the additional element was to the state's, and not to defendant's, detriment. 107 CA 517. The jury reasonably could have concluded that scars constituted serious physical injury because they negatively affected the appearance of skin on face and abdomen. 118 CA 831. Mandatory nonsuspendable 5 year minimum term of imprisonment for violation of Subdiv. (1) does not violate constitutional due process or equal protection rights. 130 CA 632. Scarring does not have to be on a victim's face, it can be on far less observable parts of the body to support a finding of serious disfigurement; victim suffered serious disfigurement when scar was permanent, easily seen two and one-half years after the injury, and was located on the lower part of arm. 172 CA 668; judgment reversed in part, see 332 C. 472. Subdiv. (3): Conviction under Subdiv. and Sec. 53a-55(a)(3) constituted double jeopardy violation because there was no conceivable circumstance in which defendant could have caused victim's death without also having caused victim "serious physical injury" as defined in Sec. 53a-3(4). 187 CA 725. Attempted murder under Sec. 53a-49(a) and assault in the first degree under this section are not the same offense of for purposes of double jeopardy. 204 CA 207.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-59a. - Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the first degree: Class B felony: Five years not suspendable.

(a) A person is guilty of assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the first degree, when such person commits assault in the first degree under section 53a-59(a)(2), 53a-59(a)(3) or 53a-59(a)(5) and (1) the victim of such assault has attained at least sixty years of age, is blind or physically disabled, as defined in section 1-1f, or is pregnant, or (2) the victim of such assault is a person with intellectual disability, as defined in section 1-1g, and the actor is not a person with intellectual disability. (b) No person shall be found guilty of assault in the first degree and assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the first degree upon the same incident of assault but such person may be charged and prosecuted for both such offenses upon the same information. (c) In any prosecution for an offense under this section based on the victim being pregnant it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was pregnant. In any prosecution for an offense under this section based on the victim being a person with intellectual disability, it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was a person with intellectual disability. (d) Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the first degree is a class B felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court. (P.A. 77-422, S. 1; P.A. 80-442, S. 17, 28; July Sp. Sess. P.A. 94-2, S. 4; P.A. 99-122, S. 1; 99-186, S. 14; P.A. 11-129, S. 11.) History: P.A. 80-442 added proviso in Subsec. (c) requiring five years' imprisonment for persons found guilty under section provisions, effective July 1, 1981; July Sp. Sess. P.A. 94-2 amended Subsec. (a) to add reference to Sec. 53a-59(a)(5); P.A. 99-122 changed the name of the offense from "assault of a victim sixty or older in the first degree" to "assault of an elderly, blind, disabled or mentally retarded person in the first degree", where appearing, amended Subsec. (a) to add Subdiv. (2) to include within the offense an assault where the victim is a person with mental retardation and the actor is not a person with mental retardation, and added new Subsec. (c) to establish an affirmative defense in a prosecution based on the victim being a person with mental retardation that the actor did not know the victim was a person with mental retardation, relettering former Subsec. (c) as Subsec. (d); P.A. 99-186 changed the name of the offense from "assault of a victim sixty or older in the first degree" to "assault of an elderly, blind, disabled or pregnant person in the first degree" where appearing, amended Subsec. (a) to include within the offense an assault where the victim is pregnant and added new Subsec. (c) to establish an affirmative defense in a prosecution based on the victim being pregnant that the actor did not know the victim was pregnant, relettering former Subsec. (c) as Subsec. (d); (Revisor's note: In 2005, the Revisors recodified new Subsec. (c) to reflect the separate affirmative defenses established by P.A. 99-122 and P.A. 99-186); P.A. 11-129 substituted "person with intellectual disability" for "mentally retarded person" and "person with mental retardation" and made conforming changes. See Secs. 53a-321 to 53a-323, inclusive, re abuse of elderly, blind or disabled person or person with intellectual disability. Cited. 180 C. 557; 207 C. 412; 211 C. 1; 216 C. 282; 230 C. 608. Cited. 5 CA 590; 14 CA 1; 20 CA 467; Id., 521; 35 CA 609. Subsec. (a): Cited. 235 C. 502. Cited. 28 CA 402; 40 CA 387. Subdivs. (1) and (5) do not proscribe the same offense for double jeopardy purposes. 98 CA 85.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-59b. - Assault of an employee of the Department of Correction in the first degree: Class B felony.

(a) A person is guilty of assault of an employee of the Department of Correction in the first degree when he is in the custody of the Commissioner of Correction or confined in any institution or facility of the Department of Correction and commits assault in the first degree under section 53a-59 and the victim of such assault is an employee of the Department of Correction acting in the performance of his duties. (b) No person shall be found guilty of assault in the first degree and assault of an employee of the Department of Correction in the first degree upon the same incident of assault but such person may be charged and prosecuted for both such offenses upon the same information. (c) Assault of an employee of the Department of Correction in the first degree is a class B felony. If any person is sentenced to a term of imprisonment for a violation of this section which occurred while such person was confined in an institution or facility of the Department of Correction, such term of imprisonment shall run consecutively to the term for which the person was serving at the time of the assault. (P.A. 93-246, S. 2.) See Sec. 53a-167c re assault of an employee of the Department of Correction, employee or member of the Board of Pardons and Paroles or probation officer.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-59c. - Assault of a pregnant woman resulting in termination of pregnancy: Class A felony.

(a) A person is guilty of assault of a pregnant woman resulting in termination of pregnancy when such person commits assault in the first degree as provided under subdivision (1) of subsection (a) of section 53a-59 and (1) the victim of such assault is pregnant, and (2) such assault results in the termination of pregnancy that does not result in a live birth. (b) In any prosecution for an offense under this section, it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know that the victim was pregnant. (c) Assault of a pregnant woman resulting in termination of pregnancy is a class A felony. (P.A. 03-21, S. 1.) Only logical explanation for legislative decision to limit scope of section to fetuses that are not born alive is that legislature was well aware of the applicability of the born alive rule to infants who suffer injuries in utero but who are born alive and then die from those injuries; enactment of section reflects decision of legislature to reaffirm the applicability of the born alive rule rather than to abrogate it. 296 C. 622.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-60. - Assault in the second degree: Class D or C felony.

(a) A person is guilty of assault in the second degree when: (1) With intent to cause serious physical injury to another person, the actor causes such injury to such person or to a third person; or (2) with intent to cause physical injury to another person, the actor causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument other than by means of the discharge of a firearm; or (3) the actor recklessly causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument; or (4) for a purpose other than lawful medical or therapeutic treatment, the actor intentionally causes stupor, unconsciousness or other physical impairment or injury to another person by administering to such person, without his consent, a drug, substance or preparation capable of producing the same; or (5) the actor is a parolee from a correctional institution and with intent to cause physical injury to an employee or member of the Board of Pardons and Paroles, the actor causes physical injury to such employee or member; or (6) with intent to cause serious physical injury to another person by rendering such other person unconscious, and without provocation by such other person, the actor causes such injury to such other person by striking such other person on the head; or (7) with intent to cause physical injury to another person, the actor causes such injury to such person by striking or kicking such person in the head while such person is in a lying position. (b) Assault in the second degree is a class D felony or, if the offense resulted in serious physical injury, a class C felony. (1969, P.A. 828, S. 61; 1971, P.A. 871, S. 18; P.A. 73-639, S. 20; P.A. 84-236, S. 4; P.A. 93-246, S. 3; July Sp. Sess. P.A. 94-2, S. 5; P.A. 04-234, S. 2; P.A. 14-220, S. 1; P.A. 15-211, S. 4; P.A. 16-193, S. 28.) History: 1971 act added Subsec. (a)(6) re physical injury to employee of department of correction or member of parole board; P.A. 73-639 deleted former Subsec. (a)(3) re physical injury to peace officer or fireman resulting from intentional attempt to prevent such person from performing his duty, renumbering accordingly; P.A. 84-236 amended Subsec. (a)(5) by changing "committed to" to "in the custody of" and adding phrase "confined in any institution or facility of the department of correction"; P.A. 93-246 amended Subsec. (a)(5) to delete from the scope of the offense a person who is in the custody of the commissioner of correction or confined in any institution or facility of the department of correction and with intent to cause physical injury to an employee of the department of correction causes physical injury to such employee; July Sp. Sess. P.A. 94-2 amended Subsec. (a)(2) to add "other than by means of the discharge of a firearm" to reflect changes made to Sec. 53a-59 by same public act; P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004; P.A. 14-220 amended Subsec. (a) to add Subdiv. (6) re serious physical injury by rendering person unconscious by striking on the head; P.A. 15-211 amended Subsec. (a) to add Subdiv. (7) re striking or kicking a person in the head and make technical changes, and amended Subsec. (b) to add provision re offense resulting in serious physical injury is a class C felony; P.A. 16-193 amended Subsec. (a)(5) by making a technical change. Illegal confinement is no defense to assault on correctional officer. 169 C. 438. Cited. 171 C. 264; 172 C. 275; 173 C. 254; 184 C. 157; Id., 520; 193 C. 144; Id., 232; 197 C. 602; 198 C. 23; 199 C. 146; 216 C. 647; 222 C. 331; 231 C. 545; 237 C. 238. Cited. 5 CA 590; Id., 612; 7 CA 701; 12 CA 221; Id., 320; Id., 679; 13 CA 667; 17 CA 200; 20 CA 75; 24 CA 13; 32 CA 224; 34 CA 1; 35 CA 138; Id., 431; 36 CA 59; 37 CA 338; 38 CA 598; 46 CA 486; Id., 691; Id., 741. To convict a defendant of assault in the second degree under Subsec. (a)(1), the state was required to prove that the defendant intended to cause

serious physical injury to another person and, acting with such intent, the defendant caused serious physical injury to that person. 223 CA 270. Cited. 34 CS 531. Subsec. (a): Cited. 171 C. 395; 175 C. 155; 185 C. 63; 188 C. 574; 190 C. 143; 193 C. 48; 194 C. 119; Id., 408; 195 C. 636; Id., 651; 198 C. 405; Id., 424; 199 C. 322; 201 C. 103; Id., 289; 202 C. 520; 204 C. 207; Id., 714; 209 C. 733; 211 C. 151; 220 C. 385; 221 C. 447; 222 C. 556; 223 C. 243; 226 C. 618; 227 C. 153; Id., 711; Id., 751; 228 C. 147; Id., 910; 230 C. 591; 235 C. 748; 239 C. 481. Cited. 1 CA 584; 5 CA 40; 6 CA 701; 7 CA 27; Id., 95; Id., 377; 8 CA 35; 9 CA 161; 10 CA 50; Id., 330; Id., 462; 11 CA 665; 13 CA 386; 14 CA 463; Id., 472; Id., 493; Id., 586; 15 CA 586; Id., 704; 17 CA 226; 19 CA 245; Id., 576; Id., 618; 20 CA 27; 22 CA 586; 23 CA 83; Id., 447; Id., 502; Id., 705; 24 CA 264; Id., 563; Id., 624; Id., 685; 25 CA 104; Id., 275; Id., 565; 26 CA 114; Id., 145; Id., 242; 27 CA 73; Id., 322; 28 CA 290; Id., 645; 29 CA 262; 30 CA 95; judgment reversed, see 228 C. 147; 31 CA 58; Id., 140; Id., 448; 33 CA 647; 34 CA 691; 36 CA 641; Id., 805; 37 CA 437; 38 CA 247; Id., 777; Id., 868; 39 CA 789; 40 CA 757; 41 CA 47; Id., 333; Id., 515; Id., 565; 43 CA 205; Id., 252; 44 CA 125; Id., 307; 45 CA 591; 46 CA 24. Defendant's rights under double jeopardy clause of fifth amendment to U.S. Constitution were violated by his conviction of two counts of assault in the second degree resulting from conduct against one victim that was nonsexual, continuous, uninterrupted and close in time. 92 CA 586. Subdiv. (1): The question of intent is purely a question of fact and intent may be inferred from conduct, and whether such an inference should be drawn is a question for the jury to decide. 118 CA 315. Cited. 39 CS 494. It is possible to prove assault in the second degree without necessarily proving risk of injury pursuant to Sec. 53-21(a), so assault in the second degree and risk of injury do not stand in relationship to each other as greater and lesser offenses. 48 CS 610.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-60a. - Assault in the second degree with a firearm: Class D or C felony: One year not suspendable.

(a) A person is guilty of assault in the second degree with a firearm when he commits assault in the second degree as provided in section 53a-60, and in the commission of such offense he uses or is armed with and threatens the use of or displays or represents by his words or conduct that he possesses a pistol, revolver, machine gun, shotgun, rifle or other firearm. No person shall be found guilty of assault in the second degree and assault in the second degree with a firearm upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information. (b) Assault in the second degree with a firearm is (1) a class D felony, or (2) if the offense resulted in serious physical injury, a class C felony, for which, in either case under subdivision (1) or subdivision (2) of this subsection, one year of the sentence imposed may not be suspended or reduced by the court. (P.A. 75-380, S. 5; P.A. 19-132, S. 4.) History: P.A. 19-132 amended Subsec. (b) by designating existing provision re class D felony penalty as Subdiv. (1), adding Subdiv. (2) re class C felony penalty, and making a conforming change. Cited. 198 C. 424; 200 C. 642; 201 C. 368; 207 C. 412; 216 C. 282. Cited. 2 CA 617; 5 CA 590; 9 CA 648; 23 CA 502; 45 CA 591.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-60b. - Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree: Class D felony: Two years not suspendable.

(a) A person is guilty of assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree when such person commits assault in the second degree under section 53a-60 or larceny in the second degree under section 53a-123(a)(3) and (1) the victim of such assault or larceny has attained at least sixty years of age, is blind or physically disabled, as defined in section 1-1f, or is pregnant, or (2) the victim of such assault or larceny is a person with intellectual disability, as defined in section 1-1g, and the actor is not a person with intellectual disability. (b) No person shall be found guilty of assault in the second degree or larceny in the second degree under section 53a-123(a)(3) and assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree upon the same incident of assault or larceny, as the case may be, but such person may be charged and prosecuted for all such offenses upon the same information. (c) In any prosecution for an offense under this section based on the victim being pregnant it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was pregnant. In any prosecution for an offense under this section based on the victim being a person with intellectual disability, it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was a person with intellectual disability. (d) Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree is a class D felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which two years of the sentence imposed may not be suspended or reduced by the court. (P.A. 77-422, S. 2; P.A. 80-442, S. 18, 28; P.A. 92-260, S. 29; P.A. 99-122, S. 2; 99-186, S. 15; P.A. 01-84, S. 6, 26; P.A. 11-129, S. 12.) History: P.A. 80-442 amended Subsec. (c) to require that two years of sentence imposed must be served, effective July 1, 1981; P.A. 92-260 made a technical change in Subsec. (a); P.A. 99-122 changed the name of the offense from "assault of a victim sixty or older in the second degree" to "assault of an elderly, blind, disabled or mentally retarded person in the second degree", where appearing, added Subsec. (a)(2) to include within the offense an assault where the victim is a person with mental retardation and the actor is not a person with mental retardation, and added new Subsec. (c) to establish an affirmative defense in a prosecution based on the victim being a person with mental retardation that the actor did not know the victim was a person with mental retardation, relettering former Subsec. (c) as Subsec. (d); P.A. 99-186 changed the name of the offense from "assault of a victim sixty or older in the second degree" to "assault of an elderly, blind, disabled or pregnant person in the second degree" where appearing, amended Subsec. (a) to include within the offense an assault where the victim is pregnant and added new Subsec. (c) to establish an affirmative defense in a prosecution based on the victim being pregnant that the actor did not know the victim was pregnant, relettering former Subsec. (c) as Subsec. (d); P.A. 01-84 amended Subsec. (a)(2) to add

“or larceny”, effective July 1, 2001; (Revisor’s note: In 2005, the Revisors recodified Subsec. (c) to reflect the separate affirmative defenses established by P.A. 99-122 and P.A. 99-186); P.A. 11-129 substituted “person with intellectual disability” for “mentally retarded person” and “person with mental retardation” and made conforming changes. See Secs. 53a-321 to 53a-323, inclusive, re abuse of elderly, blind or disabled person or person with intellectual disability. Cited. 180 C. 557; 199 C. 146; 207 C. 412; 216 C. 282; 223 C. 243; 230 C. 400. Subsec. (a)(1): Subdiv. is unconstitutionally overinclusive because it can be applied to assaults that have no reasonable and substantial relation to the statute’s purpose of protecting those who have a diminished capacity to defend themselves or who are particularly vulnerable to injury, but Subdiv. can be constitutionally applied to an assault on a person with a physical disability that (1) diminishes the ability of the person, or a part or organ of the person, to function properly, thereby limiting the person’s ability to perform life’s activities, and (2) diminishes the person’s ability to defend himself from assault or renders him particularly vulnerable to injury. 340 C. 463. Cited. 5 CA 594; 13 CA 133; Id., 420; 33 CA 616; 44 CA 307.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-60c. - Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree with a firearm: Class D felony: Three years not suspendable.

(a) A person is guilty of assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree with a firearm when such person commits assault in the second degree with a firearm under section 53a-60a and (1) the victim of such assault has attained at least sixty years of age, is blind or physically disabled, as defined in section 1-1f, or is pregnant, or (2) the victim of such assault is a person with intellectual disability, as defined in section 1-1g, and the actor is not a person with intellectual disability. (b) No person shall be found guilty of assault in the second degree or assault in the second degree with a firearm and assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree with a firearm upon the same incident of assault but such person may be charged and prosecuted for all of such offenses upon the same information. (c) In any prosecution for an offense under this section based on the victim being pregnant it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was pregnant. In any prosecution for an offense under this section based on the victim being a person with intellectual disability, it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was a person with intellectual disability. (d) Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree with a firearm is a class D felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which three years of the sentence imposed may not be suspended or reduced by the court. (P.A. 77-422, S. 3; P.A. 80-442, S. 19, 28; P.A. 99-122, S. 3; 99-186, S. 16; P.A. 11-129, S. 13.) History: P.A. 80-442 amended Subsec. (c) to specify that three years of sentence imposed shall not be suspended or reduced, effective July 1, 1981; P.A. 99-122 changed the name of the offense from “assault of a victim sixty or older in the second degree with a firearm” to “assault of an elderly, blind, disabled or mentally retarded person in the second degree with a firearm”, where appearing, added Subsec. (a)(2) to include within the offense an assault where the victim is a person with mental retardation and the actor is not a person with mental retardation, and added new Subsec. (c) to establish an affirmative defense in a prosecution based on the victim being a person with mental retardation that the actor did not know the victim was a person with mental retardation, relettering former Subsec. (c) as Subsec. (d); P.A. 99-186 changed the name of the offense from “assault of a victim sixty or older in the second degree with a firearm” to “assault of an elderly, blind, disabled or pregnant person in the second degree with a firearm” where appearing, amended Subsec. (a) to include within the offense an assault where the victim is pregnant and added new Subsec. (c) to establish an affirmative defense in a prosecution based on the victim being pregnant that the actor did not know the victim was pregnant, relettering former Subsec. (c) as Subsec. (d); (Revisor’s note: In 2005, the Revisors recodified Subsec. (c) to reflect the separate affirmative defenses established by P.A. 99-122 and P.A. 99-186); P.A. 11-129 substituted “person with intellectual disability” for “mentally retarded person” and “person with mental retardation” and made conforming changes. Cited. 180 C. 557; 216 C. 282. Cited. 5 CA 590.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-60d. - Assault in the second degree with a motor vehicle: Class D felony.

(a) A person is guilty of assault in the second degree with a motor vehicle when, while operating a motor vehicle under the influence of intoxicating liquor or any drug or both, he causes serious physical injury to another person as a consequence of the effect of such liquor or drug. (b) Assault in the second degree with a motor vehicle is a class D felony and the court shall suspend the motor vehicle operator’s license or nonresident operating privilege of any person found guilty under this section for one year. The court shall also order such person not to operate any motor vehicle that is not equipped with an approved ignition interlock device, as defined in section 14-227j, for a period of two years after such person’s operator’s license or nonresident operating privilege is restored by the Commissioner of Motor Vehicles. (P.A. 82-403, S. 2; P.A. 83-534, S. 9; P.A. 85-147, S. 2; P.A. 08-150, S. 60.) History: P.A. 83-534 amended Subsec. (b) to require the court to suspend the motor vehicle operator’s license or nonresident operating privilege of any person found guilty for one year; P.A. 85-147 deleted “while intoxicated” from the title of the offense and a provision that defined “intoxication” to include intoxication by alcohol or by drug or both, and replaced elements of offense of “when, in consequence of his intoxication while operating a motor vehicle, he causes serious physical injury to another person” with “when, while operating a motor vehicle under the influence of intoxicating liquor or any drug or both, he causes serious physical injury to another person as a consequence of the effect of such liquor or drug”; P.A. 08-150 amended Subsec. (b) to require court to

order a person found guilty not to operate any motor vehicle that is not equipped with an approved ignition interlock device for a period of two years after restoration of such person's operator's license or nonresident operating privilege. See Sec. 14-111g re motor vehicle operator's retraining program. See Sec. 14-227o re discount for ignition interlock device services. Cited. 219 C. 752; 222 C. 672; 224 C. 730; 226 C. 191; 230 C. 572. Nothing said in General Assembly proceeding concerning an amendment to section to remedy an unrelated aspect changed the rule of law; judgment of Appellate Court in 33 CA 232 reversed. 232 C. 1. Cited. 5 CA 590; 9 CA 686; 16 CA 472; 21 CA 138; 22 CA 142; 23 CA 215; Id., 720; 25 CA 282; 26 CA 805; 32 CA 553; 33 CA 232; judgment reversed, see 232 C. 1; 34 CA 557; Id., 655; 36 CA 710; 38 CA 282; 40 CA 359. Nothing in Sec. 14-227a prohibits evidence of consciousness of guilt based on defendant's refusal to take a breath test being considered in a prosecution under this section. 63 CA 433.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-61. - Assault in the third degree: Class A misdemeanor.

(a) A person is guilty of assault in the third degree when: (1) With intent to cause physical injury to another person, he causes such injury to such person or to a third person; or (2) he recklessly causes serious physical injury to another person; or (3) with criminal negligence, he causes physical injury to another person by means of a deadly weapon, a dangerous instrument or an electronic defense weapon. (b) Assault in the third degree is a class A misdemeanor and any person found guilty under subdivision (3) of subsection (a) of this section shall be sentenced to a term of imprisonment of one year which may not be suspended or reduced. (1969, P.A. 828, S. 62; P.A. 86-287, S. 3; P.A. 92-260, S. 30.) History: P.A. 86-287 amended Subsec. (a) to add reference to electronic defense weapons; P.A. 92-260 amended Subsec. (b) by adding provision re one-year mandatory nonsuspendable sentence for conviction under Subsec. (a)(3) to reflect preexisting sentencing requirement of Sec. 53a-36(1). See Sec. 53a-36 re mandatory nonsuspendable sentence for conviction under Subdiv. (3) of Subsec. (a). Cited. 170 C. 162; 171 C. 264; 173 C. 254; 184 C. 157; 189 C. 1; 190 C. 428; 194 C. 347; Id., 408; 196 C. 430; 198 C. 190; 200 C. 544; 202 C. 520; Id., 629; 205 C. 352; 209 C. 23; Id., 52; 222 C. 299; Id., 331; 227 C. 677; 228 C. 487; Id., 582; 233 C. 813; 234 C. 78. Cited. 1 CA 697; 5 CA 590; 6 CA 189; 8 CA 545; 9 CA 59; Id., 631; judgment reversed, see 205 C. 352; 11 CA 499; 12 CA 221; Id., 585; 13 CA 708; 14 CA 526; 17 CA 234; 20 CA 6; Id., 75; 21 CA 411; 24 CA 57; Id., 556; 25 CA 421; judgment reversed, see 222 C. 299; Id., 472; 26 CA 157; Id., 439; 27 CA 786; 28 CA 581; judgment reversed, see 226 C. 601; 29 CA 524; Id., 683; 30 CA 346; 31 CA 497; 35 CA 107; 36 CA 106; judgment reversed, see 234 C. 78; 37 CA 338; Id., 733; 39 CA 810; 40 CA 805; 41 CA 47; 42 CA 810; 43 CA 76; 45 CA 282; 46 CA 131. Cited. 37 CS 664; 39 CS 347; 41 CS 505. Subsec. (a): Cited. 177 C. 248; 180 C. 167; Id., 557; 182 C. 353; 184 C. 366; 185 C. 63; 189 C. 114; 193 C. 48; 194 C. 119; 195 C. 232; 197 C. 115; 198 C. 147; 206 C. 40; Id., 657; 210 C. 110; 211 C. 672; 219 C. 160; 220 C. 487; 222 C. 444; 223 C. 41; 224 C. 397; 225 C. 519. Judgment of Appellate Court in 28 CA 581 reversed. 226 C. 601. Cited. 228 C. 610. Subdiv. (2) is lesser included offense of Sec. 53a-59(a)(3), and court's refusal to grant related jury instruction constituted harmful error. 289 C. 742. Cited. 3 CA 374; 5 CA 40; 6 CA 407; 7 CA 27; Id., 257; 10 CA 330; Id., 709; 11 CA 102; 12 CA 655; 13 CA 386; Id., 667; 19 CA 554; 20 CA 101; 23 CA 663; 24 CA 518; 26 CA 114; Id., 259; Id., 331; 27 CA 322; Id., 322; 29 CA 704; 33 CA 126; 35 CA 51; 38 CA 193; 39 CA 419; Id., 832; 41 CA 565; 42 CA 445; Id., 768; 45 CA 591. This is not a cognizable offense and therefore not a lesser included offense of attempted assault in the first degree. 56 CA 592. Cited. 37 CS 520. Subdiv. (2): Elements of Sec. 53a-64 are so consistent with elements of Subdiv. that the court is precluded by principles of double jeopardy from entering a finding of guilty as to both charges; defendant's recklessly placing his hands around victim's throat and causing her to lose consciousness for a brief period of time constituted "serious physical injury". 46 CS 130. It is possible to prove assault in the third degree without necessarily proving risk of injury pursuant to Sec. 53-21(a), so assault in the third degree and risk of injury do not stand in relationship to each other as greater and lesser offenses. 48 CS 610.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-61a. - Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the third degree: Class A misdemeanor: One year not suspendable.

(a) A person is guilty of assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the third degree when such person commits assault in the third degree under section 53a-61 and (1) the victim of such assault has attained at least sixty years of age, is blind or physically disabled, as defined in section 1-1f, or is pregnant, or (2) the victim of such assault is a person with intellectual disability, as defined in section 1-1g, and the actor is not a person with intellectual disability. (b) No person shall be found guilty of assault in the third degree and assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the third degree upon the same incident of assault but such person may be charged and prosecuted for both such offenses upon the same information. (c) In any prosecution for an offense under this section based on the victim being pregnant it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was pregnant. In any prosecution for an offense under this section based on the victim being a person with intellectual disability, it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was a person with intellectual disability. (d) Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the third degree is a class A misdemeanor and any person found guilty under this section shall be sentenced to a term of imprisonment of one year which shall not be suspended or reduced. (P.A. 77-422, S. 4; P.A. 92-260, S. 31; P.A. 99-122, S. 4; 99-186, S. 17; P.A. 11-129, S. 14.) History: P.A. 92-260 amended Subsec. (c) by adding provision re one-year mandatory nonsuspendable sentence to reflect preexisting sentencing requirement of Sec. 53a-36(1); P.A. 99-122 changed the name

of the offense from “assault of a victim sixty or older in the third degree” to “assault of an elderly, blind, disabled or mentally retarded person in the third degree”, where appearing, added Subsec. (a)(2) to include within the offense an assault where the victim is a person with mental retardation and the actor is not a person with mental retardation, and added new Subsec. (c) to establish an affirmative defense in a prosecution based on the victim being a person with mental retardation that the actor did not know the victim was a person with mental retardation, relettering former Subsec. (c) as Subsec. (d); P.A. 99-186 changed the name of the offense from “assault of a victim sixty or older in the third degree” to “assault of an elderly, blind, disabled or pregnant person in the third degree” where appearing, amended Subsec. (a) to include within the offense an assault where the victim is pregnant and added new Subsec. (c) to establish an affirmative defense in a prosecution based on the victim being pregnant that the actor did not know the victim was pregnant, relettering former Subsec. (c) as Subsec. (d); (Revisor's note: In 2005, the Revisors recodified Subsec. (c) to reflect the separate affirmative defenses established by P.A. 99-122 and P.A. 99-186); P.A. 11-129 substituted “person with intellectual disability” for “mentally retarded person” and “person with mental retardation” and made conforming changes. See Sec. 53a-36 re mandatory nonsuspendable sentence. See Secs. 53a-321 to 53a-323, inclusive, re abuse of elderly, blind or disabled person or person with intellectual disability. Court, in sentencing defendant convicted under section, must impose a 1-year mandatory nonsuspendable term of imprisonment and does not have option of imposing a fine or a sentence of unconditional discharge. 180 C. 557. Cited. 216 C. 282. Cited. 5 CA 590; 12 CA 239; 13 CA 420; 16 CA 318; 21 CA 248; 29 CA 524; 31 CA 312; 32 CA 178.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-61aa. - Threatening in the first degree: Class D or class C felony.

(a) A person is guilty of threatening in the first degree when such person (1) (A) threatens to commit any crime involving the use of a hazardous substance with the intent to terrorize another person, to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or (B) threatens to commit such crime in reckless disregard of the risk of causing such terror, evacuation or inconvenience; (2) (A) threatens to commit any crime of violence with the intent to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or (B) threatens to commit such crime in reckless disregard of the risk of causing such evacuation or inconvenience; (3) commits threatening in the second degree as provided in section 53a-62, and in the commission of such offense such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a pistol, revolver, shotgun, rifle, machine gun or other firearm; or (4) violates subdivision (1) or (2) of this subsection with the intent to cause an evacuation of a building or the grounds of a (A) house of religious worship, (B) religiously-affiliated community center, (C) public or nonpublic preschool, school or institution of higher education, or (D) day care center, as defined in section 19a-87g, during operational, preschool, school or instructional hours or when a building or the grounds of such house of worship, community center, preschool, school, institution or day care center are being used for the provision of religious or community services, or house of worship, community center, preschool, school, institution or day care center-sponsored activities. No person shall be found guilty of threatening in the first degree under subdivision (3) of this subsection and threatening in the second degree upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information. (b) For the purposes of this section, “hazardous substance” means any physical, chemical, biological or radiological substance or matter which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health and “religiously-affiliated community center” means real property used for the provision of recreational, social or educational services that is owned or leased by a nonprofit organization that holds such property out as being affiliated with an organized religion. (c) Threatening in the first degree is a class D felony, except that a violation of subdivision (4) of subsection (a) of this section is a class C felony. (Nov. 15 Sp. Sess. P.A. 01-2, S. 7, 9; P.A. 02-97, S. 15; P.A. 03-22, S. 1; P.A. 12-114, S. 10; P.A. 16-67, S. 6; P.A. 17-111, S. 3.) History: Nov. 15 Sp. Sess. P.A. 01-2 effective January 1, 2002; P.A. 02-97 amended Subsec. (a) to delete in Subdivs. (1) and (2) provisions re threatening to commit a crime of violence; P.A. 03-22 amended Subsec. (a) by designating existing elements of crime as Subdiv. (1), redesignating existing Subdivs. (1) and (2) as Subparas. (A) and (B), respectively, and adding new Subdiv. (2) to restore provisions re threatening to commit a crime of violence with the intent to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience and threatening to commit such crime in reckless disregard of the risk of causing such evacuation or inconvenience; P.A. 12-114 amended Subsec. (a) to add Subdiv. (3) re commission of threatening in the second degree with a firearm and add provisions re charges and prosecution for threatening in the first degree under Subdiv. (3) and threatening in the second degree upon the same information; P.A. 16-67 amended Subsec. (a) by adding Subdiv. (4) re violation with intent to cause evacuation of preschool, school or institution of higher education, amended Subsec. (c) by adding provision re class C felony for violation of Subsec. (a)(4) and made technical changes; P.A. 17-111 amended Subsec. (a) to add references to house of religious worship, religiously-affiliated community center and day care center, amended Subsec. (b) to add definition of “religiously-affiliated community center”, and made technical and conforming changes. See Sec. 52-557t re defense to civil action. See Sec. 54-130g re pardon. Subsec. (a)(3): Neither the first amendment to the U.S. Constitution nor the state constitution require that the state prove that defendant had the specific intent to terrorize the target of a threat, only that defendant was aware of and consciously disregarded a substantial and unjustifiable risk that the target of the threat would be terrorized, before defendant can be punished for threatening speech directed at a private individual. 330 C. 149. Subsec. (a)(3): Section is not unconstitutional under the first amendment to the U.S. Constitution or the state constitution as applied to threatening speech directed at public officials. Id. Subsec. (a)(3): Defendant may be punished for

threatening speech directed at a third party if the state proves beyond a reasonable doubt that defendant was aware that there was a substantial and unjustifiable risk both that defendant's speech would be interpreted as a serious threat and that the threat would be communicated to the target of the threat. *Id.*

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-62. - Threatening in the second degree: Class A misdemeanor or class D felony.

(a) A person is guilty of threatening in the second degree when: (1) By physical threat, such person intentionally places or attempts to place another person in fear of imminent serious physical injury, (2) (A) such person threatens to commit any crime of violence with the intent to terrorize another person, or (B) such person threatens to commit such crime of violence in reckless disregard of the risk of causing such terror, or (3) violates subdivision (1) or (2) of this subsection and the person threatened is in a building or on the grounds of a (A) house of religious worship, (B) religiously-affiliated community center, (C) public or nonpublic preschool, school or institution of higher education, or (D) day care center, as defined in section 19a-87g, during operational, preschool, school or instructional hours or when a building or the grounds of such house of worship, community center, preschool, school, institution or day care center are being used for the provision of religious or community services, or house of worship, community center, preschool, school, institution or day care center-sponsored activities. (b) For the purposes of this section, "religiously-affiliated community center" has the same meaning as provided in section 53a-61aa. (c) Threatening in the second degree is a class A misdemeanor, except that a violation of subdivision (3) of subsection (a) of this section is a class D felony. (1969, P.A. 828, S. 63; Nov. 15 Sp. Sess. P.A. 01-2, S. 8, 9; P.A. 02-97, S. 16; P.A. 16-67, S. 7; P.A. 17-111, S. 4.) History: Nov. 15 Sp. Sess. P.A. 01-2 renamed offense by replacing "threatening" with "threatening in the second degree" where appearing and amended Subsec. (a) to make technical changes, delete Subdiv. (2) re threatening to commit a crime of violence with the intent to terrorize another, to cause evacuation of a building, place of assembly or facility of public transportation, or otherwise to cause serious public inconvenience and delete Subdiv. (3) re threatening to commit such crime in reckless disregard of the risk of causing such terror or inconvenience, said provisions being reenacted as part of Sec. 53a-61aa by same act, effective January 1, 2002; P.A. 02-97 amended Subsec. (a) to designate existing provision re a person, by physical threat, intentionally placing or attempting to place another person in fear of imminent serious physical injury as Subdiv. (1), add Subdiv. (2) re threatening to commit any crime of violence with the intent to terrorize another person and add Subdiv. (3) re threatening to commit such crime of violence in reckless disregard of the risk of causing such terror; P.A. 16-67 amended Subsec. (a) by redesignating existing Subdiv. (2) as Subdiv. (2)(A), redesignating existing Subdiv. (3) as Subdiv. (2)(B) and adding new Subdiv. (3) re person threatened is at a preschool, school or institution of higher education and amended Subsec. (b) by adding provision re class D felony for violation of Subsec. (a)(3); P.A. 17-111 amended Subsec. (a) to add references to house of religious worship, religiously-affiliated community center and day care center, added new Subsec. (b) defining "religiously-affiliated community center", redesignated existing Subsec. (b) as Subsec. (c), and made technical and conforming changes. See Sec. 54-130g re pardon. Cited. 175 C. 204; 182 C. 585; part of ruling in 182 C. 585, in which court had ruled that defendant was entitled on remand to a direction of acquittal with respect to a count improperly added to other charges of which defendant had had proper notice, overruled, see 224 C. 1; 193 C. 602; 195 C. 636; 201 C. 115; 202 C. 343; 205 C. 262; 207 C. 565; 208 C. 689; 209 C. 34; *Id.*, 52; 222 C. 331; 224 C. 494; 227 C. 829; 241 C. 413; 242 C. 648. Cited. 2 CA 617; 3 CA 289; 8 CA 190; *Id.*, 496; 9 CA 161; 14 CA 6; *Id.*, 526; 25 CA 149; *Id.*, 334; 26 CA 481; judgment reversed, see 224 C. 494; 28 CA 581; judgment reversed, see 226 C. 601; *Id.*, 708; 31 CA 497; 33 CA 103; 40 CA 805; 41 CA 47. Words of defendant's threat to young victim, along with surrounding circumstances of the threat, were such that it was reasonable for jury to infer that defendant had placed the victim in fear of "imminent" serious physical injury. 75 CA 103. Evidence was sufficient to sustain conviction. 83 CA 489. Cited. 37 CS 664; 42 CS 574; 43 CS 46. Subsec. (a): Cited. 169 C. 566; 197 C. 485; 201 C. 462. Judgment of Appellate Court in 28 CA 581 reversed. 226 C. 601. Cited. 227 C. 153; 228 C. 147; 232 C. 707; 233 C. 403. Subdiv. (3): Statements made that "more of what happened to your son is going to happen to you" and "I'm going to be there to watch it happen", when spoken to one whose son had suffered serious physical injuries, did not constitute a true threat due to subsequent apology and lack of other animosity between the parties; to ensure that only serious expressions of an intention to commit an act of unlawful violence are punished, as the first amendment requires, state must do more than demonstrate that a statement could be interpreted as a threat. 313 C. 434. Imminence is only one factor for a court to consider in determining whether a statement constitutes a true threat under section, and not a requirement. 327 C. 1. Subsec. is divisible, with offenses requiring proof of an intentional mental state under Subdivs. (1) and (2) and recklessness under Subdiv. (3); threatening offense committed with reckless disregard under Subdiv. (3) does not constitute a crime of moral turpitude under Second Circuit case law and for purposes of immigration consequences. 328 C. 198. Subdiv. (2): Harassment and threatening are separate and distinct crimes and in this case harassment is not a lesser included offense of threatening. 1 CA 647. Cited. 11 CA 80; 13 CA 386; *Id.*, 438; 18 CA 643; 30 CA 95; judgment reversed, see 228 C. 147; 33 CA 184; judgment reversed, see 232 C. 707; 35 CA 262; 37 CA 276; *Id.*, 733; 38 CA 306; *Id.*, 777; 39 CA 617; 40 CA 515; 41 CA 584; *Id.*, 701. Subdiv. (2) was not unconstitutionally vague on its face; statute's application to defendant's conduct was proper and did not interfere with his duty to protect his child and statute was not vague as applied to facts of case; there is no indication that legislature did not intend to create separate crimes prohibited by Secs. 53a-181 (a)(3) and Subdiv. (2). 81 CA 248. Convictions for threatening in second degree in violation of Subdivs. (1) and (2) did not violate right against double jeopardy because each conviction arose from a different violation. 154 CA 45. Subdiv. (3): Objective standard for true threats doctrine remains valid and subdivision is constitutionally sound. 185 CA 287; judgment affirmed, see 337 C. 92. Subdiv. (2): Defendant's statements to State Marshal who had come onto his property to serve court documents on the Defendant, which included statement, "[i]f you come

back, I guarantee you, you won't walk away”, were true threats. 226 CA 234.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-63. - Reckless endangerment in the first degree: Class A misdemeanor.

(a) A person is guilty of reckless endangerment in the first degree when, with extreme indifference to human life, he recklessly engages in conduct which creates a risk of serious physical injury to another person. (b) Reckless endangerment in the first degree is a class A misdemeanor. (1969, P.A. 828, S. 64.) Cited. 179 C. 617; 194 C. 408; 200 C. 607; 226 C. 497; 233 C. 502; 238 C. 313; 241 C. 413; 242 C. 648. Cited. 2 CA 617; 3 CA 163; 8 CA 496; Id., 631; 32 CA 84; 33 CA 103; Id., 743; judgment reversed, see 233 C. 502; 41 CA 47; 43 CA 578; 44 CA 6. Under section, jury has to consider objectively the nature and degree of the risk and defendant's subjective awareness of that risk. 75 CA 432. Cited. 39 CS 347; Id., 359; 42 CS 574. Subsec. (a): Cited. 227 C. 301; 237 C. 348. Cited. 3 CA 289; 8 CA 153; 10 CA 659; 18 CA 477; 24 CA 330; 26 CA 145; 40 CA 515; Id., 643; 42 CA 768; 45 CA 369. Defendant's conduct in pointing gun at police officers, even though gun was not racked, and struggling with them in crowded bar was sufficient to constitute reckless endangerment; danger engendered by defendant's conduct arose from distinct potential that others in bar would fire their weapons and result in serious injury to officers or bystanders. 141 CA 377; judgment affirmed, see 317 C. 845.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-64. - Reckless endangerment in the second degree: Class B misdemeanor.

(a) A person is guilty of reckless endangerment in the second degree when he recklessly engages in conduct which creates a risk of physical injury to another person. (b) Reckless endangerment in the second degree is a class B misdemeanor. (1969, P.A. 828, S. 65.) Cited. 194 C. 408; 223 C. 618. Cited. 3 CA 166; 8 CA 342; 14 CA 6; Id., 10; Id., 804; 23 CA 123; 24 CA 662; judgment reversed, see 223 C. 618; 31 CA 497. Cited. 35 CS 570; 37 CS 661; 38 CS 619; 40 CA 643. Defendant's recklessly placing his hands around victim's throat and causing her to lose consciousness for a brief period of time constituted “serious physical injury” in violation of statute. 46 CS 130.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-64aa. - Strangulation or suffocation in the first degree: Class C felony.

(a) A person is guilty of strangulation or suffocation in the first degree when such person commits strangulation or suffocation in the second degree as provided in section 53a-64bb and (1) in the commission of such offense, such person (A) uses or attempts to use a dangerous instrument, or (B) causes serious physical injury to such other person, or (2) such person has previously been convicted of a violation of this section or section 53a-64bb. (b) No person shall be found guilty of strangulation or suffocation in the first degree and unlawful restraint or assault upon the same incident, but such person may be charged and prosecuted for all three offenses upon the same information. For the purposes of this section, “unlawful restraint” means a violation of section 53a-95 or 53a-96, and “assault” means a violation of section 53a-59, 53a-59a, 53a-59b, 53a-59c, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-61 or 53a-61a. (c) Strangulation or suffocation in the first degree is a class C felony. (P.A. 07-123, S. 8; P.A. 17-31, S. 3.) History: P.A. 17-31 added references to suffocation.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-64bb. - Strangulation or suffocation in the second degree: Class D felony.

(a) A person is guilty of strangulation or suffocation in the second degree when such person restrains another person by the neck or throat or obstructs such other person's nose or mouth with the intent to impede the ability of such other person to breathe or restrict blood circulation of such other person and such person impedes the ability of such other person to breathe or restricts blood circulation of such other person. (b) No person shall be found guilty of strangulation or suffocation in the second degree and unlawful restraint or assault upon the same incident, but such person may be charged and prosecuted for all three offenses upon the same information. For the purposes of this section, “unlawful restraint” means a violation of section 53a-95 or 53a-96, and “assault” means a violation of section 53a-59, 53a-59a, 53a-59b, 53a-59c, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-61 or 53a-61a. (c) Strangulation or suffocation in the second degree is a class D felony. (P.A. 07-123, S. 9; P.A. 17-31, S. 4.) History: P.A. 17-31 amended Subsec. (a) to add provision re obstruction of nose or mouth and added reference to suffocation. The “same incident” prohibition was included by the legislature in Subsec. (b) rather than Subsec. (a) because the provision is not intended to set forth an element of the crime, but, rather, to express legislative intentions relating specifically to double jeopardy. 339 C. 452. Prohibition on multiple convictions arising out of the same incident in Subsec. (b) does not apply when convictions stem from wholly separate criminal conduct by defendant even if committed against the same victim on the same day. 142 CA 657. Facts presented did not allow for combined convictions of strangulation in the second degree under Subsec. (b), unlawful restraint in the first degree under Sec. 53a-95 and assault in the third degree under Sec. 53a-61(a)(1). 149 CA 334.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-64cc. - Strangulation or suffocation in the third degree: Class A misdemeanor.

(a) A person is guilty of strangulation or suffocation in the third degree when such person recklessly restrains another person by the

neck or throat or obstructs such other person's nose or mouth and impedes the ability of such other person to breathe or restricts blood circulation of such other person. (b) No person shall be found guilty of strangulation or suffocation in the third degree and unlawful restraint or assault upon the same incident, but such person may be charged and prosecuted for all three offenses upon the same information. For the purposes of this section, "unlawful restraint" means a violation of section 53a-95 or 53a-96, and "assault" means a violation of section 53a-59, 53a-59a, 53a-59b, 53a-59c, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-61 or 53a-61a. (c) Strangulation or suffocation in the third degree is a class A misdemeanor. (P.A. 07-123, S. 10; P.A. 17-31, S. 5.) History: P.A. 17-31 amended Subsec. (a) to add provision re obstruction of nose or mouth and added references to suffocation.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-65. - Definitions.

As used in this part, the following terms have the following meanings: (1) "Actor" means a person accused of sexual assault. (2) "Sexual intercourse" means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body. (3) "Sexual contact" means (A) any contact with the intimate parts of a person for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person or any contact of the intimate parts of the actor with a person for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person, or (B) for the purposes of subdivision (4) of subsection (a) of section 53a-73a, any contact with the intimate parts of a dead human body, or any contact of the intimate parts of the actor with a dead human body, for the purpose of sexual gratification of the actor. (4) "Impaired because of mental disability or disease" means that a person suffers from a mental disability or disease which renders such person incapable of appraising the nature of such person's conduct. (5) "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling such person's conduct owing to the influence of a drug or intoxicating substance administered to such person without such person's consent, or owing to any other act committed upon such person without such person's consent. (6) "Physically helpless" means that a person is (A) unconscious, or (B) for any other reason, is physically unable to resist an act of sexual intercourse or sexual contact or to communicate unwillingness to an act of sexual intercourse or sexual contact. (7) "Use of force" means: (A) Use of a dangerous instrument; or (B) use of actual physical force or violence or superior physical strength against the victim. (8) "Intimate parts" means the genital area or any substance emitted therefrom, groin, anus or any substance emitted therefrom, inner thighs, buttocks or breasts. (9) "Psychotherapist" means a physician, psychologist, nurse, substance abuse counselor, social worker, clergyman, marital and family therapist, mental health service provider, hypnotist or other person, whether or not licensed or certified by the state, who performs or purports to perform psychotherapy. (10) "Psychotherapy" means the professional treatment, assessment or counseling of a mental or emotional illness, symptom or condition. (11) "Emotionally dependent" means that the nature of the patient's or former patient's emotional condition and the nature of the treatment provided by the psychotherapist are such that the psychotherapist knows or has reason to know that the patient or former patient is unable to withhold consent to sexual contact by or sexual intercourse with the psychotherapist. (12) "Therapeutic deception" means a representation by a psychotherapist that sexual contact by or sexual intercourse with the psychotherapist is consistent with or part of the patient's treatment. (13) "School employee" means: (A) A teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by a local or regional board of education or a private elementary, middle or high school or working in a public or private elementary, middle or high school; or (B) any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in (i) a public elementary, middle or high school, pursuant to a contract with the local or regional board of education, or (ii) a private elementary, middle or high school, pursuant to a contract with the supervisory agent of such private school. (14) "Animal" has the same meaning as provided in section 22-327. (15) "Sexual contact with an animal" means: (A) Any act between a person and an animal that involves contact between a sex organ or anus of one and the mouth, anus or a sex organ of the other; (B) a person touching or fondling a sex organ or anus of an animal, either directly or through clothing, without a bona fide veterinary or animal husbandry purpose; (C) any intentional transfer or transmission of semen by a person upon any part of an animal; or (D) the insertion, however slight, of any part of a person's body or any object into the vaginal or anal opening of an animal, without a bona fide veterinary or animal husbandry purpose, or the insertion of any part of the animal's body into the vaginal or anal opening of the person. (1969, P.A. 828, S. 66; P.A. 75-619, S. 1; P.A. 81-27, S. 2; P.A. 85-341, S. 1; P.A. 87-259; P.A. 92-260, S. 32; P.A. 93-340, S. 1; P.A. 94-221, S. 17; P.A. 06-11, S. 1; 06-107, S. 1; 06-187, S. 45; P.A. 09-242, S. 1; P.A. 13-47, S. 3; P.A. 18-15, S. 12; P.A. 19-189, S. 21; P.A. 23-47, S. 9; 23-149, S. 1.) History: P.A. 75-619 deleted definitions of "deviate sexual intercourse", "female" and "forcible compulsion", added definitions of "actor", "use of force" and "intimate parts", redefined "sexual intercourse" in detail where previously defined as having "its ordinary meaning" and made minor changes in wording of remaining definitions; P.A. 81-27 exempted section 53a-70b from applicability of definitions in this section; P.A. 85-341 amended definition of sexual contact to include "contact of the intimate parts of the actor with a person not married to the actor for the purpose of sexual gratification of the actor"; P.A. 87-259 amended definition of sexual contact to include contact made for the purpose of degrading or humiliating the victim; P.A. 92-260 made a technical change in the definition of sexual intercourse by repositioning language; P.A. 93-340 added definitions of "psychotherapist", "psychotherapy", "emotionally dependent" and "therapeutic deception"; P.A. 94-221 added the definition of "school employee"; P.A. 06-11 redefined "intimate parts" to include any substance emitted from the genital area or anus; P.A. 06-107 and P.A. 06-187 both redefined "psychotherapist" to include a hypnotist; P.A. 09-242 redefined "school employee" in

Subdiv. (13) to designate existing provisions as Subpara. (A) and amend same by replacing “elementary or secondary school” with “elementary, middle or high school”, and to add Subpara. (B) re a person who has regular contact with students and provides services to or on behalf of students enrolled in a public or private elementary, middle or high school pursuant to a contract; P.A. 13-47 amended Subdiv. (4) by substituting definition of “impaired because of mental disability or disease” for definition of “mentally defective”, and amended Subdiv. (6) to redefine “physically helpless” by inserting Subpara. (A) and (B) designators and adding provisions re person physically unable to resist an act of sexual intercourse or sexual contact; P.A. 18-15 redefined “school employee” in Subdiv. (13)(A) to include school counselor, effective July 1, 2018; P.A. 19-189 amended introductory language by deleting exception for Sec. 53a-70b, redefined “sexual intercourse” in Subdiv. (2), and redefined “sexual contact” in Subdiv. (3); P.A.23-47 redefined “sexual contact” in Subdiv. (3); P.A. 23-149 added definitions of “animal” and “sexual contact with an animal”.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-66. - Lack of consent.

Section 53a-66 is repealed. (1969, P.A. 828, S. 67; P.A. 75-619, S. 7.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-67. - Affirmative defenses.

(a) In any prosecution for an offense under this part based on the victim's being mentally incapacitated, physically helpless or impaired because of mental disability or disease, it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know of such condition of the victim. (b) In any prosecution for an offense under this part, except an offense under section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, 53a-71, 53a-72a or 53a-72b, it shall be an affirmative defense that the defendant and the alleged victim were, at the time of the alleged offense, living together by mutual consent in a relationship of cohabitation, regardless of the legal status of their relationship. (1969, P.A. 828, S. 68; P.A. 75-619, S. 2; P.A. 81-27, S. 3; P.A. 90-162; P.A. 13-47, S. 4; P.A. 19-189, S. 22.) History: P.A. 75-619 deleted former Subsec. (b) which had allowed as affirmative defense the actor's belief that alleged victim was above the specified age in cases where age is an element of offense unless victim is under 14, relettering Subsec. (c) accordingly; P.A. 81-27 amended Subsec. (b) to exempt prosecutions for an offense under Sec. 53a-70b; P.A. 90-162 amended Subsec. (b) to exempt prosecutions for an offense under Sec. 53a-70, 53a-70a, 53a-71, 53a-72a or 53a-72b; P.A. 13-47 amended Subsec. (a) to substitute “impaired because of mental disability or disease” for “mentally defective”; P.A. 19-189 amended Subsec. (b) by replacing “53a-70b,” with “section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or”. Cited. 192 C. 154; 198 C. 190; 202 C. 86. Cited. 3 CA 374. Subsec. (b): Discussion of “cohabitation” and burden of producing evidence thereof for entitlement to a charge on the affirmative defense under statute. 181 C. 426. Cited. 209 C. 733; 233 C. 813. Cited. 1 CA 724; 10 CA 709; 11 CA 102; 25 CA 384; 28 CA 581; judgment reversed, see 226 C. 601; 41 CA 604.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-68 and 53a-69. - Corroboration; exceptions. Time limitation for complaint.

Sections 53a-68 and 53a-69 are repealed. (1969, P.A. 828, S. 69, 70; P.A. 74-131; P.A. 76-216; P.A. 87-223.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-70. - Sexual assault in the first degree: Class B or A felony.

(a) A person is guilty of sexual assault in the first degree when such person (1) compels another person to engage in sexual intercourse by the use of force against such other person or a third person, or by the threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to such person or a third person, or (2) engages in sexual intercourse with another person and such other person is under thirteen years of age and the actor is more than two years older than such person, or (3) commits sexual assault in the second degree as provided in section 53a-71 and in the commission of such offense is aided by two or more other persons actually present, or (4) engages in sexual intercourse with another person and such other person is mentally incapacitated to the extent that such other person is unable to consent to such sexual intercourse. (b) (1) Except as provided in subdivision (2) of this subsection, sexual assault in the first degree is a class B felony for which two years of the sentence imposed may not be suspended or reduced by the court or, if the victim of the offense is under ten years of age, for which ten years of the sentence imposed may not be suspended or reduced by the court. (2) Sexual assault in the first degree is a class A felony if the offense is a violation of subdivision (1) of subsection (a) of this section and the victim of the offense is under sixteen years of age or the offense is a violation of subdivision (2) of subsection (a) of this section. Any person found guilty under said subdivision (1) or (2) shall be sentenced to a term of imprisonment of which ten years of the sentence imposed may not be suspended or reduced by the court if the victim is under ten years of age or of which five years of the sentence imposed may not be suspended or reduced by the court if the victim is under sixteen years of age. (3) Any person found guilty under this section shall be sentenced to a term of imprisonment of at least ten years, a portion of which may be suspended, except as provided in subdivisions (1) and (2) of this subsection, or a term of imprisonment and a period of special parole pursuant to subsection (b) of section 53a-28 which together constitute a sentence of at least ten years. Notwithstanding the provisions of subsection (a) of section 53a-29 and

except as otherwise provided in this subsection, a court may suspend a portion of a sentence imposed under this subsection and impose a period of supervised probation pursuant to subsection (f) of section 53a-29. (1969, P.A. 828, S. 71; 1971, P.A. 871, S. 19; 1972, P.A. 127, S. 78; P.A. 75-619, S. 3; P.A. 82-428, S. 2; P.A. 89-359; P.A. 92-87, S. 3; P.A. 93-340, S. 14; P.A. 95-142, S. 13; June Sp. Sess. P.A. 99-2, S. 49; P.A. 00-161, S. 1; P.A. 02-138, S. 5; P.A. 15-211, S. 16.) History: 1971 act replaced alphabetic Subdiv. indicators in Subsec. (a) with numeric indicators; 1972 act changed applicable age in Subsec. (a)(1) from 21 to 18 reflecting lowered age of majority; P.A. 75-619 reworded section to reflect changes in definitions of Sec. 53a-65, substituted sexual "assault" for sexual "misconduct" and made the offense a Class B rather than Class D felony; P.A. 82-428 amended Subsec. (b) to provide that 1 year of sentence may not be suspended or reduced by the court; P.A. 89-359 added Subsec. (a)(2) re engaging in sexual intercourse with a person under 13 years of age; P.A. 92-87 added Subsec. (a)(3) re committing sexual assault in the second degree while aided by two or more other persons actually present; P.A. 93-340 amended Subsec. (a)(2) to require that the actor be more than 2 years older than the other person; P.A. 95-142 amended Subsec. (b) to provide that 10 years of the sentence imposed may not be suspended or reduced by the court if the victim is under 10 years of age; June Sp. Sess. P.A. 99-2 amended Subsec. (b) to increase from 1 year to 2 years the nonsuspendable portion of the sentence imposed when the victim is other than a victim under 10 years of age and to add requirement that any person found guilty be sentenced to a term of imprisonment and a period of special parole pursuant to Sec. 53a-28(b) which together constitute a sentence of at least 10 years; P.A. 00-161 added Subsec. (a)(4) re engaging in sexual intercourse with a person who is mentally incapacitated, which conduct was formerly classified as sexual assault in the second degree under Sec. 53a-71(a)(2) but was deleted from said section by same public act; P.A. 02-138 amended Subsec. (b) by designating existing provision re classification of offense and length of nonsuspendable sentence as Subdiv. (1) and amending said Subdiv. to add exception re Subdiv. (2), adding new Subdiv. (2) to classify the offense as a class A felony for a violation of Subsec. (a)(1) when the victim is under 16 years of age and for a violation of Subsec. (a)(2) and establish a nonsuspendable sentence for said violations of 10 years if the victim is under 10 years of age and 5 years if the victim is under 16 years of age and designating existing provisions re minimum length of a combined sentence of imprisonment and special parole as Subdiv. (3); P.A. 15-211 amended Subsec. (b)(3) to add provision re term of imprisonment of at least 10 years, a portion of which may be suspended, and exception and add provision re suspension of sentence and imposition of period of supervised probation. See chapter 968a re address confidentiality program. See Sec. 53a-40c re sentence of psychological counseling for sexual assault of minor. See Sec. 54-86f re admissibility of evidence of prior sexual conduct. Cited. 175 C. 315; Id., 398; 182 C. 412; 184 C. 258; 186 C. 45; Id., 449; Id., 521; 187 C. 216; 190 C. 20; 191 C. 604; 192 C. 154; 194 C. 114; Id., 297; Id., 692; 195 C. 253; 197 C. 280; Id., 298. Does not include sexual intercourse with a victim whom the assailant finds unconscious but does not apply when assailant strangled victim into a state of unconsciousness. 198 C. 53. Cited. Id., 190; 199 C. 121; Id., 193; Id., 281; Id., 481; Id., 693; 201 C. 115; Id., 659; 202 C. 343; Id., 676; 204 C. 98; Id., 441; Id., 571; 205 C. 61; 207 C. 646; 209 C. 733; 210 C. 110. Section not void for vagueness in context of circumstances of case. Id., 132. Cited. 211 C. 672; 212 C. 31; 215 C. 257. Judgment of Appellate Court in 19 CA 111 reversed. Id., 538. Cited. 219 C. 489; 220 C. 112; Id., 345; 222 C. 556; 223 C. 180; Id., 731; 224 C. 397; Id., 656; Id., 663; 226 C. 601; Id., 618; 227 C. 207; Id., 616; Id., 677; 228 C. 456; 230 C. 43; 235 C. 711; 238 C. 389; 240 C. 743; 242 C. 409; Id., 689. Penetration element of statute applicable to first degree sexual assault by fellatio not satisfied when alleged victim is compelled to lick perpetrator's penis without necessarily also being compelled to insert penis into the mouth. 256 C. 517. The plain and unambiguous language shows that the legislature intended to criminalize only single acts of sexual intercourse and not a continuing course of conduct. 345 C. 516. Cited. 1 CA 344; Id., 378; Id., 724; 3 CA 148; Id., 374; Id., 650; 5 CA 424; Id., 556; Id., 586; 7 CA 257; Id., 701; 8 CA 44; Id., 190; Id., 216; Id., 345; Id., 399; Id., 528; Id., 620; 10 CA 457; Id., 520; Id., 709. Court concluded the absence of a marital relationship between defendant and victim is not an essential element. 11 CA 102; Id., 112; Id., 236; Id., 238; Id., 316. Cited. 12 CA 585; 13 CA 413; 14 CA 333; Id., 688; 15 CA 251; 16 CA 75; 17 CA 391; 18 CA 134; 19 CA 111; 20 CA 737; 22 CA 531; Id., 562; 23 CA 1; Id., 221; Id., 564; judgment reversed in part, see 220 C. 400; 24 CA 13; Id., 24; Id., 295; 25 CA 334; Id., 503; Id., 653; judgment reversed, see 223 C. 52; 26 CA 151; Id., 433; Id., 674; 28 CA 548; Id., 581; judgment reversed, see 226 C. 601; 29 CA 642; 32 CA 773; 34 CA 276; 35 CA 173; Id., 754; 36 CA 177; 38 CA 56; Id., 777; 39 CA 267; 40 CA 553; 41 CA 604; 43 CA 715; 44 CA 548; 46 CA 741. Intent or motive of sexual assault perpetrators discussed. 47 CA 159. Age of victim not an element of crime for which jury makes a factual determination but a sentencing factor determined by the courts. 74 CA 376. On basis of the evidence, jury could reasonably conclude that defendant intended to force victim to have sexual intercourse with him and intended to compel sexual intercourse by use of force or the threat of use of force. 75 CA 447. Because the necessary elements of this section and Sec. 53-21 are distinct, court's respective findings of not guilty and guilty of these distinct crimes was not legally inconsistent. 78 CA 25. Trial court's finding that the state had proven, by a preponderance of the evidence, that defendant had committed sexual assault in the first degree and thereby violated his probation was not clearly erroneous and was supported by the evidence. 108 CA 250. Sexual assault in the fourth degree is not a lesser included offense of sexual assault in the first degree; convictions under this section and Sec. 53a-73a do not violate the prohibition against double jeopardy because they are separate and distinct crimes and each crime requires proof of an element that the other does not. 171 CA 530. Cited. 41 CS 229; 43 CS 46. Subsec. (a): Cited. 179 C. 328; 180 C. 101; Id., 565; 182 C. 449; 185 C. 163; Id., 402; 186 C. 757; 187 C. 681; 188 C. 372; Id., 565; Id., 574; Id., 697; 189 C. 106; Id., 611; Id., 631; 190 C. 104; Id., 327; Id., 440; Id., 496; 191 C. 604; 192 C. 166; 193 C. 457; 194 C. 258; Id., 594; Id., 692; 197 C. 50; Id., 485; 198 C. 53; Id., 190; Id., 285; Id., 314; Id., 405; Id., 430; Id., 598; Id., 617; 199 C. 62; Id., 399; Id., 481; 201 C. 559; 202 C. 259; Id., 509; 203 C. 385; 204 C. 714; 206 C. 39; Id., 132; Id., 437; Id., 528; 207 C. 646; 209 C. 143; Id., 416; 210 C. 51; Id., 110; Id., 315; Id., 359; 211 C. 18; 212 C. 31; 213 C. 593; 214 C. 38; Id., 717. Judgment of Appellate Court in 19 CA 111 reversed. 215 C. 538. Cited. 216 C. 563; 218 C. 447; 219 C. 269; Id., 283; Id., 489; 220 C. 400; Id., 487; Id., 698; 221 C. 264; 222 C. 87; 223 C. 52; 225

C. 450; Id., 519; 226 C. 601; Id., 618; 227 C. 616; 228 C. 393; Id., 456; Id., 552; Id., 582; Id., 756; 229 C. 529; Id., 557; Id., 580; 230 C. 43; 231 C. 195; 232 C. 707; 233 C. 403; 235 C. 145; Id., 502; Id., 659; 237 C. 284; Id., 576; Id., 694; 241 C. 784; Id., 823; 242 C. 409; Id., 445; Id., 523. Medical treatment exception to the hearsay rule applies to a child sexual assault victim's statements made to a social worker acting in the chain of medical care if statements were made to obtain medical treatment and were pertinent to the treatment sought. 260 C. 1. Cited. 1 CA 344; Id., 724; 4 CA 514; Id., 672; 7 CA 149; Id., 489; Id., 653; 8 CA 35; Id., 148; Id., 177; Id., 387; Id., 528; Id., 620; 9 CA 208; Id., 340; 10 CA 217; Id., 709; 11 CA 102; Id., 316; Id., 673; 13 CA 60; Id., 67; Id., 76; 14 CA 40; Id., 451; Id., 657; Id., 688; Id., 710; 15 CA 222; 16 CA 75; 17 CA 525; 18 CA 134; Id., 273; Id., 643; Id., 730; 19 CA 111; judgment reversed, see 215 C. 538; Id., 618; Id., 631; 20 CA 101; Id., 193; Id., 737; 21 CA 411; Id., 467; 22 CA 329; Id., 477; 23 CA 564; judgment reversed in part, see 220 C. 400; 25 CA 243; Id., 384; Id., 653; judgment reversed, see 223 C. 52; Id., 725; 26 CA 81; Id., 395; Id., 433; Id., 574; 27 CA 279; Id., 705; 28 CA 91; Id., 195; Id., 360; judgment reversed, see 229 C. 529; Id., 402; Id., 581; judgment reversed, see 226 C. 601; 29 CA 409; Id., 724; 30 CA 56; Id., 281; Id., 523; Id., 915; 32 CA 178; Id., 217; judgment reversed, see 229 C. 580; 33 CA 184; judgment reversed, see 232 C. 707; Id., 457; 34 CA 276; 35 CA 173; Id., 728; 36 CA 177; Id., 190; Id., 216; Id., 228; Id., 641; Id., 695; 38 CA 56; Id., 100; Id., 125; Id., 231; Id., 531; Id., 777; 39 CA 45; Id., 617; Id., 742; Id., 832; 40 CA 132; Id., 233; Id., 250; 41 CA 139; Id., 204; Id., 255; Id., 287; Id., 317; 42 CA 78; Id., 186; judgment reversed, see 241 C. 823; Id., 445; 43 CA 552; Id., 680; Id., 704; Id., 715; Id., 785; 44 CA 457; Id., 548; 45 CA 66; Id., 116; Id., 289; Id., 756; 46 CA 810. Conviction of both sexual assault and unlawful restraint is not double jeopardy. 47 CA 117. Trial court did not abuse its discretion in commenting on testimony of state's expert witness concerning inconsistencies in results of victim's rape kit tests, that court having also instructed jury to base findings on recollection of all evidence presented; defendant's challenge to other aspects of instructions on scientific evidence were not properly preserved for appellate review; trial court properly admitted victim's written statement to police as constancy of accusation evidence; defendant failed to establish that court abused its discretion or that he was prejudiced by admission of that evidence, and his claim that victim's statement is admissible only if tape recorded was incorrect. 48 CA 135. Subdiv. (1): Trier of fact reasonably could have concluded beyond a reasonable doubt that defendant compelled victim to engage in sexual intercourse by use of force. 52 CA 466. Subdiv. (1): Defendant could not succeed in argument that the evidence did not support a guilty verdict under section; jury could reasonably have concluded that the facts and inferences established guilt beyond reasonable doubt. 55 CA 412. Evidence was sufficient for jury to find defendant guilty beyond a reasonable doubt. 57 CA 736. Statute is not unconstitutionally vague as applied to facts of the case. 58 CA 585. Evidence was sufficient to establish guilt beyond a reasonable doubt. 75 CA 201. Subdiv. (1): Sexual assault in the second degree was not a lesser offense included within sexual assault in the first degree because it would be possible to commit the latter offense in the manner described in the information and bill of particulars without committing the former offense. 99 CA 251. Subdiv. (2) and Sec. 53-21(a)(2) are not the same offenses for double jeopardy purposes. 118 CA 180. Under Subdiv. (4), state need not show that any specific or identifiable drug or intoxicating substance had been administered to the victim without her consent, only that the victim was under the influence of some drug or intoxicating substance; criminal liability under Subdiv. (4) does not require a showing that the criminal actor administered the drug or intoxicating substance at issue or that the criminal actor knew, or had reason to know, that the victim was mentally incapacitated. 136 CA 731. Subdiv. (2): The age difference of more than 2 years between the complainant and the perpetrator of the sexual assault is an essential element; where the victim of the assault was 12 years old at the time of the assault and the state provided evidence that defendant was married and the father of a 3 year old child at the time and the jury had the opportunity to view defendant, the state presented sufficient evidence of defendant's age. 160 CA 61. Subsec. (b): Cited. 207 C. 412, 416. Issue of whether victims were less than 10 years of age was a question for jury to decide during guilt phase of trial except in this case, where court decided issue of age in sentencing process, error was harmless beyond a reasonable doubt. 271 C. 499. Under 2001 revision, as amended by P.A. 02-138, S. 5, Subdiv. (3) does not mandate that persons convicted of first degree sexual assault be sentenced to a period of imprisonment and special parole; it provides, rather, that if the court elects to impose such a sentence, the total combined period of imprisonment and special parole must total at least 10 years. 320 C. 239. Under 2005 revision, Subdiv. (3) requires only that any period of special parole that may be imposed shall, along with the accompanying term of imprisonment, constitute a total sentence of not less than 10 years. Id., 259. Cited. 23 CA 564; judgment reversed in part, see 220 C. 400.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-70a. - Aggravated sexual assault in the first degree: Class B or A felony.

(a) A person is guilty of aggravated sexual assault in the first degree when such person commits sexual assault in the first degree as provided in section 53a-70, and in the commission of such offense (1) such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a deadly weapon, (2) with intent to disfigure the victim seriously and permanently, or to destroy, amputate or disable permanently a member or organ of the victim's body, such person causes such injury to such victim, (3) under circumstances evincing an extreme indifference to human life such person recklessly engages in conduct which creates a risk of death to the victim, and thereby causes serious physical injury to such victim, or (4) such person is aided by two or more other persons actually present. No person shall be convicted of sexual assault in the first degree and aggravated sexual assault in the first degree upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information. (b) (1) Except as provided in subdivision (2) of this subsection, aggravated sexual assault in the first degree is a class B felony. Any person found guilty under this section of a class B felony shall be sentenced to a term of imprisonment of at least ten years, five years of which may not be suspended or reduced by the court. (2) Aggravated sexual assault in the first degree is a class A felony if the victim of the offense is under sixteen years of age. Any person found guilty under

this section of a class A felony shall be sentenced to a term of imprisonment of which ten years of the sentence imposed may not be suspended or reduced by the court, except that, if such person committed sexual assault in the first degree by violating subdivision (1) of subsection (a) of section 53a-70, and the victim of the offense is under sixteen years of age, twenty years of the sentence imposed may not be suspended or reduced by the court. Notwithstanding the provisions of subsection (a) of section 53a-29 and except as otherwise provided in this subsection, a court may suspend a portion of a sentence imposed under this subdivision and impose a period of probation pursuant to subsection (f) of section 53a-29, or may impose a term of imprisonment and a period of special parole pursuant to subsection (b) of section 53a-28. (P.A. 75-619, S. 9; P.A. 80-442, S. 20, 28; P.A. 87-246; P.A. 92-87, S. 2; June Sp. Sess. P.A. 99-2, S. 50; P.A. 02-138, S. 6; P.A. 15-211, S. 17.) History: P.A. 80-442 substituted “deadly weapon” for “firearm” and reference to specific firearms where occurring and increased portion of sentence which may not be suspended or reduced from 1 year to 5 years in Subsec. (b), effective July 1, 1981; P.A. 87-246 changed the name of the offense from sexual assault in the first degree with a deadly weapon to aggravated sexual assault in the first degree and added Subsec. (a)(2) re disfiguring the victim or destroying, amputating or disabling a member or organ of the victim and (a)(3) re recklessly engaging in conduct creating a risk of death to the victim and thereby causing serious physical injury to the victim; P.A. 92-87 added Subsec. (a)(4) re commission of the offense while aided by two or more other persons actually present; June Sp. Sess. P.A. 99-2 amended Subsec. (b) to add requirement that any person found guilty be sentenced to a term of imprisonment and a period of special parole pursuant to Sec. 53a-28(b) which together constitute a sentence of 20 years and made provisions of section gender neutral; P.A. 02-138 amended Subsec. (b) to classify the offense as a class A felony if the victim is under 16 years of age, add exception re 20-year nonsuspendable sentence if the violation is of Sec. 53a-70(a)(1) and the victim is under 16 years of age and replace provision that a person found guilty shall be sentenced to a term of imprisonment and a period of special parole “which together constitute a sentence of twenty years” with provision that a person found guilty shall be sentenced to a period of special parole “of at least five years”; P.A. 15-211 amended Subsec. (b) to designate existing provision re class B felony as Subdiv. (1) and amend same to add reference to Subdiv. (2) and add provision re sentence of at least 10 years imprisonment, 5 years of which may not be suspended or reduced, to designate existing provision re class A felony as Subdiv. (2) and amend same to increase imprisonment from 5 years to 10 years and add provision re suspension of sentence and imposition of period of probation, and to make technical and conforming changes. See chapter 968a re address confidentiality program. See Sec. 53a-40c re sentence of psychological counseling for sexual assault of minor. See Sec. 54-86f re admissibility of evidence of prior sexual conduct. Cited. 175 C. 315; 188 C. 697; 192 C. 154; 204 C. 240; 207 C. 412; 210 C. 110; Id., 315; 211 C. 672. Judgment of Appellate Court in 19 CA 111 reversed. 215 C. 538. Cited. 240 C. 743. Cited. 3 CA 374; 11 CA 102; 12 CA 179; 19 CA 111; judgment reversed, see 215 C. 538; 35 CA 173; 36 CA 805; 43 CA 715. Cited. 43 CS 211. Subsec. (a): Cited. 206 C. 40; 216 C. 282; 235 C. 502. 5-week-old fetus constitutes a part of the mother's body and, therefore, is a “member” of her body for purposes of Subdiv. (2). 263 C. 524. Cited. 25 CA 725. For purposes of the offense described in Subdiv. (4), it is victim's objective and subjective awareness, and not perpetrator's physical proximity, that controls the factual determination as to whether perpetrator is “actually present”. 75 CA 578. Subsec. (b): Nothing in June Sp. Sess. P.A. 99-2 suggests that special parole with 20-year maximum sentence provision applied retroactively. 153 CA 639.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-70b. - Sexual assault in spousal or cohabiting relationship: Class B felony.

Section 53a-70b is repealed, effective October 1, 2019. (P.A. 81-27, S. 1; P.A. 14-234, S. 9; P.A. 19-189, S. 44.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-70c. - Aggravated sexual assault of a minor: Class A felony.

(a) A person is guilty of aggravated sexual assault of a minor when such person commits a violation of subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-86, 53a-87 or 53a-196a and the victim of such offense is under thirteen years of age, and (1) such person kidnapped or illegally restrained the victim, (2) such person stalked the victim, (3) such person used violence to commit such offense against the victim, (4) such person caused serious physical injury to or disfigurement of the victim, (5) there was more than one victim of such offense under thirteen years of age, (6) such person was not known to the victim, or (7) such person has previously been convicted of a violent sexual assault. (b) Aggravated sexual assault of a minor is a class A felony and any person found guilty under this section shall, for a first offense, be sentenced to a term of imprisonment, twenty-five years of which may not be suspended or reduced by the court and, for any subsequent offense, be sentenced to a term of imprisonment of fifty years which may not be suspended or reduced by the court. (P.A. 07-143, S. 3; P.A. 17-216, S. 2.) History: P.A. 07-143 effective July 13, 2007; P.A. 17-216 amended Subsec. (b) by replacing “imprisonment of twenty-five years which” with “imprisonment, twenty-five years of which”. For purposes of double jeopardy, Secs. 53-21(a)(2) and 53a-70(a)(2) are essential elements of this section when they are charged as predicate offenses, therefore, the harms targeted by those sections necessarily coexist in every prosecution under this section in which those sections are alleged as predicate offenses; it is not clear from legislative history that legislature intended to specifically authorize cumulative convictions and sentences under this section and Secs. 53-21(a)(2) and 53a-70(a)(2). 170 CA 501. Subsec. (a): Subdivs. (1) and (6) constitute separately punishable offenses pursuant to test set forth in 284 U.S. 299; because Subdivs. (1) and (6) each require proof of a fact that the other does not, and because nothing in either the statutory text or legislative history of section reveals a contrary legislative intent, multiple convictions under section for the same transaction do not violate the double jeopardy clause. 319 C. 684.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-71. - Sexual assault in the second degree: Class C or B felony.

(a) A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and: (1) Such other person is thirteen years of age or older but under sixteen years of age and the actor is more than three years older than such other person; or (2) such other person is impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual intercourse; or (3) such other person is physically helpless; or (4) such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; or (5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (6) the actor is a psychotherapist and such other person is (A) a patient of the actor and the sexual intercourse occurs during the psychotherapy session, (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception; or (7) the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; or (8) the actor is a school employee and such other person is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (9) the actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and such other person is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (10) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and such other person is under eighteen years of age; or (11) such other person is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person. (b) Sexual assault in the second degree is a class C felony or, if the victim of the offense is under sixteen years of age, a class B felony, and any person found guilty under this section shall be sentenced to a term of imprisonment of which nine months of the sentence imposed may not be suspended or reduced by the court. (1969, P.A. 828, S. 72; P.A. 75-619, S. 4; P.A. 82-428, S. 3; P.A. 83-326, S. 1; P.A. 85-341, S. 2; P.A. 93-340, S. 2; P.A. 94-221, S. 18; P.A. 00-161, S. 2; P.A. 02-106, S. 1; 02-138, S. 7; P.A. 04-130, S. 1; P.A. 07-143, S. 1; P.A. 11-113, S. 1; P.A. 13-47, S. 1.) History: P.A. 75-619 restated Subsec. (a) to conform with changes made in definitions of Sec. 53a-65, referred to sexual "assault" rather than to sexual "misconduct" and made the offense a Class C felony rather than a Class A misdemeanor; P.A. 82-428 amended Subsec. (b) to provide that nine months of sentence may not be suspended or reduced by the court; P.A. 83-326 amended Subsec. (a) to impose liability when the victim is mentally defective or mentally incapacitated "to the extent that he is unable to consent to such sexual intercourse", redesignated as Subdiv. (3) a victim who is "physically helpless" and renumbered the remaining Subdivs.; P.A. 85-341 amended Subsec. (a)(1) to increase the applicable age from 15 to 16 years; P.A. 93-340 amended Subsec. (a)(1) to specify that the other person be 13 years of age or older and the actor be more than 2 years older than such person, added Subdivs. (6) and (7) re sexual intercourse between a psychotherapist and a patient or former patient and re sexual intercourse accomplished by false representation that it is for a bona fide medical purpose; P.A. 94-221 added Subsec. (a)(8) concerning school employees and students; P.A. 00-161 amended Subsec. (a)(2) by deleting provision re the act of engaging in sexual intercourse with a person who is mentally incapacitated, which conduct was reclassified as sexual assault in the first degree under Sec. 53a-70 by same public act, and by making a technical change for purposes of gender neutrality; P.A. 02-106 added Subsec. (a)(9) re sexual intercourse between a coach or instructor and a person who is a recipient of such coaching or instruction and is a secondary school student receiving such coaching or instruction in a secondary school setting or under 18 years of age; P.A. 02-138 amended Subsec. (b) to classify the offense as a class B felony if the victim is under 16 years of age; P.A. 04-130 added Subsec. (a)(10) re actor 20 years of age or older who stands in a position of power, authority or supervision over another person under 18 years of age and engages in sexual intercourse with such other person; P.A. 07-143 amended Subsec. (a)(1) to increase the age differential from 2 to 3 years and make a technical change; P.A. 11-113 added Subsec. (a)(11) re actor who has supervisory or disciplinary authority over person placed or receiving services under direction of Commissioner of Developmental Services in any public or private facility or program and engages in sexual intercourse with such person; P.A. 13-47 amended Subsec. (a)(2) to substitute "impaired because of mental disability or disease" for "mentally defective". See chapter 968a re address confidentiality program. See Sec. 53a-40c re sentence of psychological counseling for sexual assault of minor. See Sec. 54-86f re admissibility of evidence of prior sexual conduct. Cited. 175 C. 315; 180 C. 54; 185 C. 199; 186 C. 45; 187 C. 73; Id., 348; 189 C. 321; 192 C. 154; 198 C. 53; 199 C. 47; 201 C. 211; 207 C. 374; 209 C. 225; 211 C. 455; 224 C. 1; 228 C. 393; 240 C. 743; 242 C. 409. Cited. 3 CA 374; 11 CA 102; 13 CA 378; 14 CA 688; 15 CA 251; Id., 289; 25 CA 270; judgment reversed in part, see 224 C. 1; 30 CA 527; 33 CA 133; 35 CA 173; Id., 754; 36 CA 383; 38 CA 56; 43 CA 715; 45 CA 116. Term "years" in Subsec. (a)(1) means periods of 365 or 356 days, not calendar years; Subsec. (a)(1) not void for vagueness as applied to defendant in this case despite lack of judicial gloss on meaning of "years" and does not violate defendant's right to equal protection. 47 CA 68. Evidence was sufficient for jury to find defendant guilty beyond a reasonable doubt. 57 CA 736. Pursuant to Sec. 53-21(2), risk of injury to or impairing the morals of a child involves sexual contact with a child younger than the age of 16 years "in a sexual and indecent manner likely to impair the health or morals of such child"; this section contains no such similar provision; risk of injury to a child, therefore, contains elements lacking in sexual assault in the second degree. 79 CA 591. Subsec. (a): Cited. 180 C. 167; 181 C. 426; 182 C. 382; 188 C. 565; Id., 644. Subdiv. (3): Terms "responsibility" and "general supervision" discussed. 189 C. 321. Cited. 190 C. 84; 191 C. 453; 197 C. 666; 199 C. 481; 200 C. 440; Id., 734; 204 C. 187; 205 C. 386; Id., 528; 210 C. 51;

Id., 244; Id., 359; 211 C. 185; Id., 555; 215 C. 653; 219 C. 283; 220 C. 345; 224 C. 656; 227 C. 207; 228 C. 552; Id., 610; 229 C. 580; Id., 839; 230 C. 43; 237 C. 321; 242 C. 296. Court determined defendant was more than 2 years older than victim by calculating the difference in age based on birthdates rather than calendar years; statute not unconstitutionally vague and does not violate defendant's right to equal protection under the law. 248 C. 543. Statute does not require physical violence as element of the crime. 260 C. 486. Prescribes a general liability crime and defendant cannot prevail on claim that attempt charge under section is invalid based on strict liability of crime; evidence of adult male's electronic mail exchanges with undercover officer posing as 13-year-old girl, defendant's arrival at prearranged meeting place and possession of related pornographic materials was sufficient to prove required intent and knowledge to support conviction under section and section is not unconstitutionally void for vagueness based on these facts. 277 C. 155. Cited. 7 CA 46; 8 CA 190; Id., 313; 9 CA 426; 10 CA 591; 11 CA 236; 13 CA 493; 14 CA 244; 15 CA 222; 17 CA 174; Id., 186; Id., 447; Id., 525; 18 CA 273; 19 CA 44; Id., 445; Id., 646; 20 CA 40; Id., 115; Id., 193; Id., 263; Id., 288, 289; Id., 530, 532; Id., 737; 23 CA 241; Id., 712; 24 CA 146; 25 CA 235; Id., 243; 26 CA 625; judgment reversed, see 224 C. 656; Id., 674; Id., 758; 28 CA 91; 31 CA 120; 32 CA 217; judgment reversed, see 229 C. 580; Id., 773; 33 CA 205; 34 CA 46; 37 CA 213; 38 CA 125; Id., 731; 39 CA 742; 40 CA 132; 41 CA 139; 43 CA 142; Id., 619; Id., 667; Id., 785; 45 CA 289; Id., 512. Trial court properly refused to instruct jury as requested by defendant on the issue of fraudulent misrepresentation; no affirmative defense of fraudulent misrepresentation is available under provision of statute prohibiting sexual intercourse between a person who is between the ages of 13 and 15 and a person who is at least 2 years older. 63 CA 536. Subdiv. (1): Sexual assault in the second degree was not a lesser offense included within sexual assault in the first degree because it would be possible to commit the latter offense in the manner described in the information and bill of particulars without committing the former offense. 99 CA 251. Subdiv. (1): Decriminalization of an act under Subdiv. in P.A. 07-143 entitled person with prior conviction for committing such act to erasure and destruction of records under Sec. 54-142d. 142 CA 21. Subdiv. (1): Court could reasonably have found sufficient evidence to satisfy penetration element of sexual assault where both the child and defendant were wearing underwear. 148 CA 378. Subdiv. (1): Conviction under this Subdiv. and Sec. 53-21(a)(2) does not violate defendant's constitutional right against double jeopardy because each crime requires proof of a fact that the other does not. 174 CA 172. Subdiv. (3): Evidence sufficient to prove sexual assault in the second degree where victim was able to communicate during earlier stages of assault but could not physically or verbally communicate her lack of consent during later penile-vaginal intercourse. 180 CA 799. Subdiv. (1): The limited exception under Sec. 54-193a for a prosecution of sexual assault in the second degree under this Subdiv. cannot be expanded and applied to a risk of injury charge under Sec. 53-21(a)(2). 213 CA 757. Subsec. (b): Cited. 207 C. 412. Defendant's sentence of 10 years of imprisonment followed by 10 years of special parole violated Sec. 54-128(c) and was an illegal sentence because total length of terms of imprisonment and special parole combined exceeded maximum term of imprisonment authorized for sexual assault in the second degree by Subsec. and Sec. 53a-35a(6). 279 C. 527.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-72. - Rape in the first degree: Class B felony.

Section 53a-72 is repealed. (1969, P.A. 828, S. 73; 1971, P.A. 871, S. 125; P.A. 75-619, S. 7.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-72a. - Sexual assault in the third degree: Class D or C felony.

(a) A person is guilty of sexual assault in the third degree when such person (1) compels another person to submit to sexual contact (A) by the use of force against such other person or a third person, or (B) by the threat of use of force against such other person or against a third person, which reasonably causes such other person to fear physical injury to himself or herself or a third person, or (2) subjects another person to sexual contact and such other person is mentally incapacitated or impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual contact, or (3) engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in section 46b-21. (b) Sexual assault in the third degree is a class D felony or, if the victim of the offense is under sixteen years of age, a class C felony. (P.A. 75-619, S. 5; P.A. 80-346, S. 1; P.A. 92-260, S. 33; P.A. 02-138, S. 8; P.A. 19-16, S. 15; 19-93, S. 9.) History: P.A. 80-346 designated previous Subdivs. (1) and (2) as Subparas. (A) and (B) in Subdiv. (1) of Subsec. (a) and added Subdiv. (2) re incest; P.A. 92-260 made technical changes by amending Subsec. (a)(1)(B) to replace "which reasonably causes such person to fear physical injury to such person" with "which reasonably causes such other person to fear physical injury to himself or herself" and amending Subsec. (a)(2) to replace "such person" with "the actor" or "him or her" as appropriate; P.A. 02-138 amended Subsec. (b) to classify the offense as a class C felony if the victim is under 16 years of age; P.A. 19-16 amended Subsec. (a) by adding new Subdiv. (2) re person who is mentally incapacitated and redesignating existing Subdiv. (2) as Subdiv. (3); P.A. 19-93 amended Subsec. (a)(2) by adding "or impaired because of mental disability or disease". See chapter 968a re address confidentiality program. See Sec. 53a-40c re sentence of psychological counseling for sexual assault of minor. See Sec. 54-86f re admissibility of evidence of prior sexual conduct. Cited. 175 C. 315; 186 C. 45; 187 C. 216; 191 C. 604; 192 C. 154; 194 C. 258; 199 C. 121; 205 C. 352; Id., 386; 207 C. 403; 214 C. 89; 224 C. 656; 240 C. 743. Statute encompasses adopted relatives. 258 C. 779. Cited. 1 CA 724; 3 CA 374; 6 CA 15; 9 CA 631; judgment reversed, see 205 C. 352; Id., 648; 10 CA 591; 11 CA 102; 12 CA 585; 35 CA 173; 43 CA 715; 46 CA 741. Evidence was sufficient to support conviction and court properly instructed jury on element of intent for conviction of sexual assault in the third degree. 81 CA 189. Subsec. (a): Cited. 198 C. 147; 205 C. 27; 209 C. 416; 210 C. 244; 211 C. 18; 220 C. 400; 224 C. 397; 225 C. 519; 229 C. 580; Id., 557; 233 C. 502; 237 C. 284; Id., 576; Id., 694. Court's failure to define

“knowledge” or to explain how it pertains to charge of sexual assault in the third degree did not violate defendant's due process rights where jury instructions, viewed as a whole, adequately informed jury of the elements of the crime. 258 C. 779. Subdiv. (2) does not violate equal protection clause of federal constitution because it applies equally to both opposite sex and same sex intercourse when individuals are related within certain degrees of kindred. 285 C. 528. Cited. 2 CA 333; 11 CA 236; 12 CA 221; 14 CA 244; 18 CA 273; Id., 694; 20 CA 530; 23 CA 221; Id., 564; judgment reversed in part, see 200 C. 400; 25 CA 653; judgment reversed, see 223 C. 52; Id., 725; 26 CA 395; 29 CA 724; 30 CA 281; 32 CA 217; judgment reversed, see 229 C. 580; 33 CA 743; judgment reversed, see 233 C. 502; 36 CA 228; 38 CA 100; Id., 762; 39 CA 657; Id., 742; 41 CA 139; Id., 287; 43 CA 578; 45 CA 756. Subdiv. (2) violates guarantees of equal protection because it proscribes heterosexual, but not homosexual, intercourse between kindred persons, and no rational basis exists for such distinction. 94 CA 667; judgment reversed, see 285 C. 498. Subdiv. (2): Jury instructions were proper as to essential element of sexual assault in the third degree when trial court directed jury to consider admission made by defendant that he was the stepfather of the victim. 110 CA 181. Subdiv. (2): Court could reasonably have found sufficient evidence to satisfy penetration element of sexual assault where both the child and defendant were wearing underwear. 148 CA 378.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-72b. - Sexual assault in the third degree with a firearm: Class C or B felony.

(a) A person is guilty of sexual assault in the third degree with a firearm when such person commits sexual assault in the third degree as provided in section 53a-72a, and in the commission of such offense, such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a pistol, revolver, machine gun, rifle, shotgun or other firearm. No person shall be convicted of sexual assault in the third degree and sexual assault in the third degree with a firearm upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information. (b) Sexual assault in the third degree with a firearm is a class C felony or, if the victim of the offense is under sixteen years of age, a class B felony, and any person found guilty under this section shall be sentenced to a term of imprisonment of which two years of the sentence imposed may not be suspended or reduced by the court and a period of special parole pursuant to subsection (b) of section 53a-28 which together constitute a sentence of ten years. (P.A. 75-619, S. 10; June Sp. Sess. P.A. 99-2, S. 51; P.A. 02-138, S. 9.) History: June Sp. Sess. P.A. 99-2 amended Subsec. (b) to increase the penalty from a class D to a class C felony, increase from 1 year to 2 years the nonsuspendable portion of the sentence and add requirement that any person found guilty be sentenced to a term of imprisonment and a period of special parole pursuant to Sec. 53a-28(b) which together constitute a sentence of 10 years and made provisions of section gender neutral; P.A. 02-138 amended Subsec. (b) to classify the offense as a class B felony if the victim is under 16 years of age. See chapter 968a re address confidentiality program. See Sec. 53a-40c re sentence of psychological counseling for sexual assault of minor. See Sec. 54-86f re admissibility of evidence of prior sexual conduct. Cited. 175 C. 315; 192 C. 154; 207 C. 412; 216 C. 282; 240 C. 743. Cited. 3 CA 374; 35 CA 173; 43 CA 715.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-73. - Rape in the second degree: Class C felony.

Section 53a-73 is repealed. (1969, P.A. 828, S. 74; 1971, P.A. 871, S. 129.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-73a. - Sexual assault in the fourth degree: Class A misdemeanor or class D felony.

(a) A person is guilty of sexual assault in the fourth degree when: (1) Such person subjects another person to sexual contact who is (A) under thirteen years of age and the actor is more than two years older than such other person, or (B) thirteen years of age or older but under fifteen years of age and the actor is more than three years older than such other person, or (C) physically helpless, or (D) less than eighteen years old and the actor is such other person's guardian or otherwise responsible for the general supervision of such other person's welfare, or (E) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (2) such person subjects another person to sexual contact without such other person's consent; or (3) such person engages in sexual contact with a dead human body; or (4) such person is a psychotherapist and subjects another person to sexual contact who is (A) a patient of the actor and the sexual contact occurs during the psychotherapy session, or (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception; or (5) such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation that the sexual contact is for a bona fide medical purpose by a health care professional; or (6) such person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (7) such person is a coach in an athletic activity or a person who provides intensive, ongoing instruction and subjects another person to sexual contact who is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (8) such person subjects another person to sexual contact and (A) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and (B) such other person is under eighteen years of age; or (9) such person subjects another person to sexual contact who is placed or receiving services under the

direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person. (b) Sexual assault in the fourth degree is a class A misdemeanor or, if the victim of the offense is under sixteen years of age, a class D felony. (P.A. 75-619, S. 6; P.A. 83-326, S. 2; P.A. 93-340, S. 3; P.A. 94-221, S. 19; P.A. 02-106, S. 2; 02-138, S. 10; P.A. 04-130, S. 2; P.A. 07-143, S. 2; P.A. 11-113, S. 2; P.A. 13-28, S. 1; 13-47, S. 2; P.A. 19-16, S. 16; 19-93, S. 10; P.A. 23-47, S. 10; 23-149, S. 3.) History: P.A. 83-326 amended Subsec. (a)(1) to impose liability when the victim is mentally defective or mentally incapacitated “to the extent that he is unable to consent to such sexual contact”, redesignated as Subpara. (C) a victim who is “physically helpless” and relettered the remaining subparagraphs; P.A. 93-340 added Subsec. (a)(4) and (5) re sexual contact by a psychotherapist with a patient or former patient and re sexual contact accomplished by means of false representation that it is for a bona fide medical purpose; P.A. 94-221 added Subsec. (a)(6) re school employees and students; P.A. 02-106 made a technical change in Subsec. (a)(1)(B) for purposes of gender neutrality and added Subsec. (a)(7) re a coach or instructor subjecting another person to sexual contact who is a recipient of such coaching or instruction and is a secondary school student receiving such coaching or instruction in a secondary school setting or under 18 years of age; P.A. 02-138 amended Subsec. (a) to make technical changes and amended Subsec. (b) to classify the offense as a class D felony if the victim is under 16 years of age; P.A. 04-130 added Subsec. (a)(8) re actor 20 years of age or older who stands in a position of power, authority or supervision over another person under 18 years of age and subjects that other person to sexual contact; P.A. 07-143 amended Subsec. (a)(1) to revise Subpara. (A) re when victim is under 15 years of age by establishing an age differential between the victim and the actor requiring that for a victim under 13 years of age the actor be more than 2 years older and requiring that for a victim 13 years of age or older but under 15 years of age the actor be more than 3 years older, designating the latter provision as new Subpara. (B) and relettering the remaining Subparas. accordingly; P.A. 11-113 added Subsec. (a)(9) re actor who has supervisory or disciplinary authority over person placed or receiving services under direction of Commissioner of Developmental Services in any public or private facility or program and subjects such person to sexual contact; P.A. 13-28 amended Subsec. (a)(1) to delete “intentionally”; P.A. 13-47 amended Subsec. (a)(1)(C) to substitute “impaired because of mental disability or disease” for “mentally defective”; P.A. 19-16 amended Subsec. (a)(1)(C) by deleting “mentally incapacitated or”; P.A. 19-93 amended Subsec. (a)(1) by deleting former Subpara. (C) re impairment because of mental disability or disease and redesignating existing Subparas. (D) to (F) as Subparas. (C) to (E); P.A. 23-47 amended Subsec. (a) by making existing language re sexual contact with an animal Subdiv. (3) and specifying that sexual contact with a “dead body” is a “dead human body” as new Subdiv. (4) and redesignating existing Subdivs. (4) to (9) as Subdivs. (5) to (10) (Revisor's note: In Subsec. (a), to conform with the deletion made by P.A. 23-149, the Revisors editorially deleted “(4) such person engages in sexual contact with”, which appeared in the engrossed bill, and left existing Subdiv. designators (4) to (9) unchanged); P.A. 23-149 amended Subsec. (a)(3) by deleting reference to sexual contact with an animal and making technical changes.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-73b. - Sexual assault of an animal: Class A misdemeanor. Additional sentence.

(a) A person is guilty of sexual assault of an animal when such person knowingly and for the purpose of sexual gratification of the actor or of another person: (1) Engages in sexual contact with an animal; (2) forces another person to engage in sexual contact with an animal; or (3) creates or distributes pornographic images of prohibited sexual contact with an animal. (b) Sexual assault of an animal is a class A misdemeanor. (c) In addition to any sentence imposed pursuant to subsection (b) of this section, at the time of a person's sentencing for a conviction under this section, the court shall order that, for the five-year period commencing from the date of such conviction or the date of such person's release from imprisonment for such conviction, whichever is later, such person (1) shall not harbor, own, possess, reside with, adopt or serve as a foster placement for any animal, and (2) shall not be employed by, or volunteer for, any entity in any position that involves care for, or regular contact with, any animal. (P.A. 23-149, S. 2.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-74 to 53a-81. - Rape in the second degree. Deviate sexual intercourse in the first and second degree. Sexual contact in the first, second and third degree. Adultery: Class A misdemeanor.

Sections 53a-74 to 53a-81, inclusive, are repealed. (1969, P.A. 828, S. 75–82; 1971, P.A. 871, S. 126–129; 1972, P.A. 127, S. 79, 80; P.A. 75-619, S. 7; P.A. 91-19, S. 2.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-82. - Prostitution: Class A misdemeanor.

(a) A person eighteen years of age or older is guilty of prostitution when such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee. (b) In any prosecution for an offense under this section, it shall be an affirmative defense that the actor was a victim of conduct by another person that constitutes (1) a violation of section 53a-192a, or (2) a criminal violation of 18 USC Chapter 77, as amended from time to time. (c) Nothing in this section shall limit a person's right to assert the defense of duress pursuant to section 53a-14 in any prosecution for an offense under this section. (d) Prostitution is a class A misdemeanor. (1969, P.A. 828, S. 83; P.A. 06-43, S. 5; P.A. 10-115, S. 1; P.A. 13-166, S. 3; P.A. 16-71, S. 6.) History: P.A. 06-43 added new Subsec. (b) re affirmative defense and redesignated existing Subsec. (b) as Subsec. (c), effective July 1, 2006; P.A. 10-115 amended Subsec. (a) to limit applicability of offense to person 16 years of age or older, added new Subsec. (c) re presumption of coercion of person 16 or 17 years of age and redesignated existing Subsec. (c) as Subsec. (d); P.A. 13-166 amended

Subsecs. (b) and (c) to replace provisions re actor being coerced into committing offense with provisions re actor being a victim of conduct by another that constitutes a violation of Sec. 53a-192a, designated as Subdiv. (1), or a victim of a criminal violation of 18 USC Chapter 77, designated as Subdiv. (2), added new Subsec. (d) re right to assert defense of duress pursuant to Sec. 53a-14, and redesignated existing Subsec. (d) as Subsec. (e); P.A. 16-71 amended Subsec. (a) by replacing "sixteen" with "eighteen" re age of person to be guilty of prostitution, deleted former Subsec. (c) re prosecution of person age 16 or 17 and redesignated existing Subsecs. (d) and (e) as Subsecs. (c) and (d). Meaning of statutory language is clear and is sufficient to warn ordinary person of the prohibited conduct. 37 CS 506. Does not violate right to privacy which has never been extended to encompass prostitutes plying their trade on the street. Id., 515.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-83. - Soliciting sexual acts: Class A misdemeanor.

(a) A person is guilty of soliciting sexual acts when: (1) Pursuant to a prior understanding, such person exchanges anything of value with another person as compensation for such person or a third person having engaged in sexual conduct with such person; (2) such person exchanges or agrees to exchange anything of value with another person pursuant to an understanding that such other person or a third person will engage in sexual conduct with such person; or (3) such person solicits or requests another person to engage in sexual conduct with such person in exchange for anything of value. (b) Soliciting sexual acts is a class A misdemeanor and any person found guilty shall be fined two thousand dollars. (1969, P.A. 828, S. 84; P.A. 13-166, S. 4; P.A. 16-71, S. 7; P.A. 17-32, S. 3; P.A. 21-102, S. 2; 21-103, S. 4.) History: P.A. 13-166 amended Subsec. (b) to provide exception re Subsec. (c) and added Subsec. (c) re class C felony offense if person knew or reasonably should have known the other person had not attained 18 years of age or was a victim of trafficking in persons or a criminal violation of 18 USC Chapter 77; P.A. 16-71 amended Subsec. (b) by adding provision re \$2,000 fine and amended Subsec. (c) by deleting "such person knew or reasonably should have known at the time of the offense that"; P.A. 17-32 deleted Subsec. (c) re class C felony offense if other person had not attained 18 years of age or was a victim of trafficking in persons or a criminal violation of 18 USC Chapter 77, and made technical and conforming changes; P.A. 21-102 replaced "patronizing a prostitute" with "soliciting sexual acts"; P.A. 21-103 replaced language re payment of a fee with language re exchange for anything of value throughout Subsec. (a). Section may be harmonized with Sec. 18-100d re determining controlling sentence where prisoner serving concurrent sentences for crimes committed both on or after October 1, 1994, and before October 1, 1994, with good time credit applicable to pre-October 1, 1994, sentence under Sec. 18-7a(c); determination of controlling sentence not a static concept. 261 C. 806. Cited. 4 CA 520.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-83a. - Patronizing a prostitute from a motor vehicle: Class A misdemeanor.

Section 53a-83a is repealed, effective October 1, 2017. (P.A. 93-265, S. 2; P.A. 97-279, S. 2; P.A. 16-71, S. 8; P.A. 17-32, S. 10.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-83b. - Commercial sexual abuse of a minor: Class B felony.

(a) A person is guilty of commercial sexual abuse of a minor when: (1) Such person exchanges anything of value with a minor or third person as compensation for a minor having engaged in sexual conduct with such person; (2) such person exchanges or agrees to exchange anything of value with a minor or a third person pursuant to an understanding that in return the minor will engage in sexual conduct with such person; or (3) such person solicits or requests to engage in sexual conduct with a minor, or any other person that such person reasonably believes to be a minor, in return for anything of value. (b) Except as provided in subsection (c) of this section, commercial sexual abuse of a minor is a class B felony. (c) Commercial sexual abuse of a minor is a class A felony if the minor has not attained fifteen years of age. (d) For purposes of this section, "minor" means a person who has not attained eighteen years of age. (P.A. 17-32, S. 4; P.A. 21-103, S. 5.) History: P.A. 21-103 replaced language re payment of a fee with language re exchange for anything of value throughout Subsec. (a).

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-84. - Defenses barred.

(a) In any prosecution for prostitution in violation of section 53a-82 or soliciting sexual acts in violation of section 53a-83, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it shall be no defense that: (1) Such persons were of the same sex; or (2) the person who received, agreed to receive or solicited a fee was a male and the person who paid or agreed or offered to pay such fee was a female. (b) In any prosecution for soliciting sexual acts in violation of section 53a-83 promoting prostitution in violation of section 53a-86, 53a-87 or 53a-88 or permitting prostitution in violation of section 53a-89, it shall be no defense that the person engaging or agreeing to engage in sexual conduct with another person in return for a fee could not be prosecuted for a violation of section 53a-82 on account of such person's age. (1969, P.A. 828, S. 85; P.A. 10-115, S. 4; P.A. 17-32, S. 8; P.A. 21-102, S. 3.) History: P.A. 10-115 designated existing provisions as Subsec. (a) and amended same to add "in violation of section 53a-82" re prosecution for prostitution and "in violation of section 53a-83 or 53a-83a" re prosecution for patronizing a prostitute and added Subsec. (b) to provide that it is not a defense to patronizing a prostitute, promoting prostitution or permitting prostitution if the person engaging or offering to engage in sexual conduct for a fee could not

be prosecuted under Sec. 53a-82 on account of age; P.A. 17-32 deleted references to Sec. 53a-83a; P.A. 21-102 replaced “patronizing a prostitute” with “soliciting sexual acts”.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-85. - Promoting prostitution: Definitions.

The following definitions are applicable to sections 53a-86 to 53a-89, inclusive: (1) A person “advances prostitution” when, acting other than as a prostitute or as a patron thereof, he knowingly causes or aids a person to commit or engage in prostitution, procures or solicits patrons for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise, or engages in any other conduct designed to institute, aid or facilitate an act or enterprise of prostitution. (2) A person “profits from prostitution” when acting other than as a prostitute receiving compensation for personally rendered prostitution services, he accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of prostitution activity. (1969, P.A. 828, S. 86.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-86. - Promoting prostitution in the first degree: Class B felony.

(a) A person is guilty of promoting prostitution in the first degree when he knowingly: (1) Advances prostitution by compelling a person by force or intimidation to engage in prostitution, or profits from coercive conduct by another; or (2) advances or profits from prostitution of a person less than eighteen years old. (b) Promoting prostitution in the first degree is a class B felony. Any person found guilty under subdivision (2) of subsection (a) of this section shall be sentenced to a term of imprisonment of which nine months of the sentence imposed may not be suspended or reduced by the court and shall be fined fifteen thousand dollars. (1969, P.A. 828, S. 87; P.A. 10-115, S. 2; P.A. 16-71, S. 16.) History: P.A. 10-115 amended Subsec. (a)(2) to increase applicable age limit from 16 to 18 and amended Subsec. (b) to add 9-month nonsuspendable sentence for person found guilty under Subsec. (a)(2); P.A. 16-71 amended Subsec. (b) by adding provision re \$15,000 fine. Cited. 185 C. 199; 191 C. 453; 199 C. 47. Sentencing under both risk of injury and promoting prostitution statutes not a double jeopardy violation. 53 CA 627.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-87. - Promoting prostitution in the second degree: Class C felony.

(a) A person is guilty of promoting prostitution in the second degree when he knowingly advances or profits from prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes. (b) Promoting prostitution in the second degree is a class C felony and any person found guilty shall be fined ten thousand dollars. (1969, P.A. 828, S. 88; 1972, P.A. 127, S. 81; P.A. 10-115, S. 3; P.A. 16-71, S. 17.) History: 1972 act changed applicable age in Subsec. (a)(2) from 19 to 18, reflecting change in age of majority; P.A. 10-115 amended Subsec. (a) to delete former Subdiv. (2) re advancing or profiting from prostitution of person less than 18 years old and make a technical change; P.A. 16-71 amended Subsec. (b) by adding provision re \$10,000 fine. Cited. 199 C. 47. Cited. 13 CA 732.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-88. - Promoting prostitution in the third degree: Class D felony.

(a) A person is guilty of promoting prostitution in the third degree when he knowingly advances or profits from prostitution. (b) Promoting prostitution in the third degree is a class D felony and any person found guilty shall be fined five thousand dollars. (1969, P. A. 828, S. 89; P.A. 16-71, S. 18.) History: P.A. 16-71 amended Subsec. (b) by adding provision re \$5,000 fine.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-89. - Permitting prostitution: Class A misdemeanor.

(a) A person is guilty of permitting prostitution when, having possession or control of premises which he knows are being used for prostitution purposes, he fails to make reasonable effort to halt or abate such use. (b) Permitting prostitution is a class A misdemeanor and any person found guilty shall be fined two thousand dollars. (1969, P.A. 828, S. 90; P.A. 16-71, S. 19.) History: P.A. 16-71 amended Subsec. (b) by adding provision re \$2,000 fine. Cited. 185 C. 199.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-90a. - Enticing a minor. Penalties.

(a) A person is guilty of enticing a minor when such person uses an interactive computer service to knowingly persuade, induce, entice or coerce any person (1) under eighteen years of age, or (2) who the actor reasonably believes to be under eighteen years of age, to engage in prostitution or sexual activity for which the actor may be charged with a criminal offense. For purposes of this section, “interactive computer service” means any information service, system or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions. (b) (1) Except as provided in subdivision (2) of this subsection, enticing a minor is a class D felony for a first offense, a class C felony for a second offense and a

class B felony for any subsequent offense. (2) Enticing a minor is a class B felony if the victim of the offense is under thirteen years of age and any person found guilty of such class B felony shall, for a first offense, be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court and, for any subsequent offense, be sentenced to a term of imprisonment of which ten years of the sentence imposed may not be suspended or reduced by the court. (P.A. 99-113; P.A. 04-139, S. 1; P.A. 07-143, S. 5; P.A. 16-71, S. 9.) History: P.A. 04-139 amended Subsec. (b) to increase penalty for a first offense from a class A misdemeanor to a class D felony, for a second offense from a class D felony to a class C felony and for any subsequent offense from a class C felony to a class B felony, effective July 1, 2004; P.A. 07-143 amended Subsec. (b) to designate existing penalty provision as Subdiv. (1) and amend same to add exception re Subdiv. (2) and to add new Subdiv. (2) classifying offense as a class B felony if the victim is under 13 years of age and specifying a term of imprisonment which may not be suspended or reduced by the court of 5 years for a first offense and 10 years for a subsequent offense, effective July 1, 2007; P.A. 16-71 amended Subsec. (a) by designating existing provision re age of person as Subdiv. (1) and amending same to replace "sixteen" with "eighteen" and by adding Subdiv. (2) re actor reasonably believes person to be under age 18. See Sec. 53a-261a re location of the offense. Subsec. (a): The plain meaning of the word "entice", as used in Subsec., does not require that an individual actually succeed in convincing a person to act for an enticement to have occurred, and therefore, it is not necessary that defendant actually engage in sexual activity with a minor to be convicted. 127 CA 464.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-90b. - Misrepresentation of age to entice a minor: Class C felony.

(a) A person is guilty of misrepresentation of age to entice a minor when such person, in the course of and in furtherance of the commission of a violation of section 53a-90a, intentionally misrepresents such person's age. (b) Misrepresentation of age to entice a minor is a class C felony. (June Sp. Sess. P.A. 07-4, S. 97.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-91. - Definitions.

The following definitions are applicable to this part: (1) "Restrain" means to restrict a person's movements intentionally and unlawfully in such a manner as to interfere substantially with his liberty by moving him from one place to another, or by confining him either in the place where the restriction commences or in a place to which he has been moved, without consent. As used herein "without consent" means, but is not limited to, (A) deception and (B) any means whatever, including acquiescence of the victim, if he is a child less than sixteen years old or an incompetent person and the parent, guardian or other person or institution having lawful control or custody of him has not acquiesced in the movement or confinement. (2) "Abduct" means to restrain a person with intent to prevent his liberation by either (A) secreting or holding him in a place where he is not likely to be found, or (B) using or threatening to use physical force or intimidation. (3) "Relative" means a parent, ancestor, brother, sister, uncle or aunt. (1969, P.A. 828, S. 92; P.A. 92-260, S. 35.) History: P.A. 92-260 amended Subdivs. (1) and (2) to replace Subpara. designators "(a)" and "(b)" with "(A)" and "(B)", respectively. Language is clear and does not lend itself to any equivocal interpretation. 173 C. 165. Cited. 177 C. 335; 179 C. 328; 188 C. 406; 191 C. 604; 200 C. 586; 209 C. 733; 211 C. 672; 215 C. 716; 216 C. 647; 219 C. 489; 225 C. 347; 226 C. 618. Terms "restrained" and "abducted" interpreted to include frightening victim to remain in bedroom through repeated physical and verbal abuse. 258 C. 510. The point at which an intended interference with liberty under Subdiv. (1) crosses the line to become an intended prevention of liberation under Subdiv. (2) is not entirely clear. 287 C. 509. Cited. 20 CA 437; 46 CA 486; 55 CA 447. Subdiv. (1): Cited. 180 C. 565; 195 C. 253; 198 C. 147; Id., 430; Id., 537; 202 C. 520; 215 C. 173; 237 C. 284. Cited. 5 CA 586; 13 CA 667; 17 CA 339; 19 CA 396; 30 CA 281; 31 CA 312. Subdiv. (2): Cited. 172 C. 22; 177 C. 637; 178 C. 634; 182 C. 449; 199 C. 537. Cited. 36 CA 190. To prove unlawful restraint, the state had to prove that defendant abducted alleged victim by restraining her with intent to prevent her liberation by using or threatening to use physical force or intimidation. 81 CA 320.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-92. - Kidnapping in the first degree: Class A felony.

(a) A person is guilty of kidnapping in the first degree when he abducts another person and: (1) His intent is to compel a third person (A) to pay or deliver money or property as ransom or (B) to engage in other particular conduct or to refrain from engaging in particular conduct; or (2) he restrains the person abducted with intent to (A) inflict physical injury upon him or violate or abuse him sexually; or (B) accomplish or advance the commission of a felony; or (C) terrorize him or a third person; or (D) interfere with the performance of a government function. (b) Kidnapping in the first degree is a class A felony. (1969, P.A. 828, S. 93, 94; P.A. 73-137, S. 5; P.A. 92-260, S. 36.) History: P.A. 73-137 deleted former Subsec. (a)(3) making kidnapping a first degree offense when abducted person dies during abduction or before his return to safety and provisions in that Subsec. re circumstances which determine the presumption of death and provisions in Subsec. (b) re imposition of death penalty and re sentence for Class A felony when accused enters guilty plea and court and state's attorney consent; P.A. 92-260 amended Subsec. (a)(1) to insert Subpara. indicators and made other technical changes. Cited. 173 C. 165; 197 C. 436; Id., 588; 198 C. 671; 200 C. 268; 201 C. 276; 211 C. 672; 212 C. 31; 225 C. 347; 227 C. 677; 235 C. 711; 236 C. 112. Court's failure to instruct jury in accordance with 287 C. 509 was harmless because restraint of victim was not incidental to additional offenses. 293 C. 435. Cited. 8 CA 177; 24 CA 13; 39 CA 632; 46 CA 691; Id., 741. Subsec. (a): Subdiv. (2)(A): Language sufficiently warns ordinary person in clear and concise terms of prohibited conduct intended. 173 C. 165. Cited. 185 C. 339; 189 C. 346; 194 C. 114; Id., 692; 198 C. 147; Id., 285; Id., 405; 199 C. 399; 200 C. 586; 201 C. 517; Id., 559; 202 C. 259; Id., 509; 203 C. 385; 204 C. 1; Id., 240; Id., 714; 205 C. 132; Id., 673; 206 C. 40; 209 C. 416;

Id., 733; 210 C. 110; Id., 199; Id., 315; 211 C. 18; 213 C. 388; Id., 422; 214 C. 38; Id., 89; 215 C. 173; Id., 716; 216 C. 647; 217 C. 243; 219 C. 93; Id., 160; Id., 269; Id., 283; Id., 489; 220 C. 270; Id., 345; Id., 487; Id., 698; 221 C. 264; 222 C. 556; 224 C. 397; 225 C. 450; Id., 519; 226 C. 618; 227 C. 1; Id., 153; 228 C. 582; 229 C. 557; 231 C. 195; 233 C. 403; 235 C. 145. Subdiv. (2)(A): Determined to be not unconstitutionally vague as applied to facts of the case. 237 C. 284. Cited. Id., 694; 238 C. 389. Subdiv. (2)(C): Section not unconstitutionally vague on its face. Id., 784. Cited. 239 C. 235; 242 C. 445. Where defendant also charged with sexual assault, restriction of movement alone can be basis of kidnapping if defendant, by violent actions, restrained victim with intent to prevent liberation. 262 C. 179; judgment reversed, see 299 C. 740. Legislature intended to exclude from scope of the more serious crime of kidnapping and its accompanying severe penalties those confinements or movements of a victim that are merely incidental to and necessary for the commission of another crime against that victim. 287 C. 509. Subdiv. (2)(A): Since there was no evidence that defendant restrained victim to any greater degree than that necessary to commit the sexual assault, his conviction of kidnapping in the first degree cannot stand. Id., 608. Holding in 287 C. 509 that to commit a kidnapping, defendant must intend to prevent the victim's liberation for a longer period of time or to a greater degree than that which is necessary to commit the other crime, applies retroactively to petitioner's habeas corpus proceeding in which he challenges his kidnapping conviction. 299 C. 740. Where defendant was also charged with robbery and there was no evidence that victim was bound or moved physically, and victim was restrained for five minutes and released immediately after robbery was complete, the restraint alone cannot support kidnapping charge. 301 C. 77. Subdiv. (2)(A): Subpara. not unconstitutionally vague since defendant had fair warning when he committed sexual assault in 1988 that his movement of victim could support an independent kidnapping conviction. 306 C. 718. Retroactive relief is available, as long as the evidence warrants such relief, for all collateral attacks on judgments rendered final prior to the holding in 287 C. 509, irrespective of whether the kidnapping instruction was challenged in the criminal proceeding, and such challenges are not subject to the procedural default rule; omission of a Salomon instruction not harmless beyond a reasonable doubt. 321 C. 56. Subdiv. (2)(B): Clarifying "merely incidental to and necessary for" language used in holding in *State v. Salomon*, 287 C. 509, and cited in *Hinds v. Commissioner of Correction*, 321 C. 56. 339 C. 1. Cited. 25 CA 428; 28 CA 195; 33 CA 457; 34 CA 276; 36 CA 190; Id., 216; Id., 641; Id., 718; Id., 774; 37 CA 360; Id., 464; 38 CA 777; 39 CA 579; 41 CA 317; judgment reversed, see 242 C. 445; 43 CA 715; 44 CA 307; 46 CA 810. Holding witnesses at gunpoint prior to firing fatal shot into a murder victim was kidnapping with intent to advance or accomplish the murder. 47 CA 134. Unlawful restraint as a lesser included offense, discussed. Id., 159. Evidence was insufficient to sustain defendant's conviction under section. 55 CA 447. Subdiv. (2): Under kidnapping statute, the state had to prove that defendant had abducted and restrained alleged victim with the intent to inflict physical injury or to sexually attack her. 81 CA 320. Kidnapping in the first degree statute was unconstitutionally vague as applied to facts of defendant's case. 91 CA 47. Abduction requirement under kidnapping statute was satisfied by testimony showing that defendant, in an effort to prevent victim from leaving his apartment, took her by the leg and placed his arm around her neck in a headlock and thereby restricted her movement with the intent to prevent her liberation. 96 CA 155. Kidnapping conviction reversed and matter remanded so jury could be instructed re holdings in 287 C. 509 and 288 C. 418 that it could not find defendant guilty of kidnapping unless he intended to prevent the victim's liberation for a longer period of time or to a greater degree than that necessary to commit the underlying crime. 115 CA 166. Subdiv. (2)(A): When assessing whether a kidnapping charge is merely incidental to and necessary for another crime, trial court must make a specific factual finding whether defendant intended to restrain the victim to a greater degree than what was necessary to commit the other crime; where defendant is charged with kidnapping pursuant to Subdiv. (2)(A), and no evidence is presented at trial re defendant's intention to inflict physical injury subsequent to related sexual assault, court's analysis of the kidnapping charge is limited to defendant's conduct up to the completion of the sexual assault. 118 CA 140. Subdiv. (2)(A) is a lesser offense included within the kidnapping charge of Subdiv. (2)(B) and thus conviction of both offenses for the same act constituted double jeopardy. Id., 831. Subdiv. (2): 287 C. 509 does not control burglary and larceny case because restraint of victim was not necessary to accomplish those crimes and restraint occurred after defendant took jewelry. 127 CA 181. Subdivs. (2)(A) and (2)(B) are separate offenses for double jeopardy purposes. 180 CA 371; judgment reversed on alternate grounds, see 338 C. 54. Subdiv. (2)(B): In order to prevail on habeas claim that the absence of a Salomon instruction did not constitute harmless error, petitioner is not required to establish that there was insufficient evidence to convict him or that a properly instructed jury likely would find him guilty; commissioner bears burden of demonstrating that the omission of a Salomon instruction on incidental restraint did not contribute to the verdict; test to be applied by appellate court is whether there is a reasonable possibility that a properly instructed jury would reach a different result. 184 CA 101; judgment reversed, see 339 C. 1. Cited. 43 CS 46.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-92a. - Kidnapping in the first degree with a firearm: Class A felony.

(a) A person is guilty of kidnapping in the first degree with a firearm when such person commits kidnapping in the first degree as provided in section 53a-92, and in the commission of said crime such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a pistol, revolver, machine gun, shotgun, rifle or other firearm. No person shall be convicted of kidnapping in the first degree and kidnapping in the first degree with a firearm upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information. (b) Kidnapping in the first degree with a firearm is a class A felony. (P.A. 75-380, S. 9; P.A. 13-28, S. 2.) History: P.A. 13-28 made technical changes and amended Subsec. (b) to delete requirement that 1 year of sentence may not be suspended or reduced by the court Cited. 198 C. 671. Effect of enactment of statute was to link a more serious crime with a less serious penalty; equal protection rights violated. 200 C. 268. Cited. 204 C. 240; 205 C. 262; Id., 673; 210 C. 110; Id., 315; 211 C. 672; 216 C. 282. Cited. 40 CA 60.

Subsec. (b): Statute “has created an irreconcilable conflict in the statutes governing mandatory minimum sentences for kidnapping in the first degree ... until the legislature takes corrective action the sentencing provisions of (statute) govern all prosecutions for kidnapping in the first degree”; statutory construction discussed. 198 C. 671. Equal protection rights discussed. 200 C. 268. Cited. 207 C. 412.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-93. - Proceeding to determine sentence for kidnapping in first degree.

Section 53a-93 is repealed. (1969, P.A. 828, S. 95; P.A. 73-137, S. 15.)

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-94. - Kidnapping in the second degree: Class B felony: Three years not suspendable.

(a) A person is guilty of kidnapping in the second degree when he abducts another person. (b) Kidnapping in the second degree is a class B felony for which three years of the sentence imposed may not be suspended or reduced by the court. (1969, P.A. 828, S. 96; P.A. 93-148, S. 1.) History: P.A. 93-148 amended Subsec. (b) to add provision re three-year nonsuspendable sentence. Cited. 169 C. 242; 171 C. 47; 172 C. 22; 177 C. 335; Id., 637; 178 C. 549; Id., 634; 185 C. 163; 186 C. 179; 188 C. 406; 190 C. 822; 191 C. 604; 196 C. 430; 198 C. 68; Id., 190; 199 C. 537; 200 C. 586; 202 C. 343; Id., 520; 206 C. 40; Id., 685; 208 C. 365; 211 C. 672; 213 C. 388; 231 C. 195. Omission of Salomon instruction was not harmless beyond a reasonable doubt. 302 C. 236. Cited. 1 CA 697; 12 CA 268; Id., 613; 20 CA 437; 21 CA 411; 27 CA 786; 35 CA 740; 42 CA 768; 46 CA 486; Id., 691. Subsec. (a): Cited. 178 C. 600; 179 C. 328; 180 C. 565; 182 C. 449; 187 C. 681; 190 C. 327; 192 C. 166; 197 C. 485; 198 C. 314; 238 C. 784. The legislature intended to exclude from the scope of the more serious crime of kidnapping and its accompanying severe penalties those confinements or movements of a victim that are merely incidental to and necessary for the commission of another crime against that victim. 287 C. 509. The court's repeated pronouncements that there are no minimum time or distance requirements to establish restraint within the meaning of Subsec., coupled with Subsec.'s prohibition of the act of restraint only when it is accomplished with the specific intent of preventing a victim's liberation, defeats defendant's claim that Subsec. is unconstitutionally vague as applied to defendant's actions. 294 C. 753. Lack of Salomon instruction was harmless because defendant was acquitted of all charges other than kidnapping and unlawful restraint. 299 C. 447. There is neither any time requirement for the restraint, nor any distance requirement for the asportation to constitute the crime of kidnapping. 1 CA 697. By its plain terms, Subsec. gives fair warning to the public that if a person abducts another he is guilty of that offense. 83 CA 142. Statute is unconstitutionally vague as applied to the particular facts in issue because it failed to put defendant on notice that forcibly taking victim's arm but not moving her was a violation. 95 CA 332; judgment reversed, see 294 C. 753. Section not unconstitutionally vague as applied to defendant whose actions over a 2-hour period included using stun gun and restraints against victim and confining victim in defendant's car and home. 137 CA 29. Defendant possessed specific intent to prevent victim's liberation immediately prior to and during struggle; Subsec. not unconstitutionally vague as applied to defendant; defendant not subject to arbitrary and discriminatory enforcement; cumulative convictions of kidnapping in the second degree and attempted kidnapping in the second degree violate constitutional prohibition against double jeopardy. 147 CA 598.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-94a. - Kidnapping in the second degree with a firearm: Class B felony: Three years not suspendable.

(a) A person is guilty of kidnapping in the second degree with a firearm when he commits kidnapping in the second degree, as provided in section 53a-94, and in the commission of such offense he uses or is armed with and threatens the use of or uses or displays or represents by his words or conduct that he possesses a pistol, revolver, machine gun, shotgun, rifle or other firearm. No person shall be convicted of kidnapping in the second degree and kidnapping in the second degree with a firearm upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information. (b) Kidnapping in the second degree with a firearm is a class B felony for which three years of the sentence imposed may not be suspended or reduced by the court. (P.A. 75-380, S. 10; P.A. 92-260, S. 37; P.A. 93-148, S. 2.) History: P.A. 92-260 made a technical change in Subsec. (a); P.A. 93-148 amended Subsec. (b) to increase from one year to three years the length of the nonsuspendable sentence. Cited. 188 C. 697; 200 C. 523; 201 C. 115; 207 C. 412; 210 C. 110; 211 C. 672; 216 C. 282. Cited. 9 CA 648; 46 CA 741. Although defendant did not physically restrain victim during her confinement, his threat against victim's life while armed with deadly weapon was evidence from which jury could reasonably infer that defendant possessed specific intent to prevent victim's liberation; defendant could not prevail on argument that section is unconstitutionally vague for failing to provide notice that any restraint of victim, even for a very brief time, could constitute the crime of kidnapping; case is not one of the rare cases where the restraint is so minimal or limited in time as to warrant a finding of unconstitutionality. 133 CA 514.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-95. - Unlawful restraint in the first degree: Class D felony.

(a) A person is guilty of unlawful restraint in the first degree when he restrains another person under circumstances which expose such other person to a substantial risk of physical injury. (b) Unlawful restraint in the first degree is a class D felony. (1969, P.A. 828, S. 97; P.A. 92-260, S. 38.) History: P.A. 92-260 amended Subsec. (a) to replace “the latter” with “such other person”. Cited.

171 C. 395; 182 C. 353; Id., 366; 187 C. 216; Id., 348; 191 C. 604; 194 C. 297; 195 C. 253; 197 C. 298; Id., 309; 198 C. 430; 199 C. 193; 200 C. 9; 201 C. 659; 202 C. 676; 205 C. 352; 220 C. 112; 222 C. 331; 223 C. 180; 224 C. 397; 226 C. 601; 236 C. 112; 237 C. 284; 242 C. 689. Because an unlawful restraint involves the restriction of another person's movements with the intent to interfere substantially with that person's liberty, the crime of unlawful restraint is a specific intent crime. 287 C. 509. Cited. 3 CA 374; 5 CA 424; Id., 586; 6 CA 334; 7 CA 701; 8 CA 620; 9 CA 631; judgment reversed, see 205 C. 352; 10 CA 217; 13 CA 554; 17 CA 234. Specific intent required. Id., 339. Cited. Id., 391; Id., 490; 22 CA 477; 28 CA 581; judgment reversed, see 226 C. 601; 31 CA 20; Id., 312; 36 CA 805; 40 CA 553; 41 CA 701; 42 CA 78; Id., 445; 43 CA 715; 46 CA 486. Immediate flight of victim demonstrates absence of restraint by defendant. 140 CA 393. Cited. 43 CS 211. Subsec. (a): Cited. 174 C. 500; 176 C. 227; 179 C. 381; 185 C. 211; 186 C. 599; 190 C. 104; 197 C. 50; Id., 602; 198 C. 598; Id., 617; 205 C. 39; Id., 61; Id., 437; Id., 528; 206 C. 40; 209 C. 143; 222 C. 87; 227 C. 32; Id., 153; 241 C. 784; 242 C. 523. Cited. 6 CA 697; 8 CA 387; Id., 491; Id., 566; 9 CA 79; Id., 208; 13 CA 667; 14 CA 710; 18 CA 134; Id., 730; 19 CA 631; 21 CA 244; Id., 467; 25 CA 725; 26 CA 574; Id., 641; 32 CA 178; 38 CA 531; Id., 777; 39 CA 45; Id., 789; Id., 832; 41 CA 255; Id., 817. Conviction of both sexual assault and unlawful restraint is not double jeopardy. 47 CA 117.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-96. - Unlawful restraint in the second degree: Class A misdemeanor.

(a) A person is guilty of unlawful restraint in the second degree when he restrains another person. (b) Unlawful restraint in the second degree is a class A misdemeanor. (1969, P.A. 828, S. 98.) Cited. 178 C. 600; 188 C. 372; 191 C. 604; 197 C. 413; Id., 602; 206 C. 100; 211 C. 672; 224 C. 397; 231 C. 195. Because an unlawful restraint involves the restriction of another person's movements with the intent to interfere substantially with that person's liberty, the crime of unlawful restraint is a specific intent crime. 287 C. 509. Cited. 9 CA 656; 19 CA 396; 29 CA 524; 30 CA 281; 31 CA 497; 46 CA 486.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-97. - Custodial interference in the first degree: Class D felony.

(a) A person is guilty of custodial interference in the first degree when he commits custodial interference in the second degree as provided in section 53a-98: (1) Under circumstances which expose the child or person taken or enticed from lawful custody or the child held after a request by the lawful custodian for his return to a risk that his safety will be endangered or his health materially impaired; or (2) by taking, enticing or detaining the child or person out of this state. (b) Custodial interference in the first degree is a class D felony. (1969, P.A. 828, S. 99; P.A. 81-280, S. 2; P.A. 92-260, S. 39; P.A. 95-206, S. 1.) History: P.A. 81-280 amended Subsec. (a)(1) to include risk to a child held after a request by the lawful custodian for his return; P.A. 92-260 made technical changes in Subsec. (a); P.A. 95-206 amended Subsec. (a) by classifying the detention of a child or person out of this state as a violation of custodial interference in the first degree. Cited. 182 C. 353; 226 C. 652. Joint custodian is not inherently immune from criminal prosecution under section solely on basis of his or her status as a joint custodian. 251 C. 656. Language of statute standing alone provided defendant with fair notice of the illegality of his conduct at the time of his actions. 272 C. 762. Cited. 34 CS 219.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-98. - Custodial interference in the second degree: Class A misdemeanor.

(a) A person is guilty of custodial interference in the second degree when: (1) Being a relative of a child who is less than sixteen years old and intending to hold such child permanently or for a protracted period and knowing that he has no legal right to do so, he takes or entices such child from his lawful custodian; (2) knowing that he has no legal right to do so, he takes or entices from lawful custody any incompetent person or any person entrusted by authority of law to the custody of another person or institution; or (3) knowing that he has no legal right to do so, he holds, keeps or otherwise refuses to return a child who is less than sixteen years old to such child's lawful custodian after a request by such custodian for the return of such child. (b) Custodial interference in the second degree is a class A misdemeanor. (1969, P.A. 828, S. 100; P.A. 81-280, S. 1.) History: P.A. 81-280 added Subsec. (a)(3) re failure to return a child to his lawful custodian after a request by the custodian for the child's return. Cited. 226 C. 652. Language of statute standing alone provided defendant with fair notice of the illegality of his conduct at the time of his actions. 272 C. 762. Subsec. (a)(3): Legislature intended "refuses to return" to include, at its core, a person who has declined a demand to send back a child to his or her lawful custodian, and this language provides clear notice that it encompasses the behavior of a person who either affirmatively declines to return a child to his or her lawful custodian or declines to take any affirmative steps to return a child to the lawful custodian upon the custodian's request. 197 CA 675; judgment affirmed, see 345 C. 44.

2024 Connecticut General Statutes Title 53a - Penal Code Chapter 952 - Penal Code: Offenses Section 53a-99. - Substitution of children: Class D felony.

(a) A person is guilty of substitution of children when, having been temporarily entrusted with a child less than one year old and, intending to deceive a parent, guardian or other lawful custodian of such child, he substitutes, produces or returns to such parent, guardian or custodian a child other than the one entrusted. (b) Substitution of children is a class D felony. (1969, P.A. 828, S. 101.)

Title: title-54

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-1 and 54-1a. - Criminal jurisdiction of trial justices; of Court of Common Pleas.

Sections 54-1 and 54-1a are repealed. (1949 Rev., S. 8721; 1955, S. 3319d; 1957, P.A. 522, S. 1; 1959, P.A. 28, S. 25, 204; 1961, P.A. 78; 352; 1963, P.A. 177; February, 1965, P.A. 331, S. 35; 1967, P.A. 152, S. 43; 549, S. 8; 630, S. 12; 1971, P.A. 72, S. 15; 870, S. 1; P.A., 74-183, S. 7, 291; P.A. 76-436, S. 515, 681.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-15 and 54-16. - Binding over on probable cause. Jurisdiction of Common Pleas Court on appeals.

Sections 54-15 and 54-16 are repealed. (1949 Rev., S. 8727, 8742; 1949, S. 3320d; November, 1955, S. N230; 1959, P.A. 28, S. 141, 204; 1963, P.A. 642, S. 61.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-17a. - Presentation in one judicial district for offenses charged in various districts where defendant to plead guilty.

When any person is arrested in any judicial district upon a criminal charge within the jurisdiction of the Superior Court and any indictment or information is pending against him in the superior court for one or more other judicial districts, he may, with his consent and that of the state's attorney for each such judicial district, be presented in the judicial district where the first warrant served upon him originated for all of the offenses to which he intends to plead guilty. (1961, P.A. 251; P.A. 73-116, S. 17; 73-667, S. 1, 2; P.A. 78-280, S. 2, 4, 127.) History: P.A. 73-116 added references to judicial districts; P.A. 73-667 changed effective date of P.A. 73-116 from October 1, 1973, to April 25, 1973; P.A. 78-280 deleted references to counties. Cited. 25 CS 202.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-18a to 54-21. - Transfer of criminal cases between Superior and Common Pleas Court. Certain cases to be tried at first term. Search when cruelty is suspected. Search warrants in cases of cruelty to animals.

Sections 54-18a to 54-21, inclusive, are repealed. (1949 Rev., S. 8724, 8745, 8787; 1959, P.A. 28, S. 143; 1961, P.A. 517, S. 70; 1963, P.A. 642, S. 63; 652, S. 10; 1971, P.A. 590; P.A. 73-116, S. 19; 73-667, S. 1, 2; P.A. 74-183, S. 134, 291; P.A. 76-336, S. 10; 76-436, S. 525, 526, 681.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-1b. - Arraignment of prisoner. Advice as to rights.

Any accused, when he is arraigned before the Superior Court, shall be advised by a judge that he has a right to counsel, that he has a right to refuse to make any statement and that any statement he makes may be introduced in evidence against him. Each such person shall be allowed a reasonable opportunity to consult counsel. (1963, P.A. 126, S. 1; February, 1965, P.A. 185, S. 1; 436, S. 1; 1967, P.A. 549, S. 9; 656, S. 58; 1972, P.A. 69, S. 2; P.A. 74-183, S. 125, 291; P.A. 76-436, S. 516, 681; P.A. 80-313, S. 27.) History: 1965 acts provided bond would cover appearance in court to which accused was bound over, allowed judge to release accused on his own recognizance and added provision setting forth exceptions to requirement re presentment of accused to first session of court; 1967 acts substituted criminal "term" for criminal "session" and, effective October 1, 1968, provided accused be advised of his rights at his arraignment rather than when he is put to plea, provided alternatives to bail and added concept of incapacity in provision re exceptions to requirement for presentment of accused at first session; 1972 act added Subdiv. (4) in exception to requirement that accused be presented at first session re persons accused of misdemeanor or offenses with lesser penalties as specified; P.A. 74-183 replaced circuit court with court of common pleas, reflecting reorganization of judicial system and deleted provision first added in 1965 and amended in 1967 and 1972 re exceptions to requirement for presentment at first session of court, effective December 31, 1974; P.A. 76-436 replaced court of common pleas with superior court, reflecting transfer of all trial jurisdiction to superior court and specified that accused persons who are not released on bond or on their written promise to appear are to be committed to commissioner of correction until next criminal term of court or until discharged, effective July 1, 1978; P.A. 80-313 deleted provisions detailing conditions of release on bond or promise to appear. See Sec. 51-296 re designation of public defender for indigent defendant or codefendant. See Sec. 54-1j re court advice re possible immigration and naturalization ramifications of guilty or nolo contendere plea. See Sec. 54-94a re conditional plea of nolo contendere. Prior to act, held that neither failure to warn defendant of his constitutional rights nor his lack of counsel required conclusion that his confession was involuntary. 150 C. 169. Cited. 154 C. 314, 324. Presentation before circuit court session next held in circuit where offense is alleged to have been committed means the regular session of the circuit court next to be held, excluding any session on day of arrest. 155 C. 134. Right to counsel not denied where defendant made no request for same even though defendant's attorneys, during period from his arrest to his arraignment, made repeated unsuccessful efforts to communicate with him. Id., 155. Defendant was warned of his rights prior to his plea being offered but not prior to conversation with his daughter in police barracks wherein he admitted he was guilty of crimes charged. 157 C. 25. Cited. 164 C. 402. Admission into evidence of custodial statements not violation of section. 167 C. 408. Cited. 187 C. 6; 195 C. 505; 198 C. 517; 201 C. 489; 236 C. 388. Cited. 34 CA 261; 43 CA 209. Cited. 39 CS 347. Cited. 2 Conn. Cir. Ct. 573. Compliance by the state with the requirements of section in no way adversely affected defendant's right to claim that his rights were violated because the court refused to appoint counsel to represent him. 3 Conn. Cir. Ct. 624, 630. Motion to dismiss on ground constitutional right to counsel had been violated should be made prior to not guilty plea. 4 Conn. Cir. Ct. 166. Court could conclude

from statements and conduct of defendant that he had effectively waived his rights. Id., 168. On-the-scene questioning of person in investigation of crime without prior warning not precluded since such person is not under restraint. Id., 195. Purpose and necessity of arraignment or presentment of accused are to fix his identity, inform him of his constitutional rights and the charge against him and give him an opportunity to plead; before arraignment, there is no issue pending to which accused can plead and entry of nolle prosequi before arraignment is not a final judgment from which an appeal lies. Id., 466. Cited. 5 Conn. Cir. Ct. 35, 40. Collective statement of their rights to group of accused may be sufficient compliance with section but not as to defendants with linguistic difficulties or below average intelligence. Id., 178. Cited. Id., 243. Defendant waived his right to counsel where he had, for 6 months, obtained postponements on this ground. 6 Conn. Cir. Ct. 58.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-1c. - Admissibility of confession.

Any admission, confession or statement, written or oral, obtained from an accused person who has not been presented to the first session of the court, or on the day specified for arraignment under the provisions of section 54-1g, or who has not been informed of such person's rights as provided by section 54-1b or 54-64b, shall be inadmissible. (1963, P.A. 126, S. 3; February, 1965, P.A. 436, S. 2; P.A. 76-336, S. 2; P.A. 80-313, S. 28; P.A. 03-19, S. 127.) History: 1965 act added "or on the day specified in ... section 54-1b"; P.A. 76-336 substituted day "for arraignment under the provisions of section 54-63c" for day specified "in subdivision (1), (2) or (3) of section 54-1b"; P.A. 80-313 added reference to Sec. 54-64b and substituted reference to Sec. 54-1g for reference to Sec. 54-63c; P.A. 03-19 made technical changes, effective May 12, 2003. Proof of voluntariness of confession prerequisite to its admissibility if made during illegal detention. 151 C. 246, see 371 U.S. 471. Cited. 154 C. 314, 321; 155 C. 124, 133. Confession inadmissible as defendant was not advised he could have a lawyer's services prior to interrogation and that he had right to stop answering questions at any time. 157 C. 384. Cited. 164 C. 402. Admission into evidence of custodial statements not violation of section. 167 C. 408. Cited. 187 C. 6. Exclusionary effects of this statute do not apply to violations of Sec. 54-63c. 195 C. 505. Cited. 236 C. 388; 240 C. 205. Section not applicable to suppress a statement that was elicited from accused before expiration of the first court session when his presentment still would have been timely; legislature's use of past tense in the phrase "has not been presented" evinces an intent that the violation of not presenting the accused person to the court in a timely manner already must have occurred when the statement is obtained in order for section to apply; section was intended to embody federal rules in effect when section was enacted in 1963. 317 C. 1. Cited. 11 CA 238; 37 CA 252; judgment reversed, see 236 C. 388; 43 CA 209; 44 CA 162. Section renders inadmissible any admission, confession or statement given by an accused person who remains in state custody after the time at which he should have been presented in court; section does not invalidate all statements made by defendant prior to that time due to later, unrelated wrongdoing by the police in prolonging the period of his pre-presentment detention. 145 CA 547; judgment affirmed, see 317 C. 1. Cited. 2 Conn. Cir. Ct. 573; 3 Conn. Cir. Ct. 346; 5 Conn. Cir. Ct. 35, 40.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-1d. - Place of arraignment. Multiple arrest warrants. Multiple credit card and automated teller machine offenses. Identity theft and related offenses. Violation of order of protection by electronic or telephonic means.

(a) For the purposes of this section, "geographical area" means the geographical area of the Superior Court established pursuant to section 51-348. (b) Except as provided in subsections (d) and (e) of this section, defendants in criminal actions shall be presented for arraignment to: (1) The court in the geographical area in which the crime was alleged to have been committed; (2) If the arrest was by warrant, the court in the geographical area in which the crime was alleged to have been committed or in which the arrest was made; or (3) If the arrest was by a warrant issued pursuant to section 53a-32 or for failure to appear as provided in section 53a-172 or 53a-173, the court in the geographical area in which the crime was alleged to have been committed or in which the arrest was made, or the superior court having jurisdiction over the underlying criminal prosecution. (c) If the defendant was presented to the court in the geographical area in which the arrest was made for arraignment and was not released from custody after such arraignment, the defendant shall be presented to the court in the geographical area in which the crime was alleged to have been committed not later than the second court day following such arraignment. Except as provided in subsection (d) of this section, any defendant who has been presented to the court in accordance with this section and is the subject of one or more additional arrest warrants issued for crimes that were alleged to have been committed in one or more geographical areas, other than the geographical area in which the defendant is initially presented, shall subsequently be presented to the court in each geographical area in which such crimes were alleged to have been committed, in such order as the courts may determine, not later than the second court day following the prior arraignment. A criminal cause shall not fail on the ground that it has been submitted to a session of improper venue. (d) Any defendant who is charged with multiple offenses under any provision of section 53a-127b or sections 53a-128a to 53a-128i, inclusive, where such offenses were alleged to have been committed in more than one geographical area, may be presented to the court in any one of such geographical areas. The court may consolidate all such offenses into a single criminal action and shall have jurisdiction over such action. (e) Any defendant who is charged with a violation of section 53a-129a of the general statutes, revision of 1958, revised to January 1, 2003, section 53a-129b, 53a-129c, 53a-129d or 53a-129e, and any defendant who is charged with any other offense committed as a result of such violation may be presented to the court in the geographical area in which the person whose personal identifying information has been obtained and used by the defendant resides and may be prosecuted in such geographical area or judicial district. (f) Any defendant who is charged with a violation of section 53a-223, 53a-223a or 53a-223b by means of electronic or telephonic communication may be presented to the court in the geographical area in

which (1) the victim resides, (2) the victim received the communication, or (3) the communication was initiated. Such defendant may be prosecuted in any such geographical area or a corresponding judicial district. (P.A. 74-183, S. 206, 291; P.A. 76-436, S. 517, 681; P.A. 80-313, S. 29; P.A. 95-105; P.A. 98-45; P.A. 03-156, S. 8; P.A. 05-152, S. 7; P.A. 06-152, S. 14; P.A. 09-239, S. 9; P.A. 12-114, S. 9.) History: P.A. 76-436 replaced court of common pleas with superior court, reflecting transfer of all trial jurisdiction to superior court and substituted reference to Sec. 51-348 for reference to Sec. 51-156a, effective July 1, 1978; P.A. 80-313 deleted specific reference to superior court and rephrased protection for criminal causes submitted to session of improper venue; P.A. 95-105 authorized the defendant to be brought to the court in the geographical area in which the arrest was made for arraignment if the arrest was by warrant and added provision that if the defendant was brought to such court for arraignment and not released from custody, the defendant shall be presented to the court in the geographical area in which the crime was alleged to have been committed not later than the second court day following such arraignment; P.A. 98-45 designated existing provisions as Subsec. (a), added exception language and added new Subsec. (b) re consolidation of credit card and automated teller machine fraud offenses; P.A. 03-156 amended Subsec. (a) to add exception re Subsec. (c) and added new Subsec. (c) re place of presentment of defendant charged with identity theft or any other offense committed as a result of such violation; P.A. 05-152 amended Subsec. (a) by adding provision re arraignment at superior court having jurisdiction over underlying criminal prosecution if defendant is arrested on warrant issued pursuant to Sec. 53a-32 or for failure to appear as provided in Sec. 53a-172 or 53a-173 and by making technical changes; P.A. 06-152 added new Subsec. (a) defining “geographical area”, divided existing Subsec. (a) into new Subsecs. (b)(1), (2) and (3) and (c) and made technical and conforming changes therein, inserted “in which the crime was alleged to have been committed or” in said Subsec. (b)(2), inserted “the court in the geographical area in which the crime was alleged to have been committed or in which the arrest was made, or” in said Subsec. (b)(3), added provision re presentment of defendant who is the subject of additional arrest warrants in said Subsec. (c), redesignated existing Subsec. (b) as Subsec. (d) and made a conforming change therein, and redesignated existing Subsec. (c) as Subsec. (e), effective June 6, 2006; P.A. 09-239 amended Subsec. (e) by adding reference to Sec. 53a-129e and provision re prosecution in geographical area or judicial district; P.A. 12-114 added Subsec. (f) re place of presentment of defendant charged with violation of Sec. 53a-223, 53a-223a or 53a-223b by means of electronic or telephonic communication. Cited. 187 C. 264. Cited. 39 CS 347.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-1e. - Election of place of trial when venue is in the geographical area of Derby, Ansonia, Shelton, and Seymour.

Section 54-1e is repealed. (P.A. 75-578, S. 5; P.A. 76-436, S. 582, 681.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-1f. (Formerly Sec. 6-49). - Arrest without warrant. Pursuit outside precincts.

(a) For purposes of this section, the respective precinct or jurisdiction of a state marshal or judicial marshal shall be wherever such marshal is required to perform duties. Peace officers, as defined in subdivision (9) of section 53a-3, in their respective precincts, shall arrest, without previous complaint and warrant, any person for any offense in their jurisdiction, when the person is taken or apprehended in the act or on the speedy information of others, provided that no constable elected pursuant to the provisions of section 9-200 shall be considered a peace officer for the purposes of this subsection, unless the town in which such constable holds office provides, by ordinance, that constables shall be considered peace officers for the purposes of this subsection. (b) Members of the Division of State Police within the Department of Emergency Services and Public Protection or of any local police department or any chief inspector or inspector in the Division of Criminal Justice shall arrest, without previous complaint and warrant, any person who the officer has reasonable grounds to believe has committed or is committing a felony. (c) Members of any local police department or the Office of State Capitol Police and constables and state marshals who are certified under the provisions of sections 7-294a to 7-294e, inclusive, and who perform criminal law enforcement duties, when in immediate pursuit of a person who may be arrested under the provisions of this section, except a person alleged to have violated only a municipal ordinance, are authorized to pursue such person outside of their respective precincts into any part of the state in order to effect the arrest. Such person may then be returned in the custody of such officer to the precinct in which the offense was committed. (d) Any person arrested pursuant to this section shall be presented with reasonable promptness before proper authority. (1949 Rev., S. 465; 1953, S. 195d; 1961, P.A. 239; 1971, P.A. 754; P.A. 75-567, S. 69, 80; P.A. 76-111, S. 3; P.A. 77-614, S. 486, 610; P.A. 80-313, S. 1; 80-394, S. 7, 13; P.A. 81-472, S. 93, 159; P.A. 83-518, S. 2; P.A. 84-302, S. 2; P.A. 89-129, S. 1, 2; P.A. 96-219, S. 10; P.A. 00-99, S. 6, 154; P.A. 01-195, S. 70, 181; P.A. 11-51, S. 134; P.A. 15-83, S. 1.) History: 1961 act added provision authorizing members of local police departments to pursue suspects beyond their precincts and return suspects, when caught to precinct where offense was committed; 1971 act deleted the word “organized” as qualifier of references to local police departments; P.A. 75-567 substituted detectives in the division of criminal justice for county detectives; P.A. 76-111 replaced detectives with chief inspectors and inspectors of criminal justice division; P.A. 77-614 made state police department a division within the department of public safety, effective January 1, 1979; Sec. 6-49 transferred to Sec. 54-1f in 1979; P.A. 80-313 divided section into Subsecs. and substituted references to peace officers for detailed listing of persons to which provisions apply, i.e. sheriffs, inspectors, constables, etc.; P.A. 80-394 specified applicability to sheriffs, deputy sheriffs and special deputy sheriffs, adding provision re precinct or jurisdiction of deputies and special deputies; P.A. 81-472 amended Subsec. (a) to delete reference to special deputy sheriffs since such sheriffs are included in definition of peace officers; P.A. 83-518 amended Subsec. (a) providing that constables shall not be considered peace officers for purposes of Subsec. (a) unless town ordinance so provides; P.A. 84-302 permitted certified constables who perform criminal law

enforcement duties to pursue offenders outside of their precincts; P.A. 89-129 amended provision in Subsec. (c) authorizing pursuit outside of precinct to include members of the office of state capitol security; P.A. 96-219 amended Subsec. (c) by changing the name of the "Office of State Capitol Security" to the "Office of State Capitol Police"; P.A. 00-99 amended Subsec. (a) by changing reference to deputy or special deputy sheriff to state marshal or judicial marshal and amended Subsec. (c) by deleting reference to sheriffs, deputy sheriffs and special deputy sheriffs and adding reference to state marshals, effective December 1, 2000; P.A. 01-195 made technical changes for purposes of gender neutrality in Subsec. (a), effective July 11, 2001; pursuant to P.A. 11-51, "Department of Public Safety" was changed editorially by the Revisors to "Department of Emergency Services and Public Protection" in Subsec. (b), effective July 1, 2011; P.A. 15-83 amended Subsec. (c) by adding exception re person alleged to have violated only a municipal ordinance and making technical changes. See Sec. 6-43 re special deputies. Annotations to former section 6-49: Facts held insufficient to authorize arrest without warrant. 37 C. 32. Arrest being lawful, officer is presumed to have performed all subsequent duties. 51 C. 432-434. Extends common law rule. 84 C. 167. Owner of goods stolen or any other person may retake them and tender thief to justice. 97 C. 137. Thief resisting capture is guilty of breach of the peace and may be arrested by anyone. *Id.*, 138. Right of police to arrest for offenses in their presence and to seize implements used in law breaking. *Id.*, 545. When officer must act on his own knowledge. *Id.*, 701. Facts held sufficient to authorize arrest without warrant. 101 C. 229. Any arrest without a warrant, except as authorized by statute, is illegal. 115 C. 282. Police officers while off duty or out of uniform are included within the coverage of section. 120 C. 101. Speedy information which justifies arrest is information that person arrested was guilty of crime or at least implicated in it. 131 C. 224. Officer may act on speedy information if he has reasonable ground to accept it as accurate. *Id.*, 231. Fact that defendant not taken before proper magistrate not sufficient to exclude confession. 137 C. 183. Cited. 147 C. 194. Intention of officer in pursuing person admissible as a fact to be weighed with other circumstances. 148 C. 27. An accused is lawfully taken or apprehended in the act if circumstances observed by officer preceding the arrest, viewed in light of common knowledge and his own training and experience, gave him probable cause to believe that a crime was being, or had just been, committed; evidence seized cannot be used to sustain validity of arrest. 149 C. 567. Illegal arrest and detention does not automatically render inadmissible confessions made after the arrest or during the period of detention. 150 C. 169. Officer entitled to exert force where grounds for "reasonable belief" are present. 151 C. 402. Person need not submit to unlawful arrest. 152 C. 296. In determining the validity of an arrest made without a warrant, "reasonable grounds" is to be equated with probable cause. 153 C. 41. Probable cause exists when the arresting officer has reasonably trustworthy information sufficient to believe a felony had been committed by the accused. *Id.*, 42. Arrest made on strength of officer's own observation would be legal only if the circumstances he observed, when taken in connection with those before observed by him when weighed in the light of common knowledge, gave him probable reason or ground to believe that such a crime was being, or was about to be, committed. *Id.*, 69, 70. Accused is lawfully taken or apprehended in the act if the circumstances observed by the arresting officer, viewed in light of common knowledge and his own training and experience, gave him probable cause to believe a crime was being, or had just been, committed; amount of evidence necessary to furnish probable cause for an arrest without a warrant is to be measured by facts of particular case and need not be evidence sufficient to convict; a reasonable search incident to a lawful arrest is not unlawful even though made without a warrant; a lawful entry is necessarily an essential element of a reasonable search of a dwelling. *Id.*, 152. A police officer may make a reasonable search before or after an arrest without a warrant if the circumstances justified the arrest and the search was incidental to the arrest. *Id.*, 154. Where larceny which constituted a misdemeanor was committed in New London and defendants were apprehended in Hartford by Hartford police, held that, since larceny is a continuing crime, defendants, if transportation of the merchandise was with a continuous felonious intent, were committing larceny in Hartford and defendants' claim that arrest or search without a warrant was illegal must fail. *Id.*, 217, 218. Member of an organized local police department is authorized to arrest, without previous complaint and warrant, any person who officer has reasonable grounds to believe has committed or is committing a felony and may conduct a search incident thereto without a warrant. 155 C. 385. A legal arrest may be made without a warrant when defendant was apprehended just after his sale of drugs to an informer under police surveillance of the transaction and his person could be searched incidentally to such arrest. *Id.*, 516. Police lieutenant's arrest of defendant on speedy information was clearly justifiable when defendant was sitting armed in his car at night with narcotics on his person. 157 C. 114. Arrest for misdemeanor of breach of the peace on speedy information of others by police was proper; search of car in which defendant was sitting made without warrant was lawful. *Id.*, 222. Arrest of defendant for assault committed in officer's presence was lawful and search of trunk of defendant's car was lawful incident to the arrest. *Id.*, 351. Officer's arresting defendant for disorderly conduct was proper and search incidental thereto of person was legal. *Id.*, 485. Arrest of defendant operating stolen car could be made without warrant on grounds that he was apprehended in act and upon speedy information where arresting officer had been informed by police barracks car was a stolen car. 159 C. 201. Arrest permitted without warrant when person is "taken or apprehended in the act" if preceding arrest, circumstances in light of officers training and experience gave him probable cause for such arrest. 160 C. 140. An informant's tip as to description and location of criminal suspect and his truck having proved true was justifiable basis for arrest under statute. 161 C. 117. Cited. 163 C. 186. Felony provision cited. 171 C. 105. Cited. 174 C. 153; *Id.*, 452; 178 C. 427; 183 C. 386; 220 C. 307. Cited. 22 CS 6. An arrest by a police officer without a warrant is ground for an action for false imprisonment unless the arrest is authorized by section. *Id.*, 311. Cited. 24 CS 32. Where offenses committed by defendant and with which he is charged occurred within the hour prior to his arrest, officer acted speedily on information he had obtained. 25 CS 108. If search is incidental to arrest, no warrant is needed. *Id.*, 216. Discussion of facts which constitute acting on speedy information or on reasonable belief that a felony has been committed or is being committed; no need for issuance of warrant for seizure of articles which are taken incidental to lawful arrest. 26 CS 297. Cited. 28 CS 313. "Speedy information" requirement was in derogation of common law re felonies;

additional clause re felonies, added in 1945, is declaratory of common law. 34 CS 531. Modern trend prohibits warrantless entry to home to make an arrest unless there are exigent circumstances. *Id.*, 539. Arrest made hour after officer saw crime committed satisfied requirement of acting on “speedy information”. 2 Conn. Cir. Ct. 247. Cited. *Id.*, 467. Arrest without a warrant not unlawful merely because pursuit of defendant by Orange police officer was interrupted when defendant temporarily succeeded in eluding officer. 3 Conn. Cir. Ct. 42. Arrest made without warrant on “speedy information” of informer who purchased liquor sold by defendant illegally, made within half hour after sale, held lawful. 4 Conn. Cir. Ct. 125. Cited. *Id.*, 533. Officers would have been justified in arresting defendants for bookmaking when telephone calls and other evidence of their illegal activity occurred in presence of officers who had entered house with search warrant, even if warrant had been illegal. *Id.*, 603. Acting on speedy information defendant was committing crime of lascivious carriage, police officers rightfully entered her apartment building and observed her conduct from fire escape of apartment; police officers investigating a crime on speedy information who enter a building are licensees. 5 Conn. Cir. Ct. 35. Statute provides a less strict standard for arrests without a warrant for felonies provided they are made by members of an organized local police department. *Id.*, 44, 50. Defendant's arrest by police officer who observed him in telephone booth, taking house bets on slips of paper officer could read, was properly made without warrant and reasonable search could be made on such arrest. *Id.*, 51. Member of Derby police department was justified in arrest of defendant without warrant where New Haven police requested his arrest as one involved in felonious larceny in their jurisdiction. *Id.*, 529. Defendant in resisting an unlawful arrest was not guilty of breach of the peace. 6 Conn. Cir. Ct. 42. Arrest by Trumbull officer of defendant as he drew up to his home in Bridgeport two hours after he had violated hit and run statute in Trumbull was valid as an arrest in immediate pursuit outside Trumbull precinct. *Id.*, 55. Facts held sufficient to authorize arrest without warrant. *Id.*, 228, 235, 236. Cited. *Id.*, 613. Taken or apprehended defined. *Id.*, 618. Annotations to present section: Cited. 179 C. 46; 180 C. 481; 181 C. 172. As a matter of constitutional law, where entry of dwelling is for purpose of conducting search under a valid search warrant, resident may be arrested under statute where police have probable cause to believe he committed a felony; arrest does not constitute violation of fourth amendment to U.S. Constitution. *Id.*, 187. Cited. 188 C. 432, 442; 200 C. 82; 215 C. 667; 216 C. 172; 225 C. 921; 227 C. 363. Violation of Sec. 14-227a is an “offense” within meaning of this section. 228 C 758. Cited. 229 C. 125; 240 C. 489. Cited. 15 CA 416; 20 CA 183; 23 CA 123; *Id.*, 487; 27 CA 370; *Id.*, 741; 29 CA 207; 30 CA 108; 31 CA 669; 33 CA 590; 34 CA 189; *Id.*, 201; 46 CA 633. Where prior felony conviction formed basis of a charge under section, violation of section could not be established without presenting proof of such conviction. 64 CA 384. Does not prohibit “Terry” stops by extraterritorial police officers; rather, it prohibits full custodial arrests by extraterritorial police officers. 70 CA 297. Cited. 38 CS 313. Subsec. (a): Cited. 191 C. 433; 210 C. 333; 224 C. 494; 227 C. 534; 228 C. 758. Section inapplicable to juveniles re commencement of delinquency proceedings by service of a summons alleging commission of criminal offenses. 297 C. 16. Cited. 6 CA 124; 11 CA 11; 21 CA 326; 26 CA 481; judgment reversed, see 224 C. 494; *Id.*, 805; 28 CA 708; 41 CA 779. “Speedy information of others” does not preclude reliance on supplementary observations made by the officer. 37 CS 755. Officer's entry into apartment was lawful and in full compliance with statute; arrest was made on the speedy information of others; properly conducted search incidental to lawful arrest is not illegal even though made without a warrant. 38 CS 313. Cited. *Id.*, 364; 39 CS 347; 40 CS 512. Subsec. (b): Cited. 183 C. 386; 189 C. 429; 195 C. 505; 220 C. 307; 236 C. 216; 248 C. 183. Off duty police officers, who also serve as attorneys, are not required to arrest their clients whenever they suspect that those clients may have committed other crimes outside of their jurisdictions. 344 C. 365. Cited. 6 CA 124; 11 CA 11; 13 CA 69; *Id.*, 214; 14 CA 388; 15 CA 569; 18 CA 184; 20 CA 168; judgment reversed, see 215 C. 667; *Id.*, 521; 26 CA 481; judgment reversed, see 224 C. 494; 27 CA 128; 31 CA 548; 39 CA 579. Where probable cause for warrantless arrest was established using Aguilar-Spinelli factors, trial court improperly introduced second level of review under “totality of the circumstances” analysis. 47 CA 424. Phrase “reasonable grounds to believe” is synonymous with probable cause. 59 CA 272. Warrantless arrest based on probable cause was authorized under subsection. 74 CA 802. “Reasonable grounds” as used in statute is synonymous with probable cause. 78 CA 659. Subsec. (c): Appellate Court, in affirming defendant's conviction for operating motor vehicle while under the influence of intoxicating liquor, rejected defendant's argument that there can only be “immediate pursuit” for purposes of Subsec. when there are findings that arresting officer personally observed illegal conduct and then followed suspect across jurisdictional boundaries. 88 CA 110. Cited. 37 CS 755.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-1g. - Time of arraignment. Violation of protective order, standing criminal protective order or restraining order.

(a) Any arrested person who is not released sooner or who is charged with a family violence crime as defined in section 46b-38a or a violation of section 53a-181c, 53a-181d or 53a-181e shall be promptly presented before the superior court sitting next regularly for the geographical area where the offense is alleged to have been committed. If an arrested person is hospitalized, or has escaped or is otherwise incapacitated, the person shall be presented, if practicable, to the first regular sitting after return to police custody. (b) Any arrested person who is charged with a violation of section 53a-223, 53a-223a or 53a-223b shall be promptly presented to the superior court next sitting for the geographical area where the offense is alleged to have been committed. If the alleged offense was committed in a geographical area of the Superior Court other than the geographical area where the protective order was issued, the prosecutorial official for the geographical area of the Superior Court where the alleged offense was committed shall notify the prosecutorial official for the geographical area where the protective order was issued of the alleged violation of such protective order. On motion of any party or the court, the prosecution of such offense may be transferred to the superior court for the geographical area where the protective order was issued. (P.A. 80-313, S. 26; P.A. 86-337, S. 10; P.A. 91-381, S. 5, 7; P.A. 93-75; P.A. 95-214, S. 2; P.A. 12-114, S. 21.) History: P.A. 86-337 applied provisions to persons charged with a family violence crime as

defined in Sec. 46b-38a; P.A. 91-381 added new Subsec. (b) re prompt presentment of arrested person charged with violation of Sec. 53a-110b to superior court where protective order was issued; P.A. 93-75 amended Subsec. (b) by adding procedure for determining geographic area of the superior court where person arrested for violation of protective order shall be prosecuted; P.A. 95-214 amended Subsec. (a) to include persons charged with “a violation of section 53a-181c, 53a-181d or 53a-181e”; P.A. 12-114 amended Subsec. (b) to add reference to violation of Sec. 53a-223a or 53a-223b. Cited. 236 C. 388; 243 C. 205. Cited. 11 CA 238; 43 CA 209; 44 CA 162.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-1h. (Formerly Sec. 6-49a). - Arrest by complaint and summons for commission of misdemeanor.

Any person who has been arrested with or without a warrant for commission of a misdemeanor, or for an offense the penalty for which is imprisonment for not more than one year or a fine of not more than one thousand dollars, or both, may, in the discretion of the arresting officer, be issued a written complaint and summons and be released on his written promise to appear on a date and time specified. If any person so arrested and summoned fails to appear for trial at the place and time so specified, or on any court date thereafter, a warrant for his rearrest or a *capias* shall be issued and he shall also be subject to the provisions of section 53a-173. (1972, P.A. 69, S. 1; P.A. 84-123, S. 1.) History: Sec. 6-49a transferred to Sec. 54-1h in 1981; P.A. 84-123 added “or on any court date thereafter” and authorized issuance of a *capias* for person who fails to appear.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-1i. (Formerly Sec. 54-40a). - Duty of law enforcement officer before charging with a crime a person found in unconscious condition.

(a) All law enforcement officers in this state shall make a diligent effort to determine if any person they find in a semiconscious or unconscious condition is wearing an identification bracelet or metal tag, or is carrying an identification card, bearing such person's name and any of the following information: A statement of an illness, such as epilepsy, diabetes or a cardiac condition, which might cause semiconsciousness or unconsciousness, a physician's name or identification of a medication, before such person may be charged with a crime. If any law enforcement officer shall determine that such a person is actually suffering from an affliction which would cause semiconsciousness or unconsciousness, he shall notify such person's physician immediately or have such person immediately transported to a physician or to some facility where the services of a physician are available. (b) Any person who wilfully and knowingly falsifies such identification or deliberately misrepresents such an illness shall be guilty of a class A misdemeanor. (P.A. 73-202, S. 1, 2.) History: Sec. 54-40a transferred to Sec. 54-1i in 1981.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-1j. - Ascertainment that defendant understands possible immigration and naturalization consequences of guilty or nolo contendere plea.

(a) The court shall not accept a plea of guilty or nolo contendere from any defendant in any criminal proceeding unless the court first addresses the defendant personally and determines that the defendant fully understands that if the defendant is not a citizen of the United States, conviction of the offense for which the defendant has been charged may have the consequences of deportation or removal from the United States, exclusion from readmission to the United States or denial of naturalization, pursuant to the laws of the United States. If the defendant has not discussed these possible consequences with the defendant's attorney, the court shall permit the defendant to do so prior to accepting the defendant's plea. (b) The defendant shall not be required at the time of the plea to disclose the defendant's legal status in the United States to the court. (c) If the court fails to address the defendant personally and determine that the defendant fully understands the possible consequences of the defendant's plea, as required in subsection (a) of this section, and the defendant not later than three years after the acceptance of the plea shows that the defendant's plea and conviction may have one of the enumerated consequences, the court, on the defendant's motion, shall vacate the judgment, and permit the defendant to withdraw the plea of guilty or nolo contendere, and enter a plea of not guilty. (P.A. 82-177; P.A. 97-256, S. 6; P.A. 03-81, S. 1.) History: P.A. 97-256 amended Subsec. (c) by imposing a three-year time period after the acceptance of the plea for the defendant to show that his plea and conviction may have one of the enumerated consequences, and deleting provision that, in the absence of a record that the court provided the required advice, the defendant is presumed not to have received such advice; P.A. 03-81 amended Subsec. (a) to replace former provision prohibiting the court accepting plea unless the court “advises” the defendant of the possible immigration or naturalization consequences of conviction if the defendant is not a citizen and setting forth specific language of such advisement with provision that prohibits the court accepting plea unless the court first addresses the defendant personally and determines that the defendant fully understands such possible consequences, add “removal” from the United States as a possible consequence and add provision requiring the court to permit the defendant to discuss these possible consequences with the defendant's attorney prior to accepting plea, amended Subsec. (b) to make a technical change for purposes of gender neutrality and amended Subsec. (c) to make provisions applicable if court fails “to address the defendant personally and determine that the defendant fully understands the possible consequences of the defendant's plea, as required in subsection (a) of this section” rather than if court fails “to advise a defendant, as required in subsection (a) of this section” and make a technical change for purposes of gender neutrality. Court found that the time limit for filing motion was procedural in nature and therefore could be applied retroactively. 251 C. 617. Warning of deportation and denial was substantial compliance with provisions of statute since defendant was warned guilty plea implicates immigration status. 257 C. 653. Court need only inform defendant of potential deportation

consequences rather than engaging defendant in a manner to ensure full understanding. 62 CA 805. Section is in place only to call defendant's attention to potential immigration consequences under federal law, not to inform defendant of every possible consequence of a plea. 68 CA 499. Court's inquiry of defense counsel as to whether there were any immigration issues and whether counsel talked to defendant about possible consequences of pleas cannot be construed as substantial compliance with requirements of Subsec. (a). 120 CA 489; judgment reversed, see 303 C. 527. Subsec. (a): Court properly relied upon representations by defense counsel that defendant understood immigration consequences of guilty plea and court was not required to address defendant personally; substantial compliance with section is sufficient. 303 C. 527. Trial court is not required to inquire directly of a defendant as to whether he or she spoke with his or her counsel about the possible immigration consequences of pleading guilty before the court accepts the defendant's guilty plea. 325 C. 623. Subsec. is plain and unambiguous, and requires that court address defendant personally and determine that defendant fully understands that immigration consequences may flow from entering a plea if a noncitizen, and court is only required to provide defendant an opportunity to discuss with defense counsel the possible immigration consequences of entering a plea if the court is made aware that defendant has not discussed those immigration consequences with defense counsel. 139 CA 308. Trial court erred in finding that canvas of defendant substantially complied with Subsec. because trial court simply advised defendant that his conviction could result in his removal or deportation from United States, it did not ask defendant nor did it make a determination that defendant understood potential immigration consequences of his guilty plea before he entered it. 180 CA 48. Subsec. (c): Under 1999 revision, court does not have jurisdiction to hear motion filed outside of 3-year period. 306 C. 125.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-1k. - Issuance of protective orders in cases of stalking, harassment, sexual assault, risk of injury to or impairing morals of a child.

(a) Upon the arrest of a person for a violation of subdivision (1) or (2) of subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a, or any attempt thereof, or section 53a-181c, 53a-181d or 53a-181e, the court may issue a protective order pursuant to this section. Upon the arrest of a person for a violation of section 53a-182b or 53a-183, the court may issue a protective order pursuant to this section if it finds that such violation caused the victim to reasonably fear for his or her physical safety. Such order shall be an order of the court, and the clerk of the court shall cause (1) a copy of such order, or the information contained in such order, to be sent to the victim, and (2) a copy of such order, or the information contained in such order, to be sent by facsimile or other means not later than forty-eight hours after its issuance to the law enforcement agency or agencies for the town in which the victim resides, the town in which the victim is employed and the town in which the defendant resides. If the victim is enrolled in a public or private elementary or secondary school, including a technical education and career school, or an institution of higher education, as defined in section 10a-55, the clerk of the court shall, upon the request of the victim, send, by facsimile or other means, a copy of such order, or the information contained in such order, to such school or institution of higher education, the president of any institution of higher education at which the victim is enrolled and the special police force established pursuant to section 10a-156b, if any, at the institution of higher education at which the victim is enrolled, if the victim provides the clerk with the name and address of such school or institution of higher education. (b) A protective order issued under this section may include provisions necessary to protect the victim from threats, harassment, injury or intimidation by the defendant, including but not limited to, an order enjoining the defendant from (1) imposing any restraint upon the person or liberty of the victim, (2) threatening, harassing, assaulting, molesting or sexually assaulting the victim, or (3) entering the dwelling of the victim. A protective order issued under this section may include provisions necessary to protect any animal owned or kept by the victim including, but not limited to, an order enjoining the defendant from injuring or threatening to injure such animal. Such order shall be made a condition of the bail or release of the defendant and shall contain the following language: "In accordance with section 53a-223 of the Connecticut general statutes, any violation of this order constitutes criminal violation of a protective order which is punishable by a term of imprisonment of not more than ten years, a fine of not more than ten thousand dollars, or both. Additionally, in accordance with section 53a-107 of the Connecticut general statutes, entering or remaining in a building or any other premises in violation of this order constitutes criminal trespass in the first degree which is punishable by a term of imprisonment of not more than one year, a fine of not more than two thousand dollars, or both. Violation of this order also violates a condition of your bail or release and may result in raising the amount of bail or revoking release." (c) The information contained in and concerning the issuance of any protective order issued under this section shall be entered in the registry of protective orders pursuant to section 51-5c. (P.A. 95-214, S. 3; P.A. 02-132, S. 56; P.A. 05-147, S. 1; 05-288, S. 183; P.A. 07-78, S. 3; P.A. 08-84, S. 1; P.A. 10-144, S. 7; P.A. 12-114, S. 4; June 12 Sp. Sess. P.A. 12-2, S. 99; P.A. 14-217, S. 126; P.A. 17-163, S. 5; 17-237, S. 117.) History: P.A. 02-132 replaced provisions re sending certified copy of order to law enforcement agency with provisions re sending copy of or information contained in order to law enforcement agency by facsimile or other means, replaced provisions re entry of protective orders in registry established under Sec. 46b-38c(e) with provisions re entry of information into registry of protective orders pursuant to Sec. 51-5c and made technical changes, effective January 1, 2003; P.A. 05-147 authorized the issuance of a protective order upon the arrest of a person for a violation of Sec. 53a-182b or 53a-183 if the violation caused the victim to reasonably fear for his or her physical safety and revised the language of the order to make technical changes and specify that a violation of Sec. 53a-223 is punishable by a term of imprisonment of not more than five years, a fine of not more than \$5,000, or both, reflecting the increase in the penalty for said violation made by P.A. 02-127; P.A. 05-288 made technical changes and revised required language in order re penalty for criminal violation of a protective order, effective July 13, 2005; P.A. 07-78 added provision re authority of protective order to include provisions necessary to protect any animal owned or kept by the victim; P.A. 08-84 inserted Subsec.

designators (a), (b) and (c), and amended Subsec. (a) to reference Secs. 53-21(a)(1) or (2), 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a, or any attempt thereof; P.A. 10-144 amended Subsec. (a) to insert Subdiv. designators (1) and (2), to delete “certified” re copy of order and add “or the information contained in such order” in Subdiv. (1) and to substitute provision re law enforcement agency for town in which victim resides, town in which victim is employed and town in which defendant resides for provision re appropriate law enforcement agency in Subdiv. (2); P.A. 12-114 amended Subsec. (a) to add provision re clerk of court to send copy of order to school at which victim is enrolled, and made technical changes; June 12 Sp. Sess. P.A. 12-2 amended Subsec. (a) to substitute “technical high school” for “regional vocational technical school”; P.A. 14-217 amended Subsec. (b) to replace “five years” and “five thousand dollars” with “ten years” and “ten thousand dollars”, respectively, in required order language re penalty for criminal violation of a protective order, effective January 1, 2015; P.A. 17-163 amended Subsec. (a) to add provision re if victim provides name and address of school or institution of higher education to clerk, effective January 1, 2018; P.A. 17-237 amended Subsec. (a) by replacing “technical high school” with “technical education and career school”, effective July 1, 2017. Nothing in section prohibits state from bringing charges for other criminal acts in addition to violation of protective order. 151 CA 590.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-11. - Short title: Alvin W. Penn Racial Profiling Prohibition Act.

(a) This section and section 54-1m shall be known as the “Alvin W. Penn Racial Profiling Prohibition Act”. (b) For purposes of this section, “racial profiling” means the detention, interdiction or other disparate treatment of an individual by a police officer on the basis, in whole or in part, of the perceived racial or ethnic status of such individual, except when such status is used in combination with other information when seeking to apprehend a specific suspect whose racial or ethnic status is part of the description of the suspect. (c) No member of the Division of State Police within the Department of Emergency Services and Public Protection, a municipal police department or any other law enforcement agency shall engage in racial profiling. (P.A. 99-198, S. 1; P.A. 03-160, S. 2; P.A. 11-51, S. 134; P.A. 23-9, S. 1.) History: P.A. 03-160 inserted new Subsec. (a) providing that section and Sec. 54-1m shall be known as the “Alvin W. Penn Racial Profiling Prohibition Act” and redesignated existing Subsecs. (a) to (c) as new Subsecs. (b) to (d), effective June 26, 2003; pursuant to P.A. 11-51, “Department of Public Safety” was changed editorially by the Revisors to “Department of Emergency Services and Public Protection” in Subsec. (c), effective July 1, 2011; P.A. 23-9 redefined “racial profiling” in Subsec. (b), amended Subsec. (c) by deleting provision re detention of individual based on noncriminal factors as inconsistent with policy, and deleted Subsec. (d) re race or ethnicity as sole factor in making certain determinations, effective June 7, 2023.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-1m. - Adoption of policy prohibiting certain police actions. Traffic stop information. Standardized method. Data collection and reporting.

(a) Each municipal police department, the Department of Emergency Services and Public Protection and any other department with authority to conduct a traffic stop shall adopt a written policy that prohibits the stopping, detention, interdiction or search of any person when such action is motivated, in whole or in part, by considerations of race, color, ethnicity, age, gender or sexual orientation, except when such consideration of race, color, ethnicity, age, gender or sexual orientation is used in combination with other information seeking to apprehend a specific suspect whose race, color, ethnicity, age or gender is part of the description of the suspect. For the purposes of this section: (1) “Department with authority to conduct a traffic stop” means any department that includes, or has oversight of, a police officer, and (2) “police officer” means a police officer within a municipal police department or the Department of Emergency Services and Public Protection or a person with the same authority pursuant to any provision of the general statutes to make arrests or issue citations for violation of any statute or regulation relating to motor vehicles and to enforce said statutes and regulations as policemen or state policemen have in their respective jurisdictions, including, but not limited to: (A) Special policemen or state policemen acting under the provisions of section 29-18, 17a-24 or 17a-465; (B) policemen acting under the provisions of section 29-19; (C) the Commissioner of Motor Vehicles, each deputy commissioner of the Department of Motor Vehicles and any salaried inspector of motor vehicles designated by the commissioner pursuant to section 14-8; (D) State Capitol Police officers acting under the provisions of section 2-1f; (E) special police forces acting under the provisions of section 10a-156b; (F) state policemen acting under the provisions of section 27-107; and (G) fire police officers acting under the provisions of section 7-313a. (b) Not later than July 1, 2013, the Office of Policy and Management, in consultation with the Racial Profiling Prohibition Project Advisory Board established in section 54-1s, and the Criminal Justice Information System Governing Board shall, within available resources, develop and implement a standardized method: (1) To be used by police officers of municipal police departments, the Department of Emergency Services and Public Protection and any other department with authority to conduct a traffic stop to record traffic stop information unless the police officer is required to leave the location of the stop prior to completing such form in order to respond to an emergency or due to some other exigent circumstance within the scope of such police officer's duties. The standardized method and any form developed and implemented pursuant to such standardized method shall allow the following information to be recorded: (A) The date and time of the stop; (B) the specific geographic location of the stop; (C) the unique identifying number of the police officer making the stop, or the name and title of the person making the stop if such person does not have a unique identifying number; (D) the race, ethnicity, age and gender of the operator of the motor vehicle that is stopped, provided the identification of such characteristics shall be based on the observation and perception of the police officer

responsible for reporting the stop; (E) the nature of the alleged traffic violation or other violation that caused the stop to be made and the statutory citation for such violation; (F) the disposition of the stop including whether a warning, citation or summons was issued, whether a search was conducted, the authority for any search conducted, the result of any search conducted, the statute or regulation citation for any warning, citation or summons issued and whether a custodial arrest was made; and (G) any other information deemed appropriate. The method shall also provide for (i) notice to be given to the person stopped that if such person believes that such person has been stopped, detained, interdicted or subjected to a search on the basis, in whole or in part, of such person's race, color, ethnicity, age, gender, sexual orientation, religion or membership in any other protected class, such person may file a complaint with the appropriate law enforcement agency unless the police officer was required to leave the location of the stop prior to providing such notice in order to respond to an emergency or due to some other exigent circumstance within the scope of such police officer's duties, and (ii) instructions to be given to the person stopped on how to file such complaint unless the police officer was required to leave the location of the stop prior to providing such instructions in order to respond to an emergency or due to some other exigent circumstance within the scope of such police officer's duties; (2) To be used to report complaints pursuant to this section by any person who believes such person has been subjected to a motor vehicle stop by a police officer on the basis, in whole or in part, of race, color, ethnicity, age, gender, sexual orientation or religion; and (3) To be used by each municipal police department, the Department of Emergency Services and Public Protection and any other department with authority to conduct a traffic stop to report data to the Office of Policy and Management pursuant to subsection (h) of this section. (c) Not later than July 1, 2013, the Office of Policy and Management, in consultation with the Racial Profiling Prohibition Project Advisory Board, shall develop and implement guidelines to be used by each municipal police department, the Department of Emergency Services and Public Protection and any other department with authority to conduct a traffic stop in (1) training police officers of such agency in the completion of the form developed and implemented pursuant to subdivision (1) of subsection (b) of this section, and (2) evaluating the information collected by police officers of such municipal police department, the Department of Emergency Services and Public Protection or other department with authority to conduct a traffic stop pursuant to subsection (e) of this section for use in the counseling and training of such police officers. (d) On and after the date a standardized method and form have been developed and implemented pursuant to subdivision (1) of subsection (b) of this section, each municipal police department, the Department of Emergency Services and Public Protection and any other department with authority to conduct a traffic stop shall record and retain the information required to be recorded pursuant to such standardized method and any additional information that such municipal police department or the Department of Emergency Services and Public Protection or other department with authority to conduct a traffic stop, as the case may be, deems appropriate, provided such information shall not include any other identifying information about any person stopped for a traffic violation such as the person's operator's license number, name or address. (e) Each municipal police department, the Department of Emergency Services and Public Protection and any other department with authority to conduct a traffic stop shall provide to the Chief State's Attorney and the Office of Policy and Management (1) a copy of each complaint received pursuant to this section, and (2) written notification of the review and disposition of such complaint. No copy of such complaint shall include any other identifying information about the complainant such as the complainant's operator's license number, name or address. (f) Any police officer who in good faith records traffic stop information pursuant to the requirements of this section shall not be held civilly liable for the act of recording such information unless the officer's conduct was unreasonable or reckless. (g) If a municipal police department, the Department of Emergency Services and Public Protection or any other department with authority to conduct a traffic stop fails to comply with the provisions of this section, the Office of Policy and Management shall recommend and the Secretary of the Office of Policy and Management may order an appropriate penalty in the form of the withholding of state funds from such municipal police department, the Department of Emergency Services and Public Protection or such other department with authority to conduct a traffic stop. (h) On and after October 1, 2013, each municipal police department, the Department of Emergency Services and Public Protection and any other department with authority to conduct a traffic stop shall provide to the Office of Policy and Management a monthly report of the information recorded pursuant to subsection (d) of this section for each traffic stop conducted, in a format prescribed by the Office of Policy and Management. On and after January 1, 2015, such information shall be submitted in electronic form, and shall be submitted in electronic form prior to said date to the extent practicable. (i) The Office of Policy and Management shall, within available resources, review the prevalence and disposition of traffic stops and complaints reported pursuant to this section, including any traffic stops conducted on suspicion of a violation of section 14-227a, 14-227g, 14-227m or 14-227n. Not later than July 1, 2014, and annually thereafter, the office shall report the results of any such review, including any recommendations, to the Governor, the General Assembly and any other entity deemed appropriate. The Office of Policy and Management shall make such report publicly available on the office's Internet web site. (P.A. 99-198, S. 2, 3; June Sp. Sess. P.A. 01-9, S. 128, 131; P.A. 03-160, S. 1; P.A. 04-27, S. 6; 04-257, S. 83; P.A. 11-51, S. 171; P.A. 12-74, S. 1; June 12 Sp. Sess. P.A. 12-1, S. 144; P.A. 13-75, S. 1; May Sp. Sess. P.A. 16-3, S. 168; P.A. 21-97, S. 7; June Sp. Sess. P.A. 21-1, S. 164; P.A. 23-9, S. 2.) History: (Revisor's note: A reference in Subsec. (f) to "the information recorded pursuant to subsection (d)" was changed editorially by the Revisors to "the information recorded pursuant to subsection (b)" for accuracy); June Sp. Sess. P.A. 01-9 amended Subsec. (h) to extend the effectiveness of Subsecs. (f) and (g) from January 1, 2002, to January 1, 2003, effective July 1, 2001; P.A. 03-160 amended Subsec. (b)(5) to provide that additional information does not include any other identifying information about any person stopped for a traffic violation such as his or her operator's license number, name or address, amended Subsec. (c) to require copy of the complaint and written notification of the review and disposition of such complaint to be provided to the African-American Affairs Commission and to provide that no such complaint shall contain any other identifying information about the complainant such as his or her operator's license number, name or address, amended Subsec. (f) to

require that summary report be provided to the African-American Affairs Commission, amended Subsec. (g) to require the African-American Affairs Commission to review the prevalence and disposition of traffic stops and complaints and, not later than January 1, 2004, and annually thereafter, to report the results of such review to the Governor, the General Assembly and any other entity said commission deems appropriate and to delete references to the Chief State's Attorney, deleted former Subsec. (h) re limited period of effectiveness of Subsecs. (f) and (g), redesignated existing Subsec. (i) as Subsec. (h) and amended said Subsec. by substituting reference in Subdiv. (1) to personal identifying information with reference to race, color, ethnicity, gender and age, effective June 26, 2003; P.A. 04-27 made technical changes, effective April 28, 2004; P.A. 04-257 made a technical change in Subsec. (b), effective June 14, 2004; P.A. 11-51 replaced Commissioner and Department of Public Safety with Commissioner and Department of Emergency Services and Public Protection and amended Subsecs. (a), (b) and (h) to delete references to January 1, 2000, effective July 1, 2011; P.A. 12-74 added new Subsec. (b) re development and implementation of standardized method to record traffic stop information, added new Subsec. (c) re training and evaluation guidelines, redesignated existing Subsec. (b) as Subsec. (d) and amended same to provide that method be used on and after July 1, 2013, if developed and implemented, redesignated existing Subsecs. (c) to (g) as Subsecs. (e) to (i) and amended same to substitute references to Office of Policy and Management for references to African-American Affairs Commission re receipt of complaints, Chief State's Attorney re recommendation of penalty for failure to comply, Chief State's Attorney and commission re summary report, and commission re review, within available resources, and substitute "October 1, 2013" for "October 1, 2000" re summary report, added Subsec. (j) re report to judiciary committee, deleted former Subsec. (h) re development and promulgation of forms, and made technical changes, effective July 1, 2012; June 12 Sp. Sess. P.A. 12-1 amended Subsec. (d) to add Subdiv. (1) re use of form and recording of information, designate provisions re recording and retaining information under standardized method as Subdiv. (2) and add reference therein to municipal police department and Department of Emergency Services and Public Protection, amended Subsec. (h) to substitute "October 1, 2012" for "October 1, 2013" re summary report and delete provision re use of method and form, and made technical changes, effective July 1, 2012; P.A. 13-75 made section applicable to "any other department with authority to conduct a traffic stop", amended Subsec. (a) to add Subdiv. (1) defining "department with authority to conduct a traffic stop" and Subdiv. (2) defining "police officer", amended Subsec. (b)(1) to add provisions re exception to requirement to record traffic stop information and complaint information provided to person stopped when officer is required to leave in order to respond to emergency or due to other exigent circumstances within scope of duties, and to require that form include specific geographic location of stop, officer's unique identifying number or name, title of person making stop if such person has no unique identifying number, the authority for any search conducted, the result of any search conducted, and the citation for any warning, citation or summons issued, amended Subsec. (h) to require departments to provide Office of Policy and Management with monthly reports of information recorded under Subsec. (d), amended Subsec. (i) to substitute "July 1, 2014," for "January 1, 2014," re report, and amended Subsec. (j) to substitute "January 1, 2014," for "January 1, 2013," re report and add reference to public safety committee, the African-American Affairs Commission, the Latino and Puerto Rican Affairs Commission and the Black and Puerto Rican Caucus of the General Assembly; May Sp. Sess. P.A. 16-3 deleted former Subsec. (j) re January 1, 2014, report on progress in developing standardized method and guidelines, effective July 1, 2016; P.A. 21-97 amended Subsec. (i) by adding provision re public availability of report; June Sp. Sess. P.A. 21-1 amended Subsec. (i) by adding reference to traffic stops conducted on suspicion of violation of Sec. 14-227a, 14-227g, 14-227m or 14-227n, effective June 22, 2021; P.A. 23-9 amended Subsec. (a) by adding "interdiction", replacing "solely" with "in whole or in part" re motivated action, and replacing "and such action would constitute a violation of the civil rights of the person" with an exception when consideration of race, color, ethnicity, age, gender or sexual orientation is used in combination with other information seeking to apprehend a specific suspect, deleted "color" in Subsec. (b)(1)(D), added "interdicted" and replaced "solely because of" with "on the basis, in whole or in part, of such person's" in Subsec. (b)(1)(G)(i), replaced "solely" with "in whole or in part" in Subsec. (b)(2), deleted Subsec. (d)(1) re prior to the date a standardized method and form have been developed, redesignated Subsec. (d)(2) re on and after the date a standardized method and form have been developed as Subsec. (d) and deleted obsolete language re report not later than October 1, 2012, in Subsec. (h), effective June 7, 2023.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-1n. - Complaint by victim of identity theft. Law enforcement agency's responsibilities.

Any person who believes that such person's personal identifying information has been obtained and used by another person in violation of section 53a-129a of the general statutes, revision of 1958, revised to January 1, 2003, or section 53a-129b, 53a-129c or 53a-129d may file a complaint reporting such alleged violation with the law enforcement agency for the town in which such person resides. Such law enforcement agency shall accept such complaint, prepare a police report on the matter, provide the complainant with a copy of such report and investigate such alleged violation and any other offenses allegedly committed as a result of such violation and shall, if necessary, coordinate such investigation with any other law enforcement agencies. (P.A. 03-156, S. 7.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-1o. - Electronic recording of custodial interrogations.

(a) For the purposes of this section: (1) "Custody" means the circumstance when (A) a person has been placed under formal arrest, or (B) there is a restraint on a person's freedom of movement of the degree associated with a formal arrest and a reasonable person, in view of all the circumstances, would have believed that he or she was not free to leave; (2) "Interrogation" means questioning

initiated by a law enforcement official or any words or actions on the part of a law enforcement official, other than those normally attendant to arrest and custody, that such official should know are reasonably likely to elicit an incriminating response from the person; (3) "Custodial interrogation" means any interrogation of a person while such person is in custody; (4) "Place of detention" means a police station or barracks, courthouse, correctional facility, community correctional center or detention facility; and (5) "Electronic recording" means an audiovisual recording made by use of an electronic or digital audiovisual device. (b) An oral, written or sign language statement of a person under investigation for or accused of a capital felony or a class A or B felony made as a result of a custodial interrogation at a place of detention shall be presumed to be inadmissible as evidence against the person in any criminal proceeding unless: (1) An electronic recording is made of the custodial interrogation, and (2) such recording is substantially accurate and not intentionally altered. (c) Every electronic recording required under this section shall be preserved until such time as the person's conviction for any offense relating to the statement is final and all direct and habeas corpus appeals are exhausted or the prosecution is barred by law. (d) If the court finds by a preponderance of the evidence that the person was subjected to a custodial interrogation in violation of this section, then any statements made by the person during or following that nonrecorded custodial interrogation, even if otherwise in compliance with this section, are presumed to be inadmissible in any criminal proceeding against the person except for the purposes of impeachment. (e) Nothing in this section precludes the admission of: (1) A statement made by the person in open court at his or her trial or at a preliminary hearing; (2) A statement made during a custodial interrogation that was not recorded as required by this section because electronic recording was not feasible; (3) A voluntary statement, whether or not the result of a custodial interrogation, that has a bearing on the credibility of the person as a witness; (4) A spontaneous statement that is not made in response to a question; (5) A statement made after questioning that is routinely asked during the processing of the arrest of the person; (6) A statement made during a custodial interrogation by a person who requests, prior to making the statement, to respond to the interrogator's questions only if an electronic recording is not made of the statement, provided an electronic recording is made of the statement by the person agreeing to respond to the interrogator's question only if a recording is not made of the statement; (7) A statement made during a custodial interrogation that is conducted out-of-state; and (8) Any other statement that may be admissible under law. (f) The state shall have the burden of proving, by a preponderance of the evidence, that one of the exceptions specified in subsection (e) of this section is applicable. (g) Nothing in this section precludes the admission of a statement, otherwise inadmissible under this section, that is used only for impeachment and not as substantive evidence. (h) The presumption of inadmissibility of a statement made by a person at a custodial interrogation at a place of detention may be overcome by a preponderance of the evidence that the statement was voluntarily given and is reliable, based on the totality of the circumstances. (i) Any electronic recording of any statement made by a person at a custodial interrogation that is made by any law enforcement agency under this section shall be confidential and not subject to disclosure under the Freedom of Information Act, as defined in section 1-200, and the information shall not be transmitted to any person except as needed to comply with this section. (P.A. 11-174, S. 1.) History: P.A. 11-174 effective January 1, 2014. Subsec. (h): "Voluntary" is a constitutional term of art in context of admission of statement made by criminal defendant subject to custodial interrogation in place of detention, therefore, trial court's legal determination of voluntariness is not entitled to deference upon review; requirement that state prove unrecorded statement is reliable is not constitutional but evidentiary, therefore, principles governing evidentiary rulings apply upon review; independent, corroborating evidence not required to prove reliability of statement made by criminal defendant subject to custodial interrogation in place of detention. 338 C. 255.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-1p. - Eyewitness identification procedures.

(a) For the purposes of this section: (1) "Eyewitness" means a person who observes another person at or near the scene of an offense; (2) "Photo lineup" means a procedure in which an array of photographs, including a photograph of the person suspected as the perpetrator of an offense and additional photographs of other persons not suspected of the offense, is presented to an eyewitness for the purpose of determining whether the eyewitness is able to identify the suspect as the perpetrator; (3) "Live lineup" means a procedure in which a group of persons, including the person suspected as the perpetrator of an offense and other persons not suspected of the offense, is presented to an eyewitness for the purpose of determining whether the eyewitness is able to identify the suspect as the perpetrator; (4) "Identification procedure" means either a photo lineup or a live lineup; and (5) "Filler" means either a person or a photograph of a person who is not suspected of an offense and is included in an identification procedure. (b) Not later than February 1, 2013, the Police Officer Standards and Training Council and the Division of State Police within the Department of Emergency Services and Public Protection shall jointly develop and promulgate uniform mandatory policies and appropriate guidelines for the conducting of eyewitness identification procedures that shall be based on best practices and be followed by all municipal and state law enforcement agencies. Said council and division shall also develop and promulgate a standardized form to be used by municipal and state law enforcement agencies when conducting an identification procedure and making a written record thereof. (c) Not later than May 1, 2013, each municipal police department and the Department of Emergency Services and Public Protection shall adopt procedures for the conducting of photo lineups and live lineups that are in accordance with the policies and guidelines developed and promulgated by the Police Officer Standards and Training Council and the Division of State Police within the Department of Emergency Services and Public Protection pursuant to subsection (b) of this section and that comply with the following requirements: (1) Whenever a specific person is suspected as the perpetrator of an offense, the photographs included in a photo lineup or the persons participating in a live lineup shall be presented sequentially so that the eyewitness views one photograph or one person at a time in accordance with the policies and guidelines developed and promulgated by the Police Officer Standards

and Training Council and the Division of State Police within the Department of Emergency Services and Public Protection pursuant to subsection (b) of this section; (2) The identification procedure shall be conducted in such a manner that the person conducting the procedure does not know which person in the photo lineup or live lineup is suspected as the perpetrator of the offense, except that, if it is not practicable to conduct a photo lineup in such a manner, the photo lineup shall be conducted by the use of a folder shuffle method, computer program or other comparable method so that the person conducting the procedure does not know which photograph the eyewitness is viewing during the procedure; (3) The eyewitness shall be instructed prior to the identification procedure: (A) That the eyewitness will be asked to view an array of photographs or a group of persons, and that each photograph or person will be presented one at a time; (B) That it is as important to exclude innocent persons as it is to identify the perpetrator; (C) That the persons in a photo lineup or live lineup may not look exactly as they did on the date of the offense because features like facial or head hair can change; (D) That the perpetrator may or may not be among the persons in the photo lineup or live lineup; (E) That the eyewitness should not feel compelled to make an identification; (F) That the eyewitness should take as much time as needed in making a decision; and (G) That the police will continue to investigate the offense regardless of whether the eyewitness makes an identification; (4) In addition to the instructions required by subdivision (3) of this subsection, the eyewitness shall be given such instructions as may be developed and promulgated by the Police Officer Standards and Training Council and the Division of State Police within the Department of Emergency Services and Public Protection pursuant to subsection (b) of this section; (5) The photo lineup or live lineup shall be composed so that the fillers generally fit the description of the person suspected as the perpetrator and, in the case of a photo lineup, so that the photograph of the person suspected as the perpetrator resembles his or her appearance at the time of the offense and does not unduly stand out; (6) If the eyewitness has previously viewed a photo lineup or live lineup in connection with the identification of another person suspected of involvement in the offense, the fillers in the lineup in which the person suspected as the perpetrator participates or in which the photograph of the person suspected as the perpetrator is included shall be different from the fillers used in any prior lineups; (7) At least five fillers shall be included in the photo lineup and at least four fillers shall be included in the live lineup, in addition to the person suspected as the perpetrator; (8) In a photo lineup, no writings or information concerning any previous arrest of the person suspected as the perpetrator shall be visible to the eyewitness; (9) In a live lineup, any identification actions, such as speaking or making gestures or other movements, shall be performed by all lineup participants; (10) In a live lineup, all lineup participants shall be out of the view of the eyewitness at the beginning of the identification procedure; (11) The person suspected as the perpetrator shall be the only suspected perpetrator included in the identification procedure; (12) Nothing shall be said to the eyewitness regarding the position in the photo lineup or the live lineup of the person suspected as the perpetrator; (13) Nothing shall be said to the eyewitness that might influence the eyewitness's selection of the person suspected as the perpetrator; (14) If the eyewitness identifies a person as the perpetrator, the eyewitness shall not be provided any information concerning such person prior to obtaining the eyewitness's statement regarding how certain he or she is of the selection; and (15) A written record of the identification procedure shall be made that includes the following information: (A) All identification and nonidentification results obtained during the identification procedure, signed by the eyewitness, including the eyewitness's own words regarding how certain he or she is of the selection; (B) The names of all persons present at the identification procedure; (C) The date and time of the identification procedure; (D) In a photo lineup, the photographs presented to the eyewitness or copies thereof; (E) In a photo lineup, identification information on all persons whose photograph was included in the lineup and the sources of all photographs used; and (F) In a live lineup, identification information on all persons who participated in the lineup. (P.A. 11-252, S. 1; P.A. 12-111, S. 1.) History: (Revisor's note: In Subsec. (b), "Department of Public Safety" was changed editorially by the Revisors to "Department of Emergency Services and Public Protection" to conform with changes made by P.A. 11-51); P.A. 12-111 amended Subsec. (a) to replace "displayed" with "presented" in definitions of "photo lineup" and "live lineup", added new Subsec. (b) re development and promulgation by February 1, 2013, of uniform mandatory policies and appropriate guidelines for conducting of eyewitness identification procedures and development and promulgation of standardized form and redesignated existing Subsec. (b) as Subsec. (c) and amended same to replace "January 1, 2012" with "May 1, 2013" as deadline for adopting lineup procedures and require such procedures to be in accordance with policies and guidelines developed and promulgated pursuant to Subsec. (b), add new Subdiv. (1) re presentation of photographs or persons sequentially, replace former Subdiv. (1) re conducting of procedure, when practicable, by person not aware of which person in lineup is suspected as perpetrator with new Subdiv. (2) re conducting of procedure in such a manner that person conducting procedure does not know which person in lineup is suspected as perpetrator and, if it is not practicable to conduct photo lineup in such a manner, allowing photo lineup to be conducted using a method so that person conducting procedure does not know which photograph eyewitness is viewing, redesignate existing Subdiv. (2) as Subdiv. (3) and amend same to add new Subpara. (A) re viewing of array of photographs or group of persons and presentation of photographs or persons one at a time, add new Subpara. (B) re importance of excluding innocent persons, add new Subpara. (C) re difference in appearance because of change in features like facial or head hair, redesignate existing Subparas. (A) to (C) as Subparas. (D) to (F) and add new Subpara. (G) re continuation of police investigation, add new Subdiv. (4) re giving of additional instructions developed and promulgated pursuant to Subsec. (b), redesignate existing Subdivs. (3) to (11) as Subdivs. (5) to (13), redesignate existing Subdiv. (12) as Subdiv. (14) and amend same to replace "eyewitness's statement that he or she is certain of the selection" with "eyewitness's statement regarding how certain he or she is of the selection" and redesignate existing Subdiv. (13) as Subdiv. (15) and amend same by replacing in Subpara. (D) "the photographs themselves" with "the photographs presented to the eyewitness or copies thereof", effective July 1, 2012. Defendant's state constitutional right to due process not violated where police deviated from section requirements; procedures in section are best practices but not constitutionally mandated and state presented ample evidence of both system and estimator variables that support a

determination that the photo identification was reliable. 218 CA 555.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-1q. - Court to advise defendant that guilty or nolo contendere plea may have consequence of suspension of driver's license.

The court shall not accept a plea of guilty or nolo contendere from a person in a proceeding with respect to a violation of section 14-110, subsection (b), (c), (d) or (e) of section 14-147, section 14-215, subsection (a) of section 14-222, subsection (a) or (b) of section 14-224 or section 53a-119b unless the court advises such person that conviction of the offense for which such person has been charged may have the consequence of the Commissioner of Motor Vehicles suspending such person's motor vehicle operator's license. (P.A. 03-233, S. 3; P.A. 23-40, S. 21.) History: P.A. 23-40 added reference to Subsecs. (d) and (e) of Sec. 14-147.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-1r. - Complaint by protected person re violation of order of protection by electronic or telephonic means. Law enforcement agency's responsibilities.

Any person listed as a protected person on a restraining order, protective order, standing criminal protective order or foreign order of protection who believes that an electronic or telephonic communication received by the person constitutes a violation of section 53a-223, 53a-223a or 53a-223b may file a complaint reporting such alleged violation with the law enforcement agency for the town in which (1) such person resides, (2) such person received the communication, or (3) such communication was initiated. Such law enforcement agency shall accept such complaint, prepare a police report on the matter, provide the complainant with a copy of such report and investigate such alleged violation and shall, if necessary, coordinate such investigation with any other law enforcement agencies and, upon request of the complainant, notify the law enforcement agency for the town in which the complainant resides. (P.A. 12-114, S. 8.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-1s. - Racial Profiling Prohibition Project Advisory Board. Membership. Duties.

(a) There is established, within available resources, a Racial Profiling Prohibition Project Advisory Board for the purpose of advising the Office of Policy and Management with respect to the adoption of standardized methods and guidelines pursuant to section 54-1m. The board shall be within the Office of Policy and Management for administrative purposes only. (b) The board shall include the following members: (1) The Chief State's Attorney, or a designee; (2) The Chief Public Defender, or a designee; (3) The president of the Connecticut Police Chiefs Association, or a designee; (4) The executive director of the Commission on Women, Children, Seniors, Equity and Opportunity, or a designee; (5) Two members of the Commission on Women, Children, Seniors, Equity and Opportunity, designated by the executive director; (6) The executive director of the Commission on Human Rights and Opportunities, or a designee; (7) The Commissioner of Emergency Services and Public Protection, or a designee; (8) The Commissioner of Transportation, or a designee; (9) The director of the Institute for Municipal and Regional Policy at The University of Connecticut, or a designee; and (10) Such other members as the board may prescribe. (c) The chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary shall select two chairpersons of the board from among the members of the board. (P.A. 12-74, S. 2; May Sp. Sess. P.A. 16-3, S. 169; P.A. 19-117, S. 142; June Sp. Sess. P.A. 21-2, S. 26.) History: P.A. 12-74 effective June 6, 2012; May Sp. Sess. P.A. 16-3 amended Subsec. (b) by replacing "African-American Affairs Commission" with "Commission on Equity and Opportunity" in Subdiv. (4), replacing reference to executive director of Latino and Puerto Rican Affairs Commission or designee with reference to two members of Commission on Equity and Opportunity designated by the executive director in Subdiv. (5), deleting former Subdiv. (6) re executive director of Asian Pacific American Affairs Commission or designee and redesignating existing Subdivs. (7) to (11) as Subdivs. (6) to (10), effective July 1, 2016; P.A. 19-117 amended Subsec. (b) by replacing "Commission on Equity and Opportunity" with "Commission on Women, Children, Seniors, Equity and Opportunity" in Subdivs. (4) and (5), effective July 1, 2019; June Sp. Sess. P.A. 21-2 amended Subsec. (b)(9) by replacing "Central Connecticut State University" with "The University of Connecticut". See Sec. 4-38f for definition of "administrative purposes only".

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-1t. - Adoption of policy re police use of electronic defense weapons. Data collection. Reports.

(a) For purposes of this section, "law enforcement agency" means the Division of State Police within the Department of Emergency Services and Public Protection or any municipal police department, "police officer" means a state police officer or a sworn member of a municipal police department and "electronic defense weapon" has the same meaning as provided in section 53a-3. (b) (1) Each law enforcement agency that authorizes a police officer employed by such agency to use an electronic defense weapon shall: (A) Not later than January 31, 2015, adopt and maintain a written policy that meets or exceeds the model policy developed by the Police Officer Standards and Training Council regarding the use of an electronic defense weapon; (B) require police officers to document any use of an electronic defense weapon in use-of-force reports; (C) not later than January fifteenth following each calendar year in which an electronic defense weapon is used, prepare an annual report using the form developed and promulgated by the Police Officer Standards and Training Council pursuant to section 7-294cc that details the use of electronic defense weapons by police officers employed by such agency and includes (i) data downloaded from the electronic defense weapons after their use, (ii) data

compiled from the use-of-force reports, and (iii) statistics on each such use of an electronic defense weapon, including, but not limited to, (I) the race and gender of each person on whom the electronic defense weapon was used, provided the identification of such characteristics shall be based on the observation and perception of the police officer that used the electronic defense weapon, (II) the number of times the electronic defense weapon was activated and used on such person, (III) the injury, if any, suffered by such person against whom the electronic defense weapon was used, and (IV) if the electronic defense weapon that was used had different usage modes, the mode used; and (D) not later than January 15, 2016, and annually thereafter, submit the report to the Criminal Justice Policy and Planning Division within the Office of Policy and Management. (2) Not later than January 15, 2016, and annually thereafter, a law enforcement agency that does not authorize police officers employed by such agency to use an electronic defense weapon shall submit a report to the Criminal Justice Policy and Planning Division within the Office of Policy and Management stating that such agency does not authorize its officers to use electronic defense weapons. (c) The Office of Policy and Management shall post the annual reports submitted pursuant to subsection (b) of this section on its Internet web site. (P.A. 14-149, S. 1.) History: P.A. 14-149 effective January 1, 2015.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-2. - Conviction and binding over by trial justice.

Section 54-2 is repealed. (1949 Rev., S. 8725; 1957, P.A. 522, S. 2; 1959, P.A. 28, S. 204.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-25 and 54-26. - Release on recognizance. Witnesses in courts of other states.

Sections 54-25 and 54-26 are repealed. (1949 Rev., S. 8746, 8762; 1959, P.A. 28, S. 147; P.A. 76-336, S. 10; P.A. 80-313, S. 61.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-29 to 54-31. - Seizure of obscene literature and gambling implements. Illegal articles and implements to be destroyed. Judges of city courts may act.

Sections 54-29 to 54-31, inclusive, are repealed. (1949 Rev., S. 8752–8754; 1959, P.A. 28, S. 148, 204; 1963, P.A. 652, S. 10.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-2a. - Issuance of bench warrants of arrest, subpoenas, capias and other criminal process. Release conditions. Service of court process. Entry of warrants and process into computer system.

(a) In all criminal cases the Superior Court, or any judge thereof, or any judge trial referee specifically designated by the Chief Justice to exercise the authority conferred by this section may issue (1) bench warrants of arrest upon application by a prosecutorial official if the court or judge determines that the affidavit accompanying the application shows that there is probable cause to believe that an offense has been committed and that the person complained against committed it, (2) subpoenas for witnesses, (3) capias for witnesses and for defendants who violate an order of the court regarding any court appearance, and (4) all other criminal process; and may administer justice in all criminal matters. (b) The court, judge or judge trial referee issuing a bench warrant for the arrest of the person or persons complained against shall, in cases punishable by death, life imprisonment without the possibility of release or life imprisonment, set the conditions of release or indicate that the person or persons named in the warrant shall not be entitled to bail and may, in all other cases, set the conditions of release. The conditions of release, if included in the warrant, shall fix the first of the following conditions which the court, judge or judge trial referee finds necessary to assure such person's appearance in court: (1) Written promise to appear; (2) execution of a bond without surety in no greater amount than necessary; or (3) execution of a bond with surety in no greater amount than necessary. (c) In lieu of a warrant for the rearrest of any defendant who fails to appear for trial at the place and time specified or on any court date thereafter the court, judge or judge trial referee may issue a capias. (d) All process issued by said court or any judge thereof, or any judge trial referee shall be served by any proper officer, or an indifferent person when specially directed to do so, and shall be obeyed by any and all persons and officers to whom the same is directed or whom it may concern. (e) Whenever a warrant or other criminal process is issued under this section or section 53a-32, the court, judge or judge trial referee may cause such warrant or process to be entered into a central computer system in accordance with policies and procedures established by the Chief Court Administrator. Existence of the warrant or other criminal process in the computer system shall constitute prima facie evidence of the issuance of the warrant or process. Any person named in the warrant or other criminal process may be arrested based on the existence of the warrant or process in the computer system and shall, upon any such arrest, be given a copy of the warrant or process. (1959, P.A. 28, S. 27; February, 1965, P.A. 194, S. 1; 1967, P.A. 10, S. 1; 152, S. 44; 549, S. 10; P.A. 74-183, S. 126, 291; P.A. 76-436, S. 518, 681; P.A. 77-576, S. 38, 65; P.A. 79-216, S. 1; P.A. 80-313, S. 2; P.A. 84-123, S. 2; P.A. 00-209, S. 4; P.A. 01-72, S. 1; P.A. 04-127, S. 8; P.A. 10-43, S. 21; P.A. 12-5, S. 24.) History: 1965 act added authority of judge to issue subpoenas and warrants; 1967 acts deleted language in last sentence qualifying power of judge as being "when the circuit court is not in session" and, effective October 1, 1968, added provisions for alternatives to bail; P.A. 74-183 replaced circuit court with court of common pleas, effective December 31, 1974; P.A. 76-436 replaced court of common pleas with superior court and deleted references to powers of other unspecified courts and judges, reflecting transfer of all trial jurisdiction to superior court, effective July 1, 1978; P.A. 77-576 added detailed provisions re procedure for issuance of bench warrants and clarified provisions with respect to crimes which are not bailable, effective July 1, 1978; P.A. 79-216 made minor wording changes;

P.A. 80-313 divided section into Subsecs., restated power to issue bench warrants in Subsec. (a) and deleted detailed provisions re procedure re issuance of bench warrants and arrests made on bench warrant; P.A. 84-123 amended Subsec. (a) by authorizing the issuance of capias for defendants who violate a court order regarding any court appearance, added a new Subsec. (c) re the issuance of a capias in lieu of a rearrest warrant, and redesignated former Subsec. (c) as Subsec. (d); P.A. 00-209 made technical changes and added new Subsec. (e) authorizing the entry of a rearrest warrant into a central computer system, providing that the existence of the warrant in the computer system is prima facie evidence of its issuance and authorizing the arrest of a person based on the existence of the warrant in the computer system; P.A. 01-72 amended Subsec. (a) by adding "or any judge trial referee specifically designated by the Chief Justice to exercise the authority conferred by this section" and amended Subsecs. (b) to (e) by adding references to judge trial referee; P.A. 04-127 amended Subsec. (e) by deleting reference to "rearrest" warrant and adding reference to Sec. 53a-32; P.A. 10-43 amended Subsec. (e) to make provisions applicable to other criminal process and require that entry of warrant or process into central computer system be in accordance with policies and procedures established by Chief Court Administrator; P.A. 12-5 amended Subsec. (b) to add reference to cases punishable by life imprisonment without possibility of release, effective April 25, 2012. See Sec. 52-56(d) re execution or service of capias in any precinct by state marshal of any precinct. See Sec. 54-64b re release following arrest on court warrant. Cited. 181 C. 562; 187 C. 292; 193 C. 612; 202 C. 443; 205 C. 298; 233 C. 403. Cited. 27 CA 307. Cited. 38 CS 377. Subsec. (b): Death penalty unconstitutional under Art. I, Secs. 8 and 9 of Connecticut Constitution. 318 C. 1.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-2c. - Traffic violator need not appear in court, when. Schedule of fines established.

Section 54-2c is repealed. (1967, P.A. 429; 1969, P.A. 455; 1971, P.A. 436; P.A. 74-183, S. 128, 291; P.A. 75-577, S. 123, 126.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-2d. - Notation in computer network of actions taken by law enforcement agency to execute certain warrants.

Not later than thirty days after the entry of the issuance of any rearrest warrant or arrest warrant for a violation of probation into the paperless rearrest warrant network, the law enforcement agency for the municipality in which the accused person resides shall, if such network is available and accessible to such agency, enter a notation in such network of the actions, if any, that have been taken by such agency to execute the warrant and apprehend the accused person. (P.A. 06-99, S. 2.) See Sec. 54-108c re availability on Internet of information on outstanding arrest warrants for probation violations.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-2e. - Issuance of rearrest warrant or capias for failure to appear.

Unless good cause is shown, no court shall issue a rearrest warrant or a capias for failure to appear as provided in section 53a-173 prior to four o'clock p.m. of the day of the alleged failure to appear. (P.A. 07-243, S. 3.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-3 and 54-4. - Issue of warrant after arrest. Trial justice may issue criminal process to be served anywhere in the state.

Sections 54-3 and 54-4 are repealed. (1949 Rev., S. 8722, 8723; 1959, P.A. 28, S. 204.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-33. - Search warrants for gambling and lottery implements.

Section 54-33 is repealed. (1949 Rev., S. 8756; 1959, P.A. 28, S. 149; 1963, P.A. 652, S. 10.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-33a. - Issuance of search warrant, warrant for tracking device or warrant for foreign corporation records or data. No-knock warrants prohibited.

(a) As used in sections 54-33a to 54-33g, inclusive, "property" includes, but is not limited to, documents, books, papers, films, recordings, records, data and any other tangible thing; and "tracking device" means an electronic or mechanical device that permits the tracking of the movement of a person or object. (b) Upon complaint on oath by any state's attorney or assistant state's attorney or by any two credible persons, to any judge of the Superior Court or judge trial referee, that such state's attorney or assistant state's attorney or such persons have probable cause to believe that any property (1) possessed, controlled, designed or intended for use or which is or has been used or which may be used as the means of committing any criminal offense; or (2) which was stolen or embezzled; or (3) which constitutes evidence of an offense, or which constitutes evidence that a particular person participated in the commission of an offense, is within or upon any place, thing or person, such judge or judge trial referee, except as provided in section 54-33j, may issue a warrant commanding a proper officer to enter into or upon such place or thing, search such place, thing or person and take into such officer's custody all such property named in the warrant. (c) Upon complaint on oath by any state's attorney or assistant state's attorney or by any two credible persons, to any judge of the Superior Court or judge trial referee, that such state's attorney or assistant state's attorney or such persons have probable cause to believe that a criminal offense has been, is being, or will be committed and that the use of a tracking device will yield evidence of the commission of that offense, such judge or judge trial referee may issue a warrant authorizing the installation and use of a tracking device. The complaint shall identify the

person on which or the property to, in or on which the tracking device is to be installed, and, if known, the owner of such property.

(d) A warrant may issue only on affidavit sworn to by the complainant or complainants before the judge or judge trial referee, either in person or electronically with simultaneous sight and sound, and establishing the grounds for issuing the warrant, which affidavit shall be part of the arrest file. If the judge or judge trial referee is satisfied that grounds for the application exist or that there is probable cause to believe that grounds for the application exist, the judge or judge trial referee shall issue a warrant identifying the property and naming or describing the person, place or thing to be searched or authorizing the installation and use of a tracking device and identifying the person on which or the property to, in or on which the tracking device is to be installed. The warrant shall be directed to any police officer of a regularly organized police department or any state police officer, to an inspector in the Division of Criminal Justice, to a conservation officer, special conservation officer or patrolman acting pursuant to section 26-6 or to a sworn motor vehicle inspector acting under the authority of section 14-8. Except for a warrant for the installation and use of a tracking device, the warrant shall state the date and time of its issuance and the grounds or probable cause for its issuance and shall command the officer to search within a reasonable time the person, place or thing named, for the property specified. A warrant for the installation and use of a tracking device shall state the date and time of its issuance and the grounds or probable cause for its issuance and shall command the officer to complete the installation of the device within a specified period not later than ten days after the date of its issuance and authorize the installation and use of the tracking device, including the collection of data through such tracking device, for a reasonable period of time not to exceed thirty days from the date the tracking device is installed. Upon request and a showing of good cause, a judge or judge trial referee may authorize the use of the tracking device for an additional period of thirty days. (e) No police officer of a regularly organized police department or any state police officer, an inspector in the Division of Criminal Justice, a conservation officer, special conservation officer or patrolman acting pursuant to section 26-6 or a sworn motor vehicle inspector acting under the authority of section 14-8, shall seek, execute or participate in the execution of a no-knock warrant. A search warrant authorized under this section shall require that an officer provide notice of such officer's identity, authority and purpose prior to entering the place to be searched for the execution of such search warrant. Prior to undertaking any search or seizure pursuant to the search warrant, the executing officer shall read and give a copy of the search warrant to the person to be searched or the owner of the place to be searched or, if the owner is not present, to any occupant of the place to be searched. If the place to be searched is unoccupied, the executing officer shall leave a copy of the search warrant suitably affixed to the place to be searched. For purposes of this subsection, "no-knock warrant" means a warrant authorizing police officers to enter certain premises without first knocking and announcing their presence or purpose prior to entering the place to be searched. (f) A judge or judge trial referee may issue a warrant pursuant to this section for records or data that are in the actual or constructive possession of a foreign corporation or business entity that transacts business in this state, including, but not limited to, a foreign corporation or business entity that provides electronic communication services or remote computing services to the public. Such a warrant may be served on an authorized representative of the foreign corporation or business entity by hand, mail, commercial delivery, facsimile or electronic transmission, provided proof of delivery can be established. When properly served with a warrant issued pursuant to this section, the foreign corporation or business entity shall provide to the applicant all records or data sought by the warrant within fourteen business days of being served with the warrant, unless the judge or judge trial referee determines that a shorter or longer period of time is necessary or appropriate. (g) The inadvertent failure of the issuing judge or judge trial referee to state on the warrant the time of its issuance shall not in and of itself invalidate the warrant. (1963, P.A. 652, S. 1, 3; February, 1965, P.A. 439; 574, S. 46; P.A. 74-183, S. 138, 291; P.A. 76-436, S. 530, 681; P.A. 77-504; P.A. 79-14, S. 3; P.A. 80-313, S. 8; P.A. 81-227, S. 3; June Sp. Sess. P.A. 98-1, S. 39, 121; P.A. 00-31; P.A. 01-72, S. 2; P.A. 04-147, S. 2; P.A. 13-271, S. 42; P.A. 14-233, S. 9; P.A. 21-33, S. 7; P.A. 24-108, S. 19.) History: 1965 acts authorized search of person and made grammatical correction; P.A. 74-183 replaced circuit court with court of common pleas in Subsec. (b), reflecting reorganization of judicial system, effective December 31, 1974; P.A. 76-436 added reference to assistant state's attorneys and deleted reference to prosecuting attorneys and to court of common pleas in Subsec. (b), reflecting transfer of all trial jurisdiction to superior court, effective July 1, 1978; P.A. 77-504 added Subsec. (b)(3) authorizing issuance of search warrant to discover property constituting evidence of offense or evidence that a person participated in the commission of an offense; P.A. 79-14 added exception re Sec. 54-33j in Subsec. (b)(3); P.A. 80-313 substituted "may" for "shall" in Subsec. (c) provision re issuance of warrant on sworn affidavit; P.A. 81-227 amended Subsec. (c) by authorizing judges to direct search warrants to conservation officers and patrolmen acting pursuant to Sec. 26-6; June Sp. Sess. P.A. 98-1 made a technical change in Subsec. (c), effective June 24, 1998; P.A. 00-31 amended Subsec. (c) to require the warrant to state the date and time of its issuance and to add provision that the inadvertent failure of the issuing judge to state on the warrant the time of its issuance shall not in and of itself invalidate the warrant, and made technical changes in Subsecs. (b) and (c) for purposes of gender neutrality; P.A. 01-72 added references to judge trial referee in Subsecs. (b) and (c); P.A. 04-147 amended Subsec. (c) to authorize a warrant to be directed to an inspector in the Division of Criminal Justice and make a technical change for purposes of gender neutrality; P.A. 13-271 amended Subsec. (c) to authorize warrant to be directed to a sworn motor vehicle inspector acting under authority of Sec. 14-8, effective July 1, 2013; P.A. 14-233 amended Subsec. (a) to add provision defining "tracking device", added new Subsec. (c) re warrant for tracking device, redesignated existing Subsec. (c) as Subsec. (d) and amended same to add provisions re warrant for tracking device and person or property subject to tracking device, added Subsec. (e) re warrant for records or data in actual or constructive possession of foreign corporation or business entity, designated existing provision re failure to state on warrant time of issuance as Subsec. (f), and made technical changes; P.A. 21-33 added new Subsec. (e) prohibiting no-knock warrants and redesignated existing Subsecs. (e) and (f) as Subsecs. (f) and (g); P.A. 24-108 amended Subsec. (d) by adding that required affidavit could be sworn to "either in person or electronically with simultaneous sight and sound". See Sec. 54-154 re

taxing of expenses in search and seizure cases. Former statute did not authorize seizure of contraceptive material. 126 C. 428. Under former statute, obscene materials could be seized regardless of who possessed them or of knowledge or intent in such possession. 146 C. 78. This section and sections 54-33b to 54-33g passed subsequent to *Mapp v. Ohio*, 367 U.S. 643, which held that evidence obtained by unlawful search and seizure is inadmissible in state courts; prior to such passage if search and seizure were incidental to lawful arrest, they were not unreasonable. 149 C. 567. Cited. 153 C. 8. Judge issuing search warrant not required to recite in warrant the grounds on which he found probable cause. *Id.*, 708, 709. Warrant calling for search and seizure of passenger automobile includes whatever was an integral part or component of that automobile, e.g., dust on floor, stains on interior, seats and cushions. 155 C. 145. Neither the recital that affiant had information from reliable informant nor statement that apartment sought to be searched had been under surveillance were sufficient grounds for issuance of warrant; warrant issued was illegal. *Id.*, 385. Cited. 165 C. 239; 169 C. 322; 170 C. 618; 181 C. 562; 196 C. 471; 206 C. 90; 219 C. 529; 224 C. 29; 226 C. 514. Cited. 10 CA 561; 30 CA 249. Search and seizure which, though without warrant, is consented to is not within exclusionary rule; but mere acquiescence in and peaceful submission to demands of searching officers is not to be construed as consent; defendant's application for order to return articles illegally seized was denied. 23 CS 41. Where search warrant is issued and executed, presumption is that proper legal procedure was observed and burden is on defendant to overcome presumption. *Id.*, 405. Even though evidence was obtained as result of illegal search and seizure, defendant was not entitled to motion to suppress evidence in advance of trial. 24 CS 36. Arrest for minor traffic violation did not justify search of car without a warrant; if stolen goods were in plain sight, search might have been justified. 25 CS 229. Reference in warrant, after specifying drugs and named instruments for using them, concluded "and any other paraphernalia" which could be used in taking drugs and was too broad; items not specifically mentioned in warrant could not be used in evidence. 28 CS 19. Cited. 41 CS 1. Where judge had before him no information which permitted him to make an independent judicial determination of the existence of probable cause for the issuance of a search and seizure warrant, the issuance of such warrant was in violation of the constitution and the evidence seized as a result of its execution is not admissible in defendants' trial. 3 Conn. Cir. Ct. 97, 98. An unsigned and undated search warrant is fatally defective, invalid and void and confers no authority to act thereunder. *Id.*, 641, 644. Supporting affidavit sufficient when it recited several instances of information by others of defendant operating his home for pool selling and police surveillance of activity of defendant in community; name of informant need not be disclosed. 4 Conn. Cir. Ct. 603. Cited. 5 Conn. Cir. Ct. 44, 46. Motion to suppress evidence obtained by search and seizure under warrant issued fourteen days before actual seizure granted on grounds execution of warrant was not made within reasonable time. *Id.*, 468. Affidavit in support of search warrant for violation of pool selling statute, that set forth underlying circumstances, reasons informants were reliable, actual betting transactions and personal observation of defendant by affiants was sufficient. *Id.*, 669. Subsec. (b): Cited. 179 C. 23; 192 C. 98; 229 C. 125. Cited. 1 CA 315. Possession or control of property is relevant, not ownership. 57 CA 396. Subsec. (d) (former Subsec. (c)): Cited. 179 C. 522. Search warrant, unsigned by judge, was not legally "issued". 184 C. 95. Cited. 188 C. 183. Neither section nor the commonly approved definition of "affidavit" requires assigned jurat; judgment of Appellate Court in 32 CA 402 reversed. 230 C. 24. Cited. 14 CA 356; 32 CA 402; judgment reversed, see 230 C. 24; 39 CA 369. Provision that "warrant shall state the date and time of its issuance" does not invalidate warrant issued with incorrect time due to scrivener's error. 124 CA 331, see also 307 C. 567.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-33b. - Search of person.

(a) A law enforcement official may ask a person if he or she may conduct a search of their person, provided such law enforcement official has reasonable and articulable suspicion that weapons, contraband or other evidence of a crime is contained upon the person, or that the search is reasonably necessary to further an ongoing law enforcement investigation. A law enforcement official who solicits consent to search a person shall, whether or not the consent is granted, complete a police report documenting the reasonable and articulable suspicion for the solicitation of consent, or the facts and circumstances that support the search being reasonably necessary to further an ongoing law enforcement investigation. (b) A law enforcement official serving a search warrant may, if such official has reason to believe that any of the property described in the warrant is concealed in the garments of any person in or upon the place or thing to be searched, search the person for the purpose of seizing the same. When the person to be searched is a woman, the search shall be made by a female law enforcement official or other woman assisting in the service of the warrant, or by a woman designated by the judge or judge trial referee issuing the warrant. (1963, P.A. 652, S. 2; P.A. 80-313, S. 9; P.A. 01-72, S. 4; July Sp. Sess. P.A. 20-1, S. 22; P.A. 21-33, S. 6.) History: P.A. 80-313 rephrased provisions but made no substantive changes; P.A. 01-72 made a technical change for purposes of gender neutrality and added reference to judge trial referee; July Sp. Sess. P.A. 20-1 added Subsec. (a) re consent of a person, designated existing language as Subsec. (b) and made technical changes; P.A. 21-33 amended Subsec. (a) by replacing provision re person's consent to search of person not to constitute justification absent probable cause with provisions re law enforcement official permitted to ask to conduct search provided certain conditions exist and requirement to complete police report documenting suspicion for solicitation of consent or facts and circumstances supporting necessity of search. Origin of former statute re search of person. 126 C. 433. Cited. 28 CS 23. Cited. 5 Conn. Cir. Ct. 44, 46. Search of person on premises of store searched under warrant was constitutional as statute provides for reasonable searches and seizes, not unreasonable ones. *Id.*, 637.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-33c. - Warrant application, affidavits, execution and return. Copies. Orders.

(a) The applicant for a search warrant shall file the application for the warrant and all affidavits upon which the warrant is based with the clerk of the court for the geographical area within which any person who may be arrested in connection with or subsequent to the execution of the search warrant would be presented with the return of the warrant. Upon the arrest of any person in connection with or subsequent to the execution of the search warrant, the law enforcement agency that arrested the person shall notify the clerk of such court of the return of the warrant by completing a form prescribed by the Chief Court Administrator and filing such form with the clerk together with any applicable uniform arrest report or misdemeanor summons. (b) Except for a warrant for the installation and use of a tracking device: (1) The warrant shall be executed within ten days and returned with reasonable promptness consistent with due process of law and shall be accompanied by a written inventory of all property seized; (2) a copy of such warrant shall be given to the owner or occupant of the dwelling, structure, motor vehicle or place designated in the warrant, or the person named in the warrant; and (3) within forty-eight hours of such search, a copy of the application for the warrant and a copy of all affidavits upon which the warrant is based shall be given to such owner, occupant or person. The judge or judge trial referee may, by order, dispense with the requirement of giving a copy of the affidavits to such owner, occupant or person at such time if the applicant for the warrant files a detailed affidavit with the judge or judge trial referee which demonstrates to the judge or judge trial referee that (A) the personal safety of a confidential informant would be jeopardized by the giving of a copy of the affidavits at such time, or (B) the search is part of a continuing investigation which would be adversely affected by the giving of a copy of the affidavits at such time, or (C) the giving of a copy of the affidavits at such time would require disclosure of information or material prohibited from being disclosed by chapter 959a. (c) A warrant for the installation and use of a tracking device shall be returned with reasonable promptness consistent with due process of law and after the period authorized for tracking, including any extension period authorized under subsection (d) of section 54-33a, has expired. Within ten days after the use of the tracking device has ended, a copy of the application for the warrant and a copy of all affidavits upon which the warrant is based shall be given to the person who was tracked or the owner of the property to, in or on which the tracking device was installed. The judge or judge trial referee may, by order, dispense with the requirement of giving a copy of the affidavits to the person who was tracked or the owner of the property to, in or on which the tracking device was installed if the applicant for the warrant files a detailed affidavit with the judge or judge trial referee which demonstrates to the judge or judge trial referee that (1) the personal safety of a confidential informant would be jeopardized by the giving of a copy of the affidavits at such time, or (2) the search is part of a continuing investigation which would be adversely affected by the giving of a copy of the affidavits at such time, or (3) the giving of a copy of the affidavits at such time would require disclosure of information or material prohibited from being disclosed by chapter 959a. (d) If the judge or judge trial referee dispenses with the requirement of giving a copy of the affidavits at such time pursuant to subsection (b) or (c) of this section, such order shall not affect the right of such owner, occupant or person to obtain such copy at any subsequent time. No such order shall limit the disclosure of such affidavits to the attorney for a person arrested in connection with or subsequent to the execution of a search warrant unless, upon motion of the prosecuting authority within two weeks of such person's arraignment, the court finds that the state's interest in continuing nondisclosure substantially outweighs the defendant's right to disclosure. (e) Any order entered pursuant to subsection (b) or (c) of this section dispensing with the requirement of giving a copy of the affidavits to such owner, occupant or person shall be for a specific period of time, not to exceed (1) two weeks beyond the date the warrant is executed, or (2) with respect to a warrant for the installation and use of a tracking device, two weeks after any extension period authorized under subsection (d) of section 54-33a has expired. Within the applicable time period set forth in subdivision (1) or (2) of this subsection, the prosecuting authority may seek an extension of such period of time. Upon the execution and return of the warrant, affidavits which have been the subject of such an order shall remain in the custody of the clerk's office in a secure location apart from the remainder of the court file. (1963, P.A. 652, S. 4; 1971, P.A. 291; P.A. 76-155; P.A. 85-306; P.A. 89-247; P.A. 97-40, S. 8; P.A. 99-215, S. 9; P.A. 01-72, S. 5; P.A. 14-233, S. 10.) History: 1971 act set ten-day deadline for execution of warrant and required that copy of warrant be given to owner or occupant of dwelling, structure etc. to be searched or to the person named in the warrant; P.A. 76-155 set 48-hour deadline for giving copy of warrant and added provisions re requirement that copy of warrant application, affidavits be given to owner, occupant or person named in warrant; P.A. 85-306 required the applicant to file a detailed affidavit with the judge before the judge may dispense with the requirement of giving a copy of the affidavits; P.A. 89-247 added provisions re filing of copy of search warrant application with clerk of court, re prohibition of clerks' disclosing information pertinent to the application, re protection of rights of an arrested person's attorney to disclosure of affidavits and re time limits on orders which dispense with requirement that copy of warrant application and affidavits be given to interested parties within 48 hours and divided section into Subsecs.; P.A. 97-40 changed "issuance" to "execution" of warrant in Subsec. (a); P.A. 99-215 amended Subsec. (a) by deleting provision requiring filing of copy of warrant and that search be conducted within one business day of execution and prohibiting clerk from disclosure of information re application or affidavits of search warrant and substituting provision that any person arrested in connection with or subsequent to execution of search warrant would be presented with return of warrant; P.A. 01-72 amended Subsec. (a) by adding references to judge trial referee; P.A. 14-233 amended Subsec. (a) to add provision requiring law enforcement agency that arrests person in execution of search warrant to notify clerk of court, designated existing provisions re execution of warrant as new Subsec. (b) and amended same to add provision re exception for warrant for tracking device, insert Subdiv. (1) to (3) designators and redesignate existing Subdivs. (1) to (3) as Subparas. (A) to (C), added Subsec. (c) re return of warrant for tracking device, 10-day deadline for giving copy of application for warrant and affidavits after tracking device use has ended, and exception to requirement to give copy of affidavits, designated existing provisions re dispensing of requirement to give copy of affidavits as Subsec. (d), redesignated existing Subsec. (b) as Subsec. (e) and amended same to designate existing provision re 2 weeks beyond date warrant is executed as Subdiv. (1) and add Subdiv. (2) re warrant for

installation and use of tracking device, and made technical and conforming changes. Return on search warrant, not defective. 163 C. 107. Cited. 165 C. 239; 239 C. 793. Cited. 7 CA 265; 10 CA 347; 14 CA 356; 15 CA 251; 18 CA 477. Cited. 28 CS 23. Omission of signature from copies of warrant and affidavits served on defendant held harmless error; exclusionary rule discussed. 35 CS 225. Cited. 36 CS 570; 40 CS 20. Cited. 5 Conn. Cir. Ct. 44, 46. Execution of search and seizure warrant 14 days after its issuance held unreasonable lapse of time although officers' daily surveillance made this the opportune date for search; motion to suppress evidence seized granted. Id., 468.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-33d. - Interference with search.

Any person who forcibly assaults, resists, opposes, impedes, intimidates or interferes with any person authorized to serve or execute search warrants or to make searches and seizures while engaged in the performance of his duties with regard thereto or on account of the performance of such duties, shall be fined not more than one thousand dollars or imprisoned not more than one year or both; and any person who in committing any violation of this section uses any deadly or dangerous weapon shall be fined not more than ten thousand dollars or imprisoned not more than ten years or both. (1963, P.A. 652, S. 5.) Cited. 165 C. 239. Cited. 11 CA 47; 24 CA 330. Act of clenching mouth shut to avert DNA swab constitutes use of physical force to evade search warrant in violation of section. 144 CA 353. Cited. 30 CS 211. Cited. 6 Conn. Cir. Ct. 176.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-33e. - Destruction of property.

Any person who, before, during or after seizure of any property by any police officer authorized to make searches and seizures, in order to prevent the seizure or securing of any property named in the warrant by such police officer, breaks, destroys or removes or causes the breaking, destruction or removal of the same, shall be fined not more than one thousand dollars or imprisoned not more than one year or both. (1963, P.A. 652, S. 6.) Cited. 165 C. 239; 173 C. 450. Cited. 26 CA 667. Cited. 30 CS 211. Cited. 5 Conn. Cir. Ct. 44, 46; 6 Conn. Cir. Ct. 176.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-33f. - Motion for return of unlawfully seized property and suppression as evidence.

(a) A person aggrieved by search and seizure may move the court which has jurisdiction of such person's case or, if such jurisdiction has not yet been invoked, then the court which issued the warrant, or the court in which such person's case is pending, for the return of the property and to suppress for use as evidence anything so obtained on the ground that: (1) The property was seized without a warrant, or (2) the warrant is insufficient on its face, or (3) the property seized is not that described in the warrant, or (4) there was not probable cause for believing the existence of the grounds on which the warrant was issued, or (5) the warrant was illegally executed. In no case may the judge or judge trial referee who signed the warrant preside at the hearing on the motion. (b) The motion shall be made before trial or hearing unless opportunity therefor did not exist or the defendant was not aware of the grounds for the motion, but the court in its discretion may entertain the motion at the trial or hearing. (c) The court shall receive evidence on any issue of fact necessary to the decision of the motion. If the motion is granted, the property shall be restored unless otherwise subject to lawful detention and it shall not be admissible in evidence at any hearing or trial. (1963, P.A. 652, S. 7; 1967, P.A. 4; 1969, P.A. 292, S. 1; P.A. 80-313, S. 10; P.A. 01-72, S. 6.) History: 1967 act added proviso prohibiting judge who signed warrant from presiding at hearing on motion; 1969 act authorized aggrieved person to make motion "in the court in which his case is pending" for return of property and to suppress its use as evidence; P.A. 80-313 reorganized provisions and divided section into Subsecs.; P.A. 01-72 amended Subsec. (a) by making technical changes for purposes of gender neutrality and adding reference to judge trial referee. History discussed. 152 C. 90. Cited. 154 C. 314, 321. Neither statement that affiant had information from reliable informant nor that apartment sought to be searched had been under police surveillance was sufficient grounds for issuance of warrant, hence search warrant was illegal. 155 C. 385. Motion to suppress evidence consisting of several marked bills found on defendant immediately after he was observed selling narcotics to an informer, obtained by search incident to his lawful arrest for commission of felony of illegal sale of narcotics, properly denied. Id., 516. Ruling denying defendant's motion to suppress evidence of narcotics seized by arresting officer from stolen car in defendant's possession without obtaining search warrant was superseded by ruling during trial admitting narcotics as evidence; where defendant driver of stolen car had been arrested and drugs were found in car on custodial search by arresting officer, motion to suppress use of drugs in evidence properly denied. 159 C. 201. Cited. 169 C. 322. Person aggrieved by search and seizure may move to suppress for use as evidence anything obtained upon warrant when there is not probable cause for believing the existence of grounds for warrant. 170 C. 618. Cited. 195 C. 668; 216 C. 150, see also 26 CA 423, 27 CA 291, 223 C. 902 and 225 C. 10, reversing judgment of Appellate Court in *State v. Marsala*; 223 C. 903; 226 C. 514; 239 C. 793. Cited. 10 CA 561; 14 CA 605; 15 CA 251; 27 CA 370; 31 CA 548. Use of motion to suppress. 29 CS 423. Motion to dismiss, motion to suppress, difference. 30 CS 211. Section implements fourth amendment of U.S. Constitution and Art. I, Sec. 7 of the Connecticut Constitution and is analogous to rule 41 of Federal Rules of Criminal Procedure; purposes of rule. 33 CS 129. Evidence obtained by an immediate search of defendant's apartment after her arrest for liquor violation was admissible; search without warrant was an incident to a lawful arrest. 4 Conn. Cir. Ct. 125. Where officers went beyond directives of warrant for search of defendant and certain premises and searched automobiles, evidence obtained was suppressed, but articles taken were not returned in absence of demand or request. Id., 422, 423. Property sought to be suppressed was voluntarily handed over to police officers by

defendant's wife who was not party to defendant's appeal; he has no standing to claim violation of wife's constitutional rights as these are personal to her. Id., 605. Testimony or information, although not tangible, come within purview of statute. 5 Conn. Cir. Ct. 44. Although not expressly required, it is better practice for motion to suppress to be in writing. Id., 51. Motion by defendant to suppress evidence seized in search of his car dismissed by Circuit Court where prosecuting attorney had instituted bindover proceedings in Superior Court. Id., 119. While it is better practice to test legality of seizure in preliminary hearing, court may entertain motion to suppress at trial; officers did not search for papers where they had defendant under surveillance in his store and saw him putting papers under rafters of hatchway and picked them up upon arrest. Id., 613. Where there was probable cause to believe that defendant was in business of pool selling from allegations of affidavit, search warrant was properly issued. Id., 669. Burden of proof relative to the illegality of search and seizure is on accused; newspaper, policy sheet and pen discarded by accused were abandoned property and apprehension of them by police is not seizure of defendant's property. 6 Conn. Cir. Ct. 17. Doctrine of retroactivity not applied to procedural problem of this kind. Id., 192, 194. Motion to suppress must specify item to be suppressed. Id., 454. Cited. Id., 574, 584.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-33g. - Forfeiture of moneys and property related to commission of criminal offense. In rem proceeding. Disposition. Secondary evidence of forfeited property.

(a) When any property believed to be possessed, controlled, designed or intended for use or which is or has been used or which may be used as a means of committing any criminal offense, or which constitutes the proceeds of the commission of any criminal offense, except a violation of section 21a-267, 21a-277, 21a-278, 21a-278b or 21a-279, has been seized as a result of a lawful arrest or a lawful search that results in an arrest, which the state claims to be a nuisance and desires to have destroyed or disposed of in accordance with the provisions of this section, the Chief State's Attorney or a deputy chief state's attorney, state's attorney or assistant or deputy assistant state's attorney may petition the court not later than ninety days after the seizure, in the nature of a proceeding in rem, to order forfeiture of such property. Such proceeding shall be deemed a civil suit in equity, in which the state shall have the burden of proving all material facts by clear and convincing evidence. The court shall identify the owner of such property and any other person as appears to have an interest in such property, and order the state to give notice to such owner and any interested person by certified or registered mail. (b) The court shall hold a hearing on the petition filed pursuant to subsection (a) of this section not more than two weeks after the criminal proceeding that occurred as a result of the arrest has been nolle, dismissed or otherwise disposed of. The court shall deny the petition and return the property to the owner if the criminal proceeding does not result in (1) a plea of guilty or nolo contendere to any offense charged in the same criminal information, (2) a guilty verdict after trial to a forfeiture-eligible offense for which the property was possessed, controlled, designed or intended for use, or which was or had been used as a means of committing such offense, or which constitutes the proceeds of the commission of such offense, or (3) a dismissal resulting from the completion of a pretrial diversionary program. (c) If the court finds the allegations made in such petition to be true and that the property has been possessed, controlled or designed for use, or is or has been or is intended to be used, with intent to violate or in violation of any of the criminal laws of this state, or constitutes the proceeds of a violation of any of the criminal laws of this state, except a violation of section 21a-267, 21a-277, 21a-278, 21a-278b or 21a-279, and that a plea of guilty or nolo contendere to such offense or another charge in the same criminal information, or a guilty verdict after trial for such forfeiture-eligible offense, or a dismissal resulting from the completion of a pretrial diversionary program has been entered, the court shall render judgment that such property is a nuisance and order the property to be destroyed or disposed of to a charitable or educational institution or to a governmental agency or institution, except that if any such property is subject to a bona fide mortgage, assignment of lease or rent, lien or security interest, such property shall not be so destroyed or disposed of in violation of the rights of the holder of such mortgage, assignment of lease or rent, lien or security interest. (d) (1) When the condemned property is money (A) on and after October 1, 2014, and prior to July 1, 2016, the court shall order that such money be distributed as follows: (i) Seventy per cent shall be allocated to the law enforcement agency, including the Department of Emergency Services and Public Protection and local police departments, responsible for investigating the criminal violation and seizing the money, and such local police departments shall use such money for the detection, investigation, apprehension and prosecution of persons for the violation of criminal laws, and any money allocated to the Department of Emergency Services and Public Protection shall be deposited in the General Fund; (ii) twenty per cent shall be deposited in the Criminal Injuries Compensation Fund established in section 54-215; and (iii) ten per cent shall be allocated to the Division of Criminal Justice and deposited in the General Fund; and (B) on and after July 1, 2016, such money shall be deposited in the General Fund. (2) When the condemned property is a valuable prize, which is subject to a bona fide mortgage, assignment of lease or rent, lien or security interest, such property shall remain subject to such mortgage, assignment of lease or rent, lien or security interest. (e) When any property or valuable prize has been declared a nuisance and condemned under this section, the court may also order that such property be sold in accordance with procedures approved by the Commissioner of Administrative Services. Proceeds of such sale shall first be allocated toward the balance of any mortgage, assignment of lease or rent, lien or security interest, and the remaining proceeds of such sale, if any, shall be allocated in accordance with subparagraphs (A) to (C), inclusive, of subdivision (1) of subsection (d) of this section. In any criminal prosecution, secondary evidence of property condemned and destroyed pursuant to this section shall be admissible against the defendant to the same extent as such evidence would have been admissible had the property not been condemned and destroyed. (f) If the court finds the allegations not to be true, irrespective of the findings in the criminal proceeding, or that the property has not been kept with intent to violate or in violation of the criminal laws of this state, or that the property does not constitute the proceeds of a violation of the

criminal laws of this state, or that the property is the property of a person who is not a defendant, the court shall order the property returned to the owner forthwith and the party in possession of such property pending such determination shall be responsible and personally liable for such property from the time of seizure and shall immediately comply with such order. (g) Failure of the state to proceed against such property in accordance with the provisions of this section shall not prevent the use of such property as evidence in any criminal trial. (1963, P.A. 652, S. 8; February, 1965, P.A. 215; 574, S. 47; 1972, P.A. 49; P.A. 75-54, S. 1, 3; P.A. 76-77, S. 4; 76-436, S. 531, 681; P.A. 80-313, S. 11; P.A. 84-540, S. 4, 7; P.A. 87-294, S. 1; P.A. 89-269, S. 3; P.A. 14-233, S. 1; P.A. 17-193, S. 1; June Sp. Sess. P.A. 21-1, S. 157.) History: 1965 acts specified applicability of provisions to seized property "which the state claims to be a nuisance and desires to have destroyed or disposed of in accordance with the provisions of this section" and added provision allowing use of property which state has failed to proceed against as evidence in criminal trial; 1972 act referred to property "possessed, controlled or designed for use ... or intended to be used" in violation of criminal laws rather than to property "kept" in connection with violation of law and added proviso re superior court's assumption of trial jurisdiction; P.A. 75-54 changed deadline for issuing summons from 48 hours after seizure to 10 days after seizure and clarified applicability re property which is subject to liens; P.A. 76-77 added provision re sale of property at public auction; P.A. 76-436 replaced prosecuting attorneys with assistant state's attorneys and deleted proviso re superior court's assumption of trial jurisdiction rendered obsolete because of transfer of all trial jurisdiction to that court, effective July 1, 1978; P.A. 80-313 divided section into Subsecs. and moved provision re final destruction or disposal of property but made no substantive changes; P.A. 84-540 deleted reference in Subsec. (a) to property seized "pursuant to subdivision (1) of subsection (b) of section 54-33a" and substituted reference to property "believed to be possessed, controlled, designed or intended for use or which is or has been used as a means of committing any criminal offense" seized "as a result of a search incident to an arrest, a warrantless arrest or a search warrant"; expanded provision in Subsec. (a) requiring judge or court "issuing the warrant" to issue a summons to include judge or court "before whom the arrested person is to be arraigned"; P.A. 87-294 amended Subsec. (c) to specify that property which is money shall be deposited in the general fund; P.A. 89-269 amended Subsec. (a) to add exception for "a violation of section 21a-267, 21a-277, 21a-278 or 21a-279", to require that the property has been seized as a result of a "lawful arrest or lawful search" rather than a "search incident to an arrest, a warrantless arrest or a search warrant", and to delete provision that the summons notify the owner to appear "then and there to show cause why such property should not be adjudged a nuisance and ordered to be destroyed or otherwise disposed of as herein provided", amended Subsec. (b) to place on the state's attorney or assistant state's attorney "the burden of proving all material facts by clear and convincing evidence" and amended Subsec. (c) to add exception for "a violation of section 21a-267, 21a-277, 21a-278 or 21a-279"; P.A. 14-233 substantially revised section by amending Subsec. (a) to add provision making section applicable to proceeds of commission of a criminal offense and replacing provisions re judge or court issuing warrant and summons with provisions authorizing state's attorney to petition court, after seizure of property, for forfeiture order in a civil proceeding in rem after notice to owner or interested party by certified or registered mail, deleting former Subsec. (b) re owner of property claiming interest, redesignating existing Subsec. (c) as Subsec. (b), inserting new Subsec. (c)(1) and (2) designators, replacing provision re money or prize seized with provisions re distribution of money, adding provisions re when property is a valuable prize, designating existing provisions re nuisance as new Subsec. (d) and amending same to replace provisions re sale at public auction and use of property as evidence with provisions re sale in accordance with procedures approved by Commissioner of Administrative Services, allocation of balance of proceeds and admissibility of secondary evidence of condemned property, redesignating existing Subsecs. (d) and (e) as Subsecs. (e) and (f), and making technical and conforming changes; P.A. 17-193 amended Subsec. (a) by adding "that results in an arrest" re property seized as a result of a lawful search and deleting provision re court to promptly hold hearing on petition, added new Subsec. (b) re hearing on petition after criminal proceeding has been nolle, dismissed or otherwise disposed of and denial of petition and return of property to owner, redesignated existing Subsec. (b) as Subsec. (c) and amended same to add provision re plea of guilty or nolo contendere or dismissal resulting from completion of pretrial diversionary program, redesignated Subsecs. (c) to (f) as Subsecs. (d) to (g), amended redesignated Subsec. (f) to add "irrespective of the findings in the criminal proceeding", and made technical and conforming changes; June Sp. Sess. P.A. 21-1 amended Subsecs. (a) and (c) to add reference to Sec. 21a-278b, effective July 1, 2021. Origin of former statute. 126 C. 433. Under former statute, obscene materials could be destroyed regardless of who possessed them or of knowledge or intent in such possession. 146 C. 78. Intervening federal tax lien has precedence over state's inchoate claim which is not perfected until a final adjudication of forfeiture. 176 C. 339. Cited. 192 C. 98; 194 C. 589; 196 C. 471; 204 C. 259; 207 C. 743. Statute requires that the issuance of the warrant, pursuant to which the property sought to be confiscated is seized, precede the seizure and that the seizure take place pursuant to that warrant. 1 CA 315. Statute, being a forfeiture statute, must be read and applied strictly. 5 CA 540. Cited. 15 CA 589; 19 CA 195; Id., 588; 39 CA 40. Cited. 36 CS 551. Seizure warrant is prerequisite to condemnation of gambling device; action to condemn is civil and state has right to appeal. 2 Conn. Cir. Ct. 399. Cited. 3 Conn. Cir. Ct. 96. Defendant's lack of knowledge his car was being used by person to whom he entrusted it for policy playing is no defense to forfeiture proceeding. 5 Conn. Cir. Ct. 1. Cited. Id., 44, 46; 6 Conn. Cir. Ct. 283. Not a criminal statute, but provides for forfeiture of car used in violation of law by in rem civil action. Id., 284. Subsec. (a): Time limit is directory, not mandatory. 19 CA 195. Cited. 23 CA 724.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-33h. (Formerly Sec. 53-279). - Arrest of keeper of gambling equipment; seizure and disposition of property.

Section 54-33h is repealed. (1949 Rev., S. 8656; 1959, P.A. 28, S. 191; 1963, P.A. 652, S. 9; 1969, P.A. 169; P.A. 73-455, S. 9.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-33i. - "Journalist", "news organization" and "news" defined.

For the purposes of this section and sections 54-33a and 54-33j: (1) "Journalist" means a person engaged in the business of investigating, collecting or writing news, or of supervising such activity, with the intent of publication or presentation or for publication or presentation to the public through a news organization. (2) "News organization" means (A) an individual, partnership, corporation or other association engaged in the business, whether or not for profit, of (i) publishing a newspaper or other periodical that reports news events and that is issued at regular intervals or has a general circulation; or (ii) providing newsreels or other motion picture news for public showing; or (iii) broadcasting news to the public by wire, radio, television or facsimile; and (B) a press association or other association of individuals, partnerships, corporations or other associations described in subparagraph (A) of this subdivision or in subdivision (1) of this section engaged in gathering news and disseminating it to its members for publication. (3) "News" means any compilation of facts, theories, rumors or opinions concerning any subject for the purpose of informing the public. (P.A. 79-14, S. 1; P.A. 80-313, S. 12.) History: P.A. 80-313 replaced alphabetic Subdiv. indicators with numeric indicators and made corresponding format changes in Subpara. indicators but made no substantive changes.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-33j. - Issuance of search warrant for property of journalist or news organization.

(a) No search warrant, as provided in section 54-33a, may be issued to search any place or seize anything in the possession, custody or control of any journalist or news organization unless such warrant is issued upon probable cause that such person or organization has committed or is committing the offense related to the property named in the warrant or such property constitutes contraband or an instrumentality of a crime. (b) Nothing in this section shall be construed as limiting the right to subpoena any such evidence if such subpoena is otherwise permitted by law. (P.A. 79-14, S. 2.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-33k. - "Strip search" defined.

For the purposes of this section and section 54-33l, "strip search" means having an arrested person remove or arrange some or all of his or her clothing or, if an arrested person refuses to remove or arrange his or her clothing, having a peace officer or employee of the police department remove or arrange the clothing of the arrested person so as to permit a visual inspection of the genitals, buttocks, anus, female breasts or undergarments used to clothe said anatomical parts of the body. (P.A. 80-93, S. 1; P.A. 81-234, S. 1.) History: P.A. 81-234 amended the definition of strip search to include the removing or arranging of the clothing of an arrested person by a peace officer or an employee of the police department when the arrested person refuses to remove or arrange the clothing. Section does not address those strip searches that are conducted incident to lawful arrest on a felony charge. 82 CA 111.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-33l. - Strip searches. Procedure.

(a) No person arrested for a motor vehicle violation or a misdemeanor shall be strip searched unless there is reasonable belief that the individual is concealing a weapon, a controlled substance or contraband. (b) No search of any body cavity other than the mouth shall be conducted without a search warrant. Any warrant authorizing a body cavity search shall specify that the search is required to be performed under sanitary conditions and conducted either by or under the supervision of a person licensed to practice medicine in accordance with chapter 370. (c) All strip searches shall be performed by a person of the same sex as the arrested person and on premises where the search cannot be observed by persons not physically conducting the search or not absolutely necessary to conduct the search. (d) Any peace officer or employee of a police department conducting a strip search shall (1) obtain the written permission of the police chief or an agent thereof designated for the purposes of authorizing a strip search in accordance with this section and section 54-33k and (2) prepare a report of the strip search. The report shall include the written authorization required by subdivision (1) of this subsection, the name of the person subjected to the search, the name of any person conducting the search and the time, date and place of the search. A copy of the report shall be provided to the person subjected to the search. (e) Nothing in this section shall preclude prosecution of a peace officer or employee under any other provision of the general statutes. (f) Nothing in this section shall be construed as limiting any statutory or common law rights of any person for purposes of any civil action or injunctive relief. (g) The provisions of this section and section 54-33k shall not apply when the person is remanded to a correctional institution pursuant to a court order. (P.A. 80-93, S. 2; P.A. 81-234, S. 2.) History: P.A. 81-234 amended Subsec. (a) to clarify the exception to the prohibition on strip searches and to provide that a person may be strip searched if there is reasonable belief he is concealing contraband, amended Subsec. (b) by replacing "licensed practitioner, as defined in section 20-184a" with "person licensed to practice medicine in accordance with chapter 370", and amended Subsec. (c) by providing that a strip search shall be performed where it cannot be observed by persons not absolutely necessary to conduct it. Section does not address those strip searches that are conducted incident to lawful arrest on a felony charge. 82 CA 111. Language of section suggests that a strip search and a body cavity search are two discrete searches and, therefore, when a search constitutes a strip search, it does not necessarily amount to a body cavity search under statute; although the two types of searches appear within same statutory provision, the two terms are used independently of each other. 105 CA 179.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-33m. - Failure to wear seat belt not probable cause for vehicle search.

The failure of an operator of, or passenger in, a private passenger motor vehicle or vanpool vehicle to wear a seat safety belt as required by section 14-100a shall not constitute probable cause for a law enforcement official to conduct a search of such vehicle and its contents. (P.A. 85-429, S. 7, 8; P.A. 21-175, S. 16.) History: P.A. 21-175 deleted "front seat".

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-33n. - Search of school lockers and property.

All local and regional boards of education and all private elementary and secondary schools may authorize the search by school or law enforcement officials of lockers and other school property available for use by students for the presence of weapons, contraband or the fruits of a crime if (1) the search is justified at its inception and (2) the search as actually conducted is reasonably related in scope to the circumstances which justified the interference in the first place. A search is justified at its inception when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. A search is reasonably related in scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. (P.A. 94-115.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-33o. - Search of vehicle stopped solely for a motor vehicle violation.

(a)(1) No law enforcement official may ask an operator of a motor vehicle to conduct a search of a motor vehicle or the contents of the motor vehicle that is stopped by a law enforcement official solely for a motor vehicle violation. (2) Any search by a law enforcement official of a motor vehicle or the contents of the motor vehicle that is stopped by a law enforcement official solely for a motor vehicle violation shall be (A) based on probable cause, or (B) after having received the unsolicited consent to such search from the operator of the motor vehicle in written form or recorded by body-worn recording equipment or a dashboard camera, each as defined in section 29-6d. (b) No law enforcement official may ask an operator of a motor vehicle to provide any documentation or identification other than an operator's license, motor vehicle registration, insurance identity card or other documentation or identification directly related to the stop, when the motor vehicle has been stopped solely for a motor vehicle violation, unless there exists probable cause to believe that a felony or misdemeanor offense has been committed or the operator has failed to produce a valid operator's license. (July Sp. Sess. P.A. 20-1, S. 21.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-33p. - Restrictions on cannabis-related stop or search of a person or motor vehicle.

(a) Except as provided in subsection (c) of this section, the existence of any of the following circumstances shall not constitute in part or in whole probable cause or reasonable suspicion and shall not be used as a basis to support any stop or search of a person or motor vehicle: (1) The odor of cannabis or burnt cannabis; (2) The possession of or the suspicion of possession of cannabis without evidence that the quantity of cannabis is or suspected to be in excess of five ounces of cannabis plant material, as defined in section 21a-279a, or an equivalent amount of cannabis products or a combination of cannabis and cannabis products, as provided in subsection (i) of section 21a-279a; or (3) The presence of cash or currency in proximity to cannabis without evidence that such cash or currency exceeds five hundred dollars. (b) Any evidence discovered as a result of any stop or search conducted in violation of this section shall not be admissible in evidence in any trial, hearing or other proceeding in a court of this state. (c) A law enforcement official may conduct a test for impairment based on the odor of cannabis or burnt cannabis if such official reasonably suspects the operator of violating section 14-227a, 14-227m or 14-227n. (d) The provisions of this section shall not apply to a probation officer supervising a probationer who, as a condition of probation, is prohibited from using or possessing cannabis. (June Sp. Sess. P.A. 21-1, S. 18; P.A. 22-26, S. 38; 22-40, S. 12.) History: June Sp. Sess. P.A. 21-1 effective July 1, 2021; P.A. 22-26 added Subsec. (d) re section not applying to probation officer supervising probationer who is prohibited from using or possessing cannabis, effective May 10, 2022; P.A. 22-40 amended Subsec. (c) to delete "or a passenger of a motor vehicle" and delete reference to Sec. 14-227, effective July 1, 2022.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-34 and 54-35. - Search of person. Condemnation of gambling implements, notice.

Sections 54-34 and 54-35 are repealed. (1949 Rev., S. 8757, 8758; 1961, P.A. 214; 255, S. 1; 1963, P.A. 652, S. 10.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-36. - Disposition of property held as evidence.

Section 54-36 is repealed. (1949 Rev., S. 8759; 1969, P.A. 699, S. 31; P.A. 73-116, S. 22; 73-667, S. 1, 2; P.A. 74-221, S. 9.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-36a. - Definitions. Inventory. Return of stolen property. Disposition of other seized property. Return of compliance.

(a) As used in this section, sections 53-278c and 54-36c: (1) "Contraband" means any property, the possession of which is

prohibited by any provision of the general statutes; (2) "stolen property" shall include, but not be limited to, cash or the proceeds from the sale of such property obtained by theft or other illegal means; (3) "owner" means a person or persons entitled to seized property as a matter of law or fact. (b) (1) Whenever property is seized in connection with a criminal arrest or seized pursuant to a search warrant without an arrest, the law enforcement agency seizing such property shall file, on forms provided for this purpose by the Office of the Chief Court Administrator, an inventory of the property seized. The inventory, together with the uniform arrest report, in the case of an arrest, shall be filed with the clerk of the court for the geographical area in which the criminal offense is alleged to have been committed; except, when the property is stolen property and, in the opinion of the law enforcement officer, does not exceed one thousand dollars in value, or when an attempt was made to steal the property but the property at all times remained on the premises in a sealed container, the filing of an inventory shall not be required and such property may be returned to the owner. In the case of property seized in connection with a search warrant without an arrest, the inventory shall be attached to the warrant and shall be filed with the clerk of the court for the geographical area in which the search warrant was issued. If any criminal proceeding is transferred to another court location, then the clerk with whom the inventory is filed shall transfer such inventory to the clerk of the court location to which such action is transferred. (2) If the seized property is stolen property, within ten days of the seizure, the law enforcement agency seizing the property shall notify the owner of the property if known, or, if the owner of the property is unknown at the time of seizure, such agency shall within ten days of any subsequent ascertainment of the owner notify such owner, and, on a form prescribed by the Office of the Chief Court Administrator, advise the owner of such owner's rights concerning the property and the location of the property. Such written notice shall include a request form for the return of the property. The owner may request the return of the property by filing such request form with such law enforcement agency, and upon receipt of such request, the law enforcement agency shall forward it to the clerk of the court for the geographical area in which the criminal offense is alleged to have been committed. The clerk of the court shall notify the defendant or defendants of the request to return the property. The court shall order the return of the property within thirty days of the date of filing such return request by the owner, except that for good cause shown, the court may order retention of the property for a period to be determined by the court. Any secondary evidence of the identity, description or value of such property shall be admissible in evidence against such defendant in the trial of such case. The fact that the evidence is secondary in nature may be shown to affect the weight of such evidence, but not to affect its admissibility. If the stolen property is a motor vehicle, a photograph of the motor vehicle and a sworn affidavit attesting to the vehicle identification number of such motor vehicle shall be sufficient evidence of the identity of the motor vehicle. For the purposes of this subdivision, "motor vehicle" means a passenger or commercial motor vehicle or a motorcycle, as defined in section 14-1, and includes construction equipment, agricultural tractors and farm implements. (3) (A) If the seized property is currency and is stolen property, the law enforcement agency seizing the currency shall follow the procedures set forth in subdivision (2) of this subsection. (B) If the seized property is currency and is not stolen property, the law enforcement agency seizing the currency shall, within ten days of such seizure, notify the defendant or defendants, if such currency was seized in connection with a criminal arrest, or the person or persons having a possessory interest in the premises from which such currency was seized, if such currency was seized pursuant to a search warrant without an arrest, that such defendant or person has the right to a hearing before the Superior Court on the disposition of the currency. Such defendant or person may, not later than thirty days after receiving such notice, request a hearing before the Superior Court. The court may, after any such hearing, order that the law enforcement agency, after taking reasonable measures to preserve the evidentiary value of the currency, deposit the currency in a deposit account in the name of the law enforcement agency as custodian for evidentiary funds at a financial institution in this state or order, for good cause shown, that the currency be retained for a period to be determined by the court. If such defendant or person does not request a hearing, the law enforcement agency may, after taking reasonable measures to preserve the evidentiary value of the currency, deposit the currency in a deposit account in the name of the law enforcement agency as custodian for evidentiary funds at a financial institution in this state. (C) If the currency is deposited in a deposit account at a financial institution in this state pursuant to subparagraph (B) of this subdivision, the financial institution at which such deposit account is established shall not be required to segregate the currency deposited in such deposit account. No funds may be withdrawn from such deposit account except pursuant to a court order directed to the financial institution. Any withdrawal of funds from such deposit account shall be in the form of a check issued by the financial institution to the law enforcement agency or to such other payee as the court may order. Nothing in this subdivision shall prohibit a financial institution from charging a fee for the maintenance and administration of such deposit account and for the review of the court order. (D) If the currency is deposited in a deposit account at a financial institution in this state pursuant to subparagraph (B) of this subdivision, any secondary evidence of the identity, description or value of such currency shall be admissible in evidence against a defendant in the trial of a criminal offense. The fact that the evidence is secondary in nature may be shown to affect the weight of such evidence, but not to affect its admissibility. (c) Unless such seized property is stolen property and is ordered returned pursuant to subsection (b) of this section or unless such seized property is adjudicated a nuisance in accordance with section 54-33g, or unless the court finds that such property shall be forfeited or is contraband, or finds that such property is a controlled drug or controlled substance as defined in section 21a-240, or drug paraphernalia as defined in subdivision (20) of section 21a-240, it shall, at the final disposition of the criminal action or as soon thereafter as is practical, or, if there is no criminal action, at any time upon motion of the prosecuting official of such court, order the return of such property to its owner within six months upon proper claim therefor. (d) When the court orders the return of the seized property to the owner, the order shall provide that if the seized property is not claimed by the owner within six months, the property shall be destroyed or be given to a charitable or educational institution or to a governmental agency or institution, except that (1) if such property is money it shall be remitted to the state and shall be deposited in the General Fund or (2) if such property is a valuable prize it shall be disposed of by

public auction or private sale in which case the proceeds shall become the property of the state and shall be deposited in the General Fund; provided any person who has a bona fide mortgage, assignment of lease or rent, lien or security interest in such property shall have the same right to the proceeds as such person had in the property prior to the sale. (e) If such seized property is adjudicated a nuisance or if the court finds that such property shall be forfeited or is contraband other than a controlled drug or controlled substance as defined in section 21a-240, or drug paraphernalia as defined in subdivision (20) of section 21a-240, the court shall order that such property be destroyed or be given to a charitable or educational institution or to a governmental agency or institution, except that (1) if such property is money, the court shall order that it be remitted to the state and be deposited in the General Fund, or (2) if such property is a valuable prize, the court shall order that it be disposed of by public auction or private sale in which case the proceeds shall become the property of the state and shall be deposited in the General Fund; provided any person who has a bona fide mortgage, assignment of lease or rent, lien or security interest in such property shall have the same right to the proceeds as such person had in the property prior to sale. (f) If the court finds that such seized property is fireworks as defined in section 29-356, the court shall order the forfeiture and destruction of such property. Any secondary evidence of the identity, description or value of such property shall be admissible in evidence against the defendant in the trial of the case. A photograph of the fireworks and a sworn affidavit describing such fireworks shall be sufficient evidence of the identity of the fireworks. The fact that the evidence is secondary in nature may be shown to affect the weight of such evidence, but not to affect its admissibility. (g) If the court finds that such seized property is a controlled drug or controlled substance as defined in section 21a-240, or drug paraphernalia as defined in subdivision (20) of section 21a-240, the court shall order the forfeiture and destruction of such property or order it delivered to the Commissioner of Consumer Protection pursuant to section 54-36g. (h) Any order made under the provisions of subsections (b), (c), (d), (e), (f) and (g) of this section or section 54-33f or 54-33g, shall upon notification from the clerk, be complied with by the person or department having custody or possession of such property. (i) A return of compliance with the court order, on a form prescribed by the Office of the Chief Court Administrator, shall be filed with the clerk of the court by the person or department to whom notice is sent in accordance with the provisions of subsection (h) of this section. If the court ordered the seized property returned to the owner within six months upon proper claim therefor, the return of the compliance shall be filed within seventy-two hours of the return of the property to the owner. If the owner does not claim the property within six months, then the return of compliance shall be filed within seventy-two hours of compliance with the order of the court pursuant to subsection (d) of this section. Failure to comply with the court order within ninety days following expiration of the period within which the owner of the property may claim the property shall constitute criminal contempt. If the court renders an order concerning the disposition of the property other than an order to return the property to the owner, the return of compliance shall be filed with the clerk within seventy-two hours of compliance with the court order. Failure to comply with the court order within ninety days of receipt of such order shall constitute criminal contempt. Failure to file a return of compliance as set forth in this subsection shall constitute criminal contempt. Anyone convicted of criminal contempt may be punished by a fine of not more than one hundred dollars. Each failure to comply with a court order and each failure to file a return of compliance within the required period shall constitute a separate criminal contempt. (P.A. 74-221, S. 1-6; P.A. 75-530, S. 16, 17, 35; P.A. 76-77, S. 1; P.A. 78-280, S. 1, 127; P.A. 79-392; P.A. 81-240, S. 1, 3; P.A. 82-235; P.A. 85-263, S. 1; P.A. 87-243; 87-294, S. 2; P.A. 99-247, S. 5; P.A. 01-104; 01-186, S. 8; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1; P.A. 07-246, S. 5; P.A. 12-72, S. 1; P.A. 23-79, S. 51.) History: P.A. 75-530 amended Subsec. (b) to make clear distinctions between filing procedure for inventories of property seized in arrest or under a search warrant, and to add provisions specifically applicable to stolen property and restated Subsec. (c); P.A. 76-77 required that uniform arrest report or search warrant, as the case may be, be filed with inventory, added exception to inventory requirement in connection with arrest re stolen property not exceeding \$50 in value and added provision re return of stolen property upon its owner's application to court in Subsec. (b) and changed applicable time periods re claims for property and return of property in Subsecs. (c) to (f) from one year to six months; P.A. 78-280 deleted references to filing of inventories in counties; P.A. 79-392 added definitions of "stolen property" and "owner" in Subsec. (a) and substituted reference to Sec. 54-36c for reference to Sec. 54-36b; P.A. 81-240 replaced previous provisions re return of stolen property with new provisions re notification of the owner of stolen property, procedure for return of stolen property within 30 days of request therefor, except for good cause shown and specified that secondary nature of evidence may affect weight of evidence but not admissibility in Subsec. (b) and deleted provision in Subsec. (e) whereby return of compliance was filed after return of property to owner or at the end of six months in cases where court orders return within that time period; P.A. 82-235 required office of chief court administrator to provide forms for return of stolen property, required notice of stolen property within 10 days instead of 48 hours, provided procedure for return of seized property, other than stolen property or contraband, within six months, eliminated sentence of imprisonment for criminal contempt for failure to file the return of compliance and required that any sale of unclaimed seized property ordered by the court shall be public; P.A. 85-263 amended Subsec. (b) by adding exceptions of stolen property which does not exceed \$250 in value or when an attempt was made to steal property but property remained on premises in sealed container, amended Subsec. (c) by adding "finds that such property is a controlled drug" and "drug paraphernalia", and added provisions re order of return of property by court, property adjudicated a nuisance, disposition of controlled drugs, controlled substances and drug paraphernalia and immediate filing of return of compliance if owner fails to claim property within six months; P.A. 87-243 added new Subsec. (f) re the forfeiture and destruction of fireworks and the admissibility of secondary evidence of such fireworks, and relettered the remaining subsections and internal references accordingly; P.A. 87-294 specified that property which is money and sale or auction proceeds be deposited in the general fund; P.A. 99-247 amended Subsec. (b) to insert Subdiv. indicators, reposition provision re transfer of inventory and add new Subdiv. (3) re the deposit of seized currency in a safe deposit box in a financial institution, the removal of such currency and the responsibility of such financial

institution with respect to such safe deposit box and its contents; P.A. 01-104 amended Subsec. (b) by making a technical change for purposes of gender neutrality and adding provisions re motor vehicles in Subdiv. (2), deleting former Subdiv. (3) and adding new Subdiv. (3) re currency; P.A. 01-186 amended Subsec. (i) by requiring return of compliance to be filed within 72 hours of return of property or court order, providing that failure to comply with court order within 90 days shall constitute criminal contempt, adding provision re each failure to file return of compliance within required period shall constitute a separate criminal contempt and making conforming changes; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 07-246 amended Subsec. (f) to provide that a photograph and affidavit shall be sufficient evidence of the identity of fireworks; P.A. 12-72 amended Subsec. (b)(1) to increase from \$250 to \$1,000 the maximum value of stolen property re when police may return the property to the owner without filing an inventory; P.A. 23-79 made technical and conforming changes in Subsecs. (c) to (e) and (g), effective July 1, 2023.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-36b. - Examiner of seized property, appointment, duties.

There shall be an examiner of seized property who shall be appointed and be subject to supervision by the Chief Court Administrator of the Judicial Department. The examiner of seized property may prescribe forms and procedures to be used in identifying and labeling seized property, shall recommend to the judges any procedures which may be necessary to implement the provisions of this section, sections 53-278c and 54-36a, may inspect records maintained by clerks of court in connection with accounting for seized property, and may inspect offices where seized property is kept to insure the filing of inventories and compliance with other provisions of said sections. The examiner of seized property shall conduct or contract for any public auction required pursuant to the provisions of section 54-36a, section 54-33g and section 53-278c and, at his discretion, such property may be sold by him to the highest bidder in whatever locality of the state he determines affords the most favorable market. The examiner of seized property may decline the highest bid at any such sale and reoffer the property at a later sale if he considers the bid insufficient. He may dispose of any such property by private sale if, in his opinion, the probable cost of public sale will exceed the value of the property. He may also, at his discretion, dispose of such property to a charitable or educational institution or to a governmental agency or institution. (P.A. 74-221, S. 7; P.A. 75-530, S. 18, 35; P.A. 76-77, S. 2; P.A. 85-140, S. 6; 85-263, S. 3.) History: P.A. 75-530 authorized examiner to contract for public auction, allowed sale to highest bidder in locality affording the most favorable market and added provisions authorizing examiner to decline highest bid and hold another sale, to dispose of property by private sale and to dispose of property to charitable, educational or government institution; P.A. 76-77 added reference to Sec. 54-33g; P.A. 85-140 provided that the examiner be appointed and subject to supervision by the chief court administrator rather than the executive secretary of the judicial department; P.A. 85-263 deleted references to Secs. 54-36a(f) and 53-278(c).

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-36c. - Disposition of seized property on order of the examiner of seized property.

If there is no criminal action, property seized prior to October 1, 1974, held by law enforcement agencies in connection with a crime, which has not been claimed by the owner, except property held for disposition pursuant to section 54-33g, shall, upon notification by the police authority, be disposed of on the order of the examiner of seized property if he obtains the consent of the prosecuting official of such court. Property, seized after October 1, 1974, in connection with a crime for which an inventory need not be filed and held by law enforcement agencies for six months and which has not been claimed by the owner, shall be disposed of by an order of the examiner of seized property if he obtains the consent of the prosecuting official of such court. In disposing of property pursuant to this section, the examiner of seized property may order that such property be destroyed or be given to a charitable or educational institution or to a governmental agency or institution; provided, (1) if such property is money, he shall order that it be remitted to the state and be deposited in the General Fund or (2), if such property is a valuable prize, he shall order that it be disposed of by public auction or private sale, in which case the proceeds shall become the property of the state and shall be deposited in the General Fund; provided any person who has a bona fide mortgage, assignment of lease or rent, lien or security interest in such property shall have the same right to the proceeds as he had in the property prior to sale. (P.A. 75-530, S. 19, 35; P.A. 76-77, S. 3; P.A. 87-294, S. 3.) History: P.A. 76-77 amended provisions to recognize hearing of Sec. 54-36a created in 1974 and to require that examiner obtain consent of prosecuting officials before disposing of property; P.A. 87-294 amended section to specify that property which is money and sale or auction proceeds be deposited in the general fund.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-36d. - Proceedings under chapters 214, 220 and 490 concerning cigarettes, alcohol and fisheries and game, respectively, exempt from certain licensing and disposition requirements.

Sections 21-1, 54-36a, 54-36b and 54-36c, shall not be applicable to the proceedings taken pursuant to chapters 214, 220 and 490. (P.A. 75-530, S. 23, 35.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-36e. - Firearms and ammunition to be turned over to state police. Sale at public auction.

(a) Except as provided in sections 26-85 and 26-90, firearms and ammunition, adjudged by the court to be contraband pursuant to subsection (c) of section 54-36a, or adjudicated a nuisance pursuant to section 54-33g, shall be turned over to the Bureau of Identification of the Connecticut Division of State Police within the Department of Emergency Services and Public Protection for destruction or appropriate use or disposal by sale at public auction. (b) Firearms and ammunition turned over to the state police pursuant to subsection (a) of this section which are not destroyed or retained for appropriate use shall be sold at public auctions, conducted by the Commissioner of Administrative Services or said commissioner's designee. Pistols and revolvers, as defined in section 53a-3, which are antiques, as defined in section 29-33, or curios or relics, as defined in the Code of Federal Regulations, Title 27, Chapter 1, Part 178, or modern pistols and revolvers which have a current retail value of one hundred dollars or more may be sold at such public auctions, provided such pistols and revolvers shall be sold only to persons who have a valid permit to sell firearms at retail, or a valid permit to carry a pistol or revolver, issued pursuant to section 29-28. Rifles and shotguns, as defined in section 53a-3, shall be sold only to persons qualified under federal law to purchase such rifles and shotguns and who have a valid long gun eligibility certificate issued pursuant to section 29-37p. The proceeds of any such sale shall be paid to the State Treasurer and deposited by the State Treasurer in the forfeit firearms account within the General Fund. (P.A. 76-77, S. 5; P.A. 77-614, S. 486, 610; P.A. 85-263, S. 4; P.A. 87-257; P.A. 00-192, S. 42, 102; P.A. 11-51, S. 134; P.A. 13-3, S. 9, 39; P.A. 23-53, S. 16.) History: P.A. 77-614 made state police department a division within the department of public safety, effective January 1, 1979; P.A. 85-263 added provisions re disposal of firearms at public auction; P.A. 87-257 amended Subsec. (b) to permit more than one annual auction of firearms by deleting restriction that firearms be sold at a public "auction held annually on or before the thirtieth of June"; P.A. 00-192 amended Subsec. (b) to require sale proceeds to be deposited in forfeit firearms account and made technical changes for purposes of gender neutrality, effective July 1, 2000; pursuant to P.A. 11-51, "Department of Public Safety" was changed editorially by the Revisors to "Department of Emergency Services and Public Protection" in Subsec. (a), effective July 1, 2011; P.A. 13-3 amended Subsec. (b) to add requirement that rifles and shotguns only be sold to persons who have a valid long gun eligibility certificate issued pursuant to Sec. 29-37p and make a technical change, effective July 1, 2013, and made section applicable to ammunition adjudged to be contraband or adjudicated a nuisance, effective October 1, 2013; P.A. 23-53 amended Subsec. (b) by replacing language re permit to sell at retail a pistol or revolver with language re permit to sell firearms at retail.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-36f. - Receipt for seized property to be given by law enforcement officials.

Whenever property is seized in connection with a criminal arrest or seized pursuant to a search warrant without an arrest, the law enforcement agency seizing such property shall give a receipt therefor to the person or persons from whom such property was seized or to the person or persons having a possessory interest in the premises from which such property was seized. The receipt, on a form provided for this purpose by the Office of the Chief Court Administrator, shall list with specificity the property seized, be signed by the law enforcement official or officials who seized the property and be given to the person or persons from whose person or premises the property was seized at the time of such seizure or, if the property was seized from premises in the absence of the person or persons having a possessory interest therein, be mailed to such person or persons by registered or certified mail within five days of such seizure. (P.A. 84-222.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-36g. - Destruction of controlled drugs, controlled substances and drug paraphernalia held as evidence in criminal proceedings. Petition, notice and hearing. Representative samples. Certificate of results. Destruction upon final disposition of criminal action. Records.

(a) At any time after the seizure of a controlled drug or a controlled substance as defined in of section 21a-240, or drug paraphernalia as defined in subdivision (20) of section 21a-240, in connection with a criminal arrest or pursuant to a search warrant without an arrest, the prosecuting official of the court for the geographical area in which the criminal offense is alleged to have been committed may petition the court for destruction of such controlled drug, controlled substance or drug paraphernalia. After notice, by certified or registered mail to the defendant and the defendant's attorney, and hearing on the petition, the court may order the forfeiture and destruction of such controlled drug, controlled substance or drug paraphernalia, under procedures and to the extent determined by the court, or order it delivered to the Commissioner of Consumer Protection as soon as possible. Such order shall be in writing and shall provide for the analysis of representative samples of such controlled drug, controlled substance or drug paraphernalia. The results of such analysis shall be recorded on a certificate signed by the person making the analysis, witnessed and acknowledged pursuant to section 1-29. Such certificate shall be prima facie evidence of the composition and quality of such controlled drug, controlled substance or drug paraphernalia. (b) Upon final disposition of the criminal action or, if there is no criminal action, at any time upon motion of the prosecuting official, the court shall order the destruction of any controlled drug, controlled substance or drug paraphernalia not previously destroyed pursuant to an order under subsection (a) of this section, or order it delivered to the Commissioner of Consumer Protection as soon as possible. (c) The law enforcement agency seizing the controlled drug, controlled substance or drug paraphernalia shall keep a full and complete record of the time and place where such controlled drug, controlled substance or drug paraphernalia was seized, the kinds, quantities and weight of drugs received, by whom the controlled drug, controlled substance or drug paraphernalia were delivered and received and the date and manner of destruction or disposition of such controlled drug, controlled substance or drug paraphernalia. Such record and the certificate of the results of the analysis shall be disclosed only to attorneys of record in the case, the defendant and to federal and state officers charged with

enforcement of federal and state narcotic laws. (P.A. 84-44, S. 1; P.A. 85-263, S. 2; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1; P.A. 23-79, S. 52.) History: P.A. 85-263 added references to controlled drug and amended Subsec. (b) by adding “or, if there is no criminal action, at any time upon motion of the prosecuting official”; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 23-79 made technical and conforming changes in Subsec. (a), effective July 1, 2023.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-36h. - Forfeiture of moneys and property related to illegal sale or exchange of controlled substances or money laundering. In rem proceeding. Disposition.

(a) The following property shall be subject to forfeiture to the state pursuant to subsection (b) of this section: (1) All moneys used, or intended for use, in the procurement, manufacture, compounding, processing, delivery or distribution of any controlled substance, as defined in section 21a-240; (2) All property constituting the proceeds obtained, directly or indirectly, from any sale or exchange of any such controlled substance in violation of section 21a-277 or 21a-278; (3) All property derived from the proceeds obtained, directly or indirectly, from any sale or exchange for pecuniary gain of any such controlled substance in violation of section 21a-277 or 21a-278; (4) All property used or intended for use, in any manner or part, to commit or facilitate the commission of a violation for pecuniary gain of section 21a-277 or 21a-278; (5) All property constituting, or derived from, the proceeds obtained, directly or indirectly, by a corporation as a result of a violation of section 53a-276, 53a-277 or 53a-278. (b) Not later than ninety days after the seizure of moneys or property subject to forfeiture pursuant to subsection (a) of this section, in connection with a lawful criminal arrest or a lawful search that results in an arrest, the Chief State's Attorney or a deputy chief state's attorney, state's attorney or assistant or deputy assistant state's attorney may petition the court in the nature of a proceeding in rem to order forfeiture of said moneys or property. Such proceeding shall be deemed a civil suit in equity, in which the state shall have the burden of proving all material facts by clear and convincing evidence. The court shall identify the owner of said moneys or property and any other person as appears to have an interest therein, and order the state to give notice to such owner and any interested person by certified or registered mail. No testimony offered or evidence produced by such owner or interested person at such hearing and no evidence discovered as a result of or otherwise derived from such testimony or evidence, may be used against such owner or interested person in any proceeding, except that no such owner or interested person shall be immune from prosecution for perjury or contempt committed while giving such testimony or producing such evidence. At such hearing the court shall hear evidence and make findings of fact and enter conclusions of law and shall issue a final order, from which the parties shall have such right of appeal as from a decree in equity. (c) The court shall hold a hearing on the petition filed pursuant to subsection (a) of this section not more than two weeks after the criminal proceeding that occurred as a result of the arrest has been nolle, dismissed or otherwise disposed of. The court shall deny the petition and return the property to the owner if the criminal proceeding does not result in (1) a plea of guilty or nolo contendere to any offense charged in the same criminal information, (2) a guilty verdict after trial to a forfeiture-eligible offense for which the property was possessed, controlled, designed or intended for use, or which was or had been used as a means of committing such offense, or which constitutes the proceeds of the commission of such offense, or (3) a dismissal resulting from the completion of a pretrial diversionary program. (d) No property shall be forfeited under this section to the extent of the interest of an owner or lienholder by reason of any act or omission committed by another person if such owner or lienholder did not know and could not have reasonably known that such property was being used or was intended to be used in, or was derived from, criminal activity. (e) Notwithstanding the provisions of subsection (a) of this section, no moneys or property used or intended to be used by the owner thereof to pay legitimate attorney's fees in connection with his defense in a criminal prosecution shall be subject to forfeiture under this section. (f) Any property ordered forfeited pursuant to subsection (b) of this section shall be sold at public auction conducted by the Commissioner of Administrative Services or his designee. (g) The proceeds from any sale of property under subsection (f) of this section and any moneys forfeited under this section shall be applied: (1) To payment of the balance due on any lien preserved by the court in the forfeiture proceedings; (2) to payment of any costs incurred for the storage, maintenance, security and forfeiture of such property; and (3) to payment of court costs. The balance, if any, shall be deposited in the drug assets forfeiture revolving account established under section 54-36i. (P.A. 86-404, S. 3, 4; P.A. 88-364, S. 71, 123; P.A. 89-269, S. 1; P.A. 17-193, S. 2; P.A. 23-79, S. 53.) History: P.A. 88-364 amended Subsec. (b) by substituting “moneys” for “property”; P.A. 89-269 amended Subsec. (a) to restructure provisions, to insert Subdiv. indicators, to replace in Subdiv. (2) “the proceeds of any sale of any such controlled substance in violation of any provision of the general statutes” with “All property constituting the proceeds obtained, directly or indirectly, from any sale or exchange of any controlled substance in violation of section 21a-277 or 21a-278”, and to add Subdivs. (3), (4) and (5) re other property subject to forfeiture, amended Subsec. (b) to authorize the “chief state's attorney or a deputy chief state's attorney, state's attorney or assistant or deputy assistant state's attorney” rather than “the prosecuting official of the court for the geographical area in which the criminal offense is alleged to have been committed” to petition the court “Not later than ninety days” after the seizure rather than “At any time” after the seizure, to make provisions applicable to moneys “or property” seized, to require the seizure to be “in connection with a lawful criminal arrest or a lawful search” rather than “in connection with a criminal arrest or pursuant to a search warrant without an arrest”, to change the state's burden of proof from a preponderance of the evidence to clear and convincing evidence, to require the court to identify the owner of the moneys or property and any person with an interest therein, and to add provision prohibiting the use of certain testimony or evidence against the owner or interested person, added Subsec. (c) re the forfeiture of property when the owner or

lienholder has no knowledge of the criminal activity, added Subsec. (d) re the forfeiture of moneys or property used or intended to be used to pay attorney's fees, added Subsec. (e) re the sale at public auction of forfeited property, and added Subsec. (f) re the allocation of the proceeds from the sale of forfeited property or any forfeited moneys; (Revisor's note: In 1995 the word "fund" in the phrase "drug assets forfeiture revolving fund" was replaced editorially by the Revisors with the word "account" to conform section with Sec. 54-36i as amended by P.A. 94-95); P.A. 17-193 amended Subsec. (b) by adding "that results in an arrest" re seizure of moneys or property in connection with a lawful search and deleting provision re court to promptly hold hearing on petition, added new Subsec. (c) re hearing on petition after criminal proceeding has been nolleed, dismissed or otherwise disposed of and denial of petition and return of property to owner, redesignated existing Subsecs. (c) to (f) as Subsecs. (d) to (g), and made a conforming change; P.A. 23-79 made a technical change in Subsec. (a)(1), effective July 1, 2023.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-36i. - Drug assets forfeiture revolving account. Allocation of moneys.

(a) There is established and created an account of the General Fund to be known as the "drug assets forfeiture revolving account" for the purpose of providing funds for substance abuse treatment and education programs and for use in the detection, investigation, apprehension and prosecution of persons for the violation of the laws pertaining to the illegal manufacture, sale, distribution or possession of controlled substances. (b) The account shall consist of the proceeds from the sale of property and moneys received and deposited pursuant to section 54-36h. (c) Moneys in such account shall be distributed as follows: (1) Seventy per cent shall be allocated to the Department of Emergency Services and Public Protection and local police departments pursuant to subsection (d) of this section, fifteen per cent of which shall be used for purposes of drug education and eighty-five per cent of which shall be used for the detection, investigation, apprehension and prosecution of persons for the violation of laws pertaining to the illegal manufacture, sale, distribution or possession of controlled substances and for the purposes of police training on gang-related violence as required by section 7-294l, (2) twenty per cent shall be allocated to the Department of Mental Health and Addiction Services for substance abuse treatment and education programs and tobacco prevention and enforcement positions engaged in compliance activities as required by the federal government as a condition of receipt of substance abuse prevention and treatment block grant funds, and (3) ten per cent shall be allocated to the Division of Criminal Justice for use in the prosecution of persons for the violation of laws pertaining to the illegal manufacture, sale, distribution or possession of controlled substances. (d) Expenditures from the account allocated to the Department of Emergency Services and Public Protection and local police departments shall be authorized by a panel composed of: (1) The Commissioner of Emergency Services and Public Protection or his designee, (2) the commander of the state-wide narcotics task force or his designee, and (3) the president of the Connecticut Police Chiefs Association or his designee. The panel shall adopt procedures for the orderly authorization of expenditures, subject to the approval of the Comptroller. Such expenditures may be authorized only to the Department of Emergency Services and Public Protection and to organized local police departments within this state. Such expenditures shall be held by the Department of Emergency Services and Public Protection and the various organized local police departments in accounts or funds established for that purpose. In no event shall the expenditures be placed in a state or town general fund and in no event shall the expenditures be used for purposes other than those provided in subdivision (1) of subsection (c) of this section. The panel shall ensure the equitable allocation of expenditures to the Department of Emergency Services and Public Protection or any local police department which participated directly in any of the acts which led to the seizure or forfeiture of the property so as to reflect generally the contribution of said department or such local police department in such acts. The panel shall authorize expenditures from the account for the reimbursement of any organized local police department which has used its own funds in the detection, investigation, apprehension and prosecution of persons for the violation of laws pertaining to the illegal manufacture, sale, distribution or possession of controlled substances and which makes application to the panel for reimbursement. (e) Moneys remaining in the drug assets forfeiture revolving account at the end of a fiscal year shall not revert to the General Fund but shall remain in the revolving account to be used for the purposes set forth in this section. (P.A. 89-269, S. 2; P.A. 90-230, S. 95, 101; P.A. 91-406, S. 20, 29; P.A. 93-381, S. 9, 39; 93-416, S. 9, 10; P.A. 94-95, S. 15; P.A. 95-257, S. 5, 58; P.A. 96-180, S. 162, 166; P.A. 09-2, S. 6; P.A. 11-51, S. 134.) History: P.A. 90-230 corrected an internal reference in Subsec. (d); P.A. 91-406 confirmed the numbering of this section as Sec. 54-36i, thereby correcting a typographical error; P.A. 93-381 replaced Connecticut alcohol and drug abuse commission with department of public health and addiction services, effective July 1, 1993; P.A. 93-416 amended Subsec. (c)(1) to include police training on gang-related violence as another purpose for which fund moneys shall be used, effective June 29, 1993; P.A. 94-95 changed name of fund from "drug assets forfeiture revolving fund" to "drug assets forfeiture revolving account"; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Mental Health and Addiction Services, effective July 1, 1995; P.A. 96-180 amended Subsec. (d)(3) to substitute "Connecticut Police Chiefs Association" for "Connecticut Chiefs of Police Association"; P.A. 09-2 amended Subsec. (c)(2) to extend use of funds to specified tobacco prevention and enforcement positions, effective April 1, 2009; pursuant to P.A. 11-51, "Commissioner of Public Safety" and "Department of Public Safety" were changed editorially by the Revisors to "Commissioner of Emergency Services and Public Protection" and "Department of Emergency Services and Public Protection", respectively, effective July 1, 2011.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-36j to 54-36l. - Seizure and forfeiture of motor vehicle used in patronizing a prostitute. Innocent owner defense to forfeiture of motor vehicle used in patronizing a prostitute. Release of motor vehicle seized in connection with arrest for patronizing a

prostitute; delivery or return of motor vehicle upon disposition of prosecution.

Sections 54-36j to 54-36l, inclusive, are repealed, effective October 1, 1997. (P.A. 93-265, S. 3-5; 93-398, S. 1, 2; P.A. 96-180, S. 163, 166; P.A. 97-279, S. 3.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-36m. - Impoundment of motor vehicle occupied by person arrested for patronizing a prostitute from a motor vehicle.

Section 54-36m is repealed, effective October 1, 2017. (P.A. 97-279, S. 1; P.A. 17-32, S. 10.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-36n. - Identification and tracing of seized and recovered firearms and ammunition.

(a) Whenever a law enforcement agency seizes a firearm in connection with a criminal arrest or pursuant to a search warrant without an arrest or otherwise recovers a firearm, such agency shall forthwith take all appropriate steps to identify and trace the history of such firearm. (b) In complying with the provisions of subsection (a) of this section, a law enforcement agency shall use the National Tracing Center of the Federal Bureau of Alcohol, Tobacco and Firearms. Such law enforcement agency shall immediately transmit to the National Tracing Center, by facsimile or by entering such information on the Connecticut On-Line Law Enforcement Communications Teleprocessing (COLLECT) System when said system becomes available for transmitting such information directly to the National Tracing Center, all information necessary to comply with the provisions of subsection (a) of this section. (c) The Department of Emergency Services and Public Protection shall take appropriate action to allow the COLLECT System to be used by law enforcement agencies in complying with the provisions of this section. (d) Whenever a firearm is identified and is determined to have been stolen, the law enforcement agency shall return such firearm, and any ammunition seized or recovered with such firearm that is determined to be stolen, to the rightful owner thereof, provided such owner is not prohibited from possessing such firearm or ammunition and such agency does not need to retain such firearm or ammunition as evidence in a criminal prosecution. (P.A. 98-129, S. 3; P.A. 11-51, S. 134; P.A. 13-3, S. 41.) History: Pursuant to P.A. 11-51, "Department of Public Safety" was changed editorially by the Revisors to "Department of Emergency Services and Public Protection" in Subsec. (c), effective July 1, 2011; P.A. 13-3 amended Subsec. (d) to add provision re return of ammunition that is seized or recovered with a firearm that is determined to be stolen and made conforming changes.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-36o. - Property derived from identity theft subject to forfeiture to state. Exceptions. Proceeds.

(a) All property constituting, or derived from, the proceeds obtained, directly or indirectly, by a person as a result of a violation of section 53a-129a of the general statutes, revision of 1958, revised to January 1, 2003, or section 53a-127g, 53a-129b, 53a-129c, 53a-129d, 53a-129e, 53a-130, 21-120 or 21-121 shall be subject to forfeiture to the state pursuant to subsection (b) of this section. (b) Not later than ninety days after the seizure of property subject to forfeiture pursuant to subsection (a) of this section, in connection with a lawful arrest or a lawful search that results in an arrest, the Chief State's Attorney or a deputy chief state's attorney, state's attorney or assistant or deputy assistant state's attorney may petition the court in the nature of a proceeding in rem to order forfeiture of said moneys or property. Such proceeding shall be deemed a civil suit in equity, in which the state shall have the burden of proving all material facts by clear and convincing evidence. The court shall identify the owner of such property and any other person as appears to have an interest therein, and order the state to give notice to such owner and any interested person by certified or registered mail. No testimony offered or evidence produced by such owner or interested person at such hearing and no evidence discovered as a result of or otherwise derived from such testimony or evidence, may be used against such owner or interested person in any proceeding, except that no such owner or interested person shall be immune from prosecution for perjury or contempt committed while giving such testimony or producing such evidence. At such hearing the court shall hear evidence and make findings of fact and enter conclusions of law and shall issue a final order, from which the parties shall have such right of appeal as from a decree in equity. (c) The court shall hold a hearing on the petition filed pursuant to subsection (a) of this section not more than two weeks after the criminal proceeding that occurred as a result of the arrest has been nolle, dismissed or otherwise disposed of. The court shall deny the petition and return the property to the owner if the criminal proceeding does not result in (1) a plea of guilty or nolo contendere to any offense charged in the same criminal information, (2) a guilty verdict after trial to a forfeiture-eligible offense for which the property was possessed, controlled, designed or intended for use, or which was or had been used as a means of committing such offense, or which constitutes the proceeds of the commission of such offense, or (3) a dismissal resulting from the completion of a pretrial diversionary program. (d) No property shall be forfeited under this section to the extent of the interest of an owner or lienholder by reason of any act or omission committed by another person if such owner or lienholder did not know and could not have reasonably known that such property was being used or was intended to be used in, or was derived from, criminal activity. (e) Notwithstanding the provisions of subsection (a) of this section, no property used or intended to be used by the owner thereof to pay legitimate attorney's fees in connection with his defense in a criminal prosecution shall be subject to forfeiture under this section. (f) Any property ordered forfeited pursuant to subsection (b) of this section shall be sold at public auction conducted by the Commissioner of Administrative Services. (g) The proceeds from any sale of property under subsection (f) of this section shall be applied: (1) To payment of the balance due on any lien preserved by the court in the forfeiture proceedings; (2) to payment of any costs incurred for the storage, maintenance, security and forfeiture of such property; and (3) to payment of

court costs. The balance, if any, shall be deposited in the privacy protection guaranty and enforcement account established under section 42-472a. (P.A. 09-239, S. 12; June 12 Sp. Sess. P.A. 12-2, S. 90; P.A. 17-193, S. 3.) History: June 12 Sp. Sess. P.A. 12-2 made a technical change in Subsec. (f); P.A. 17-193 amended Subsec. (b) by adding “in connection with a lawful arrest or a lawful search that results in an arrest” and deleting provision re court to promptly hold hearing on petition, added new Subsec. (c) re hearing on petition after criminal proceeding has been nulled, dismissed or otherwise disposed of and denial of petition and return of property to owner, redesignated existing Subsecs. (c) to (f) as Subsecs. (d) to (g), and made a conforming change.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-36p. - Forfeiture of moneys and property related to sexual exploitation, prostitution and human trafficking. In rem proceeding. Disposition.

(a) The following property shall be subject to forfeiture to the state pursuant to subsection (b) of this section: (1) All moneys used, or intended for use, in a violation of subdivision (3) of subsection (a) of section 53-21 or section 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b, 53a-196c or 53a-196i; (2) All property constituting the proceeds obtained, directly or indirectly, from a violation of subdivision (3) of subsection (a) of section 53-21 or section 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b, 53a-196c or 53a-196i; (3) All property derived from the proceeds obtained, directly or indirectly, from a violation of subdivision (3) of subsection (a) of section 53-21 or section 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b, 53a-196c or 53a-196i; (4) All property used or intended for use, in any manner or part, to commit or facilitate the commission of a violation of subdivision (3) of subsection (a) of section 53-21 or section 53a-83, 53a-86, 53a-87, 53a-88, 53a-90a, 53a-189a, 53a-189b, 53a-192a, 53a-196a, 53a-196b, 53a-196c or 53a-196i. (b) Not later than ninety days after the seizure of moneys or property subject to forfeiture pursuant to subsection (a) of this section, in connection with a lawful criminal arrest or a lawful search that results in an arrest, the Chief State's Attorney or a deputy chief state's attorney, state's attorney or assistant or deputy assistant state's attorney may petition the court in the nature of a proceeding in rem to order forfeiture of such moneys or property. Such proceeding shall be deemed a civil suit in equity in which the state shall have the burden of proving all material facts by clear and convincing evidence. The court shall identify the owner of such moneys or property and any other person as appears to have an interest therein, and order the state to give notice to such owner and any interested person, including any victim of the crime with respect to which such moneys or property were seized, by certified or registered mail. No testimony offered or evidence produced by such owner or interested person at such hearing and no evidence discovered as a result of or otherwise derived from such testimony or evidence may be used against such owner or interested person in any proceeding, except that no such owner or interested person shall be immune from prosecution for perjury or contempt committed while giving such testimony or producing such evidence. At such hearing, the court shall hear evidence and make findings of fact and enter conclusions of law and shall issue a final order from which the parties shall have such right of appeal as from a decree in equity. (c) The court shall hold a hearing on the petition filed pursuant to subsection (a) of this section not more than two weeks after the criminal proceeding that occurred as a result of the arrest has been nulled, dismissed or otherwise disposed of. The court shall deny the petition and return the property to the owner if the criminal proceeding does not result in (1) a plea of guilty or nolo contendere to any offense charged in the same criminal information, (2) a guilty verdict after trial to a forfeiture-eligible offense for which the property was possessed, controlled, designed or intended for use, or which was or had been used as a means of committing such offense, or which constitutes the proceeds of the commission of such offense, or (3) a dismissal resulting from the completion of a pretrial diversionary program. (d) No moneys or property shall be forfeited under this section to the extent of the interest of an owner or lienholder by reason of any act or omission committed by another person if such owner or lienholder did not know and could not have reasonably known that such moneys or property was being used or was intended to be used in, or was derived from, criminal activity. (e) Notwithstanding the provisions of subsection (a) of this section, no moneys or property used or intended to be used by the owner thereof to pay legitimate attorney's fees in connection with his or her defense in a criminal prosecution shall be subject to forfeiture under this section. (f) Any property ordered forfeited pursuant to subsection (b) of this section shall be sold at public auction conducted by the Commissioner of Administrative Services or the commissioner's designee. (g) The proceeds from any sale of property under subsection (f) of this section and any moneys forfeited under this section shall be applied: (1) To payment of the balance due on any lien preserved by the court in the forfeiture proceedings; (2) to payment of any costs incurred for the storage, maintenance, security and forfeiture of any such property; and (3) to payment of court costs. The balance, if any, shall be deposited in the Criminal Injuries Compensation Fund established in section 54-215. (P.A. 10-112, S. 1; P.A. 13-166, S. 1; P.A. 14-233, S. 2; P.A. 16-71, S. 11; P.A. 17-32, S. 9; 17-193, S. 4.) History: P.A. 13-166 amended Subsec. (a) to add references to violations of Secs. 53a-82, 53a-88 and 53a-196i and amended Subsec. (f) to provide that balance of proceeds be deposited in Criminal Injuries Compensation Fund, rather than General Fund; P.A. 14-233 amended Subsec. (a) to delete references to pecuniary gain in Subdivs. (3) and (4); P.A. 16-71 amended Subsec. (a) by deleting references to Sec. 53a-82 and, in Subdiv. (4), adding references to Secs. 53a-83 and 53a-83a; P.A. 17-32 deleted reference to Sec. 53a-83a in Subsec. (a)(4); P.A. 17-193 amended Subsec. (b) by adding “that results in an arrest” re seizure of moneys or property in connection with lawful search and deleting provision re court to promptly hold hearing on petition, added new Subsec. (c) re hearing on petition after criminal proceeding has been nulled, dismissed or otherwise disposed of and denial of petition and return of property to owner, redesignated existing Subsecs. (c) to (f) as Subsecs. (d) to (g) and made a conforming change.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-37 to

54-39. - Disposition of accused acquitted on ground of insanity. Release of persons confined under order prior to October 1, 1959. Petition for release. Disposition of insane person upon expiration of term.

Sections 54-37 to 54-39, inclusive, are repealed. (1949 Rev., S. 8749–8751; 1953, S. 3321d, 3322d; 1955, S. 3322d; 1959, P.A. 28, S. 150; 523, S. 1; 1963, P.A. 642, S. 65, 84; February, 1965, P.A. 435, S. 2; 557; 1967, P.A. 261, S. 2; 1971, P.A. 871, S. 129; P.A. 80-146.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959 - Court Jurisdiction and Power Section 54-6 to 54-12. - Criminal jurisdiction of municipal courts. Limit of jurisdiction of municipal courts. Jurisdiction over violations concerning overweight commercial vehicles. Bonds on adjournment of hearing. Copies of files and records for Superior Court and state's attorneys on bindover; notice when proceeding pending on seized property. Appointment of court interpreters in municipal and trial justice court. Appeal from municipal court or trial justice.

Sections 54-6 to 54-12, inclusive, are repealed. (1949 Rev., S. 7579, 8726, 8730, 8731, 8733, 8741; 1953, S. 3096d; 1955, S. 3097d; June, 1955, S. 3096d; November, 1955, S. N229; 1959, P.A. 28, S. 138, 204; 1961, P.A. 179; 1963, P.A. 49; 1971, P.A. 321; P.A. 73-116, S. 16; 73-667, S. 1, 2; P.A. 74-183, S. 130, 291; P.A. 76-336, S. 1; 76-436, S. 521, 681.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959a - Wiretapping and Electronic Surveillance Section 54-41a. - Definitions.

The following words and phrases, as used in this chapter, have the following meanings, unless the context otherwise requires: (1) “Wire communication” means any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of telephone or telegraph between the point of origin and the point of reception furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of intrastate, interstate or foreign communications; (2) “Intercept” means the intentional overhearing or recording of a wire communication through the use of any electronic, mechanical or other device or a cell site simulator device; (3) “Electronic, mechanical or other device” means any device or apparatus which can be used to intercept a wire communication other than (A) any telephone or telegraph instrument, equipment or facility, or any component thereof (i) furnished to the subscriber or used by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business, or (ii) being used by a communications common carrier in the ordinary course of its business, or (B) a hearing aid or similar device being used to correct subnormal hearing to not better than normal; (4) “Cell site simulator device” means a device that transmits or receives radio waves for the purpose of conducting one or more of the following operations: (A) Identifying, locating or tracking the movements of a communications device, (B) intercepting, obtaining, accessing or forwarding the communications, stored data or metadata of a communications device, (C) affecting the hardware or software operations or functions of a communications device, (D) forcing transmissions from, or connections to, a communications device, (E) denying a communications device access to other communications devices, communications protocols or services, or (F) spoofing or simulating a communications device, cell tower, cell site or service. “Cell site simulator device” includes, but is not limited to, an international mobile subscriber identity catcher or other invasive cell phone or telephone surveillance or eavesdropping device that mimics a cell phone tower and sends out signals to cause cell phones in the area to transmit their locations, identifying information and communications content, or a passive interception device or digital analyzer that does not send signals to a communications device under surveillance. “Cell site simulator device” does not include any device used or installed by an electric distribution company, as defined in section 16-1, solely to the extent that such device is used by the electric distribution company to measure electrical usage, to provide services to customers or to operate the electric grid; (5) “Person” means any officer, agent or employee of the state of Connecticut or any political subdivision thereof, and any individual, partnership, association, joint stock company, trust, limited liability company or corporation; (6) “Investigative officer” means (A) any officer of the Connecticut state police, (B) the chief inspector or any inspector in the Division of Criminal Justice who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in this chapter, (C) any municipal police officer who has been duly sworn as a special state police officer under the provisions of section 29-177 and who is currently assigned to the state-wide narcotics task force or the state-wide organized crime investigative task force and is acting under the direct authority of the Connecticut state police, and (D) any attorney authorized by law to prosecute or participate in the prosecution of offenses enumerated in this chapter; (7) “Law enforcement officer” means any officer of any organized police department of this state or of the state police of any other state, an official of the Federal Bureau of Investigation, Drug Enforcement Administration or United States Customs Service, or the United States attorney for the district of Connecticut or a person designated by him in writing to receive the contents of any wire communication or evidence derived therefrom; (8) “Contents”, when used with respect to any wire communication, means and includes any information concerning the identity of the parties to such communication or the existence, substance, purport or meaning of that communication; (9) “Panel of judges” or “panel” means any panel or panels of three Superior Court judges specifically designated by the Chief Justice of the Supreme Court from time to time to receive applications for, and to enter orders authorizing, interceptions of wire communications in accordance with the provisions of this chapter; (10) “Communication common carrier” means any person engaged as a common carrier for hire in the transmission of communications by wire or radio; (11) “Aggrieved person” means a person who was a party to any intercepted wire communication, a person against whom the interception was directed, a person named in any order authorizing an interception, or a person having a property interest in any premises involved in any interception. (1971, P.A. 68, S. 1; P.A.

79-179, S. 1; P.A. 82-368, S. 1; P.A. 83-543, S. 1; P.A. 87-229; P.A. 95-79, S. 184, 189; P.A. 17-221, S. 1.) History: P.A. 79-179 replaced single definition for “investigative or law enforcement officer” with a separate definition for each, applying existing definition to investigative officers and adding chief inspectors and inspectors of criminal justice division; P.A. 82-368 expanded the definitions of “investigative office” to include municipal police officers as specified and “law enforcement officer” to include state police of other states and FBI or Drug Enforcement Administration officials; P.A. 83-543 expanded the definition of “law enforcement officer” to include the U.S. attorney for Connecticut or his designee; P.A. 87-229 expanded the definition of “law enforcement officer” to include an official of the United States Customs Service; P.A. 95-79 redefined “person” to include a limited liability company, effective May 31, 1995; P.A. 17-221 redefined “intercept” in Subdiv. (2) to include reference to cell site simulator device, added new Subdiv. (4) to define “cell site simulator device”, redesignated existing Subdivs. (4) to (10) as Subdivs. (5) to (11), and made technical changes. Cited. 171 C. 524; 191 C. 360; 194 C. 447. “Wire communication” as defined in section includes the radio wave portion of a cordless telephone conversation. 224 C. 593. Cited. 238 C. 253; Id., 692. Cited. 8 CA 673; 10 CA 347.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959a - Wiretapping and Electronic Surveillance Section 54-41b. - Application for order authorizing interception.

The Chief State's Attorney or the state's attorney for the judicial district in which the interception is to be conducted may make application to a panel of judges for an order authorizing the interception of any wire communication by investigative officers having responsibility for the investigation of offenses as to which the application is made when such interception may provide evidence of the commission of offenses involving gambling, bribery, violations of section 53-395, violations of section 53a-70c, violations of subsection (a) of section 53a-90a, violations of section 53a-192a, violations of section 53a-196, violations of section 21a-277, violations of section 21a-278b, felonious crimes of violence or felonies involving the unlawful use or threatened use of physical force or violence committed with the intent to intimidate or coerce the civilian population or a unit of government. (1971, P.A. 68, S. 2; P.A. 78-280, S. 1, 127; P.A. 79-179, S. 2; P.A. 82-368, S. 2; P.A. 83-543, S. 2; P.A. 02-97, S. 13; P.A. 15-195, S. 5; June Sp. Sess. P.A. 21-1, S. 158.) History: P.A. 78-280 substituted “judicial district” for “county”; P.A. 79-179 deleted reference to law enforcement officers; P.A. 82-368 added bribery and violations of Sec. 53-395 (“CORA”) as crimes for which an application can be made for an interception; P.A. 83-543 authorized the chief state's attorney to make application for interception order; P.A. 02-97 added felonies involving the unlawful use or threatened use of physical force or violence committed with the intent to intimidate or coerce the civilian population or a unit of government as crimes for which an application may be made for an interception; P.A. 15-195 added provision re violations of Secs. 53a-70c, 53a-90a(a), 53a-192a and 53a-196; June Sp. Sess. P.A. 21-1 added “violations of section 21a-278b,” effective July 1, 2021. Cited. 171 C. 524; 176 C. 17. Application defective for failure of state's attorney to make formal oath or affirmation. 180 C. 345. Cited. 191 C. 360; 194 C. 447; 199 C. 591; 212 C. 485; 223 C. 906; 224 C. 322; 234 C. 539; 238 C. 692. Cited. 7 CA 660; 8 CA 673; 27 CA 596; 44 CA 249.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959a - Wiretapping and Electronic Surveillance Section 54-41c. - Information in application.

Each application for an order authorizing the interception of a wire communication shall be made in writing upon oath or affirmation to a panel of judges. Each application shall include the following information: (1) The identity of the applicant and his authority to make such application; (2) the identity and qualifications of the investigative officers or agency for whom the authority to intercept a wire communication is sought; (3) the identity and qualifications of the investigative or law enforcement officers to whom disclosure of the contents of any intercepted wire communication or evidence derived therefrom might be made; (4) a statement of the use to which the contents of any intercepted wire communication or any evidence derived therefrom will be put; (5) a full and complete statement of the facts and circumstances relied upon by the applicant, to justify his reasonable belief that the wire communication of a particularly described person will constitute evidence of a crime enumerated in section 54-41b that has been or is being committed or that such communication will materially aid in the apprehension of the perpetrator of such crime and that an order should be issued, including (A) details as to the particular offense that has been or is being committed, (B) a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, (C) a particular description of the type of communications sought to be intercepted, (D) the identity of the person, if known, who has committed or is committing the offense and whose communications are to be intercepted, (E) the time and date when the facts and circumstances relied upon by the applicant were first received by him or by the investigative or law enforcement officer conducting the investigation, whichever is earlier, (F) the way in which the intercepted wire communication will constitute material evidence of the particularly described offense or will materially aid in the apprehension of the perpetrator of such offense, (G) the hours of the day or night during which wire communication may be reasonably expected to occur; (6) a full and complete statement of facts showing that other normal investigative procedures with respect to the offense have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous to employ; (7) a statement of the period of time for which the interception is required to be maintained. No order authorizing or approving the interception of a wire communication shall be issued if the facts and circumstances relied upon by the applicant were discovered more than twenty days next preceding the date of the application. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter; (8) a full and complete statement of the facts concerning all previous

applications known to the individual making the application, made to any panel of judges, for authorization to intercept, or for approval of interceptions of, wire communications involving any of the same persons, facilities or places specified in the application, and the action taken by the panel on each such application; (9) a statement that the wire communications sought are material to a particularly described investigation or prosecution and that such communications are not legally privileged; (10) if it is reasonably necessary to make a secret entry upon a private place or premises in order to install an intercepting device to effectuate the interception, a statement to that effect and to the effect that no practicable alternative method of executing the order which will preserve the secrecy of its execution exists; (11) where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results; (12) where the application is for an order authorizing interception in excess of thirty-five orders previously issued by all panels in a calendar year, a statement setting forth the nature of the emergency situation which may result in imminent peril to the public health, safety or welfare, and the nature of that imminent peril, which requires the issuance of an additional interception order. The state's attorney shall inform the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to criminal law and procedure of the nature of the emergency situation which may result in imminent peril to the public health, safety or welfare, and the nature of that imminent peril; (13) such additional testimony or documentary evidence in support of fact in the application as the panel of judges may require. Allegations of fact in the application may be based either upon the personal knowledge of the applicant or upon information and belief. If the applicant personally knows the facts alleged, it must be so stated. If the facts establishing such probable cause are derived in whole or part from the statements of persons other than the applicant, the sources of such information and belief shall be either disclosed or described, and the application shall contain facts establishing the existence and reliability of the informant, or the reliability of the information supplied by him. The application shall also state the basis of the informant's knowledge or belief. If the applicant's information and belief are derived from tangible evidence or recorded oral evidence, a copy or detailed description thereof shall be annexed to or included in the application. Affidavits of persons other than the applicant may be submitted in conjunction with the application if they tend to support any fact or conclusion alleged therein. Such accompanying affidavits may be based either on personal knowledge of the affiant, or information and belief with the source thereof and reason therefor specified. (1971, P.A. 68, S. 3; P.A. 79-179, S. 3; P.A. 82-368, S. 3.) History: P.A. 79-179 removed reference to law enforcement officers in Subdiv. (2); P.A. 82-368 changed the time limit on reliable information from 15 to 20 days and included the provision dealing with application for the thirty-sixth and subsequent emergency orders as new Subdiv. (12), renumbering accordingly. Read with Sec. 54-41b, oath or affirmation required can only be that of the state's attorney applicant; acknowledgment is insufficient. 176 C. 17. Application defective for failure of state's attorney to make formal oath or affirmation; statute requires disclosure of prior applications to intercept the conversations of a particular person, not prior interceptions of conversations to which that person was a party. 180 C. 345. Cited. 191 C. 360; 194 C. 447; 199 C. 591; 224 C. 593; 238 C. 692. Cited. 3 CA 477; 5 CA 207; 7 CA 660; 9 CA 182; 17 CA 587.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959a - Wiretapping and Electronic Surveillance Section 54-41d. - Issuance of order.

Upon such application the panel of judges, by unanimous vote, may enter an ex parte order authorizing the interception of wire communications within the state of Connecticut, if the panel determines on the basis of the facts submitted by the applicant that there is probable cause to believe that: (1) An individual has committed or is committing an offense enumerated in section 54-41b; (2) particular communications will constitute material evidence that an offense enumerated in section 54-41b has been committed or is being committed or will materially aid in the apprehension of the perpetrator of such offense; (3) such communications are not otherwise privileged; (4) other normal investigative procedures with respect to the offense have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous to employ; (5) the facilities from which, or the place where, the wire communications are to be intercepted are being used, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name of, or commonly used by such individual; (6) such facilities or places are not those described in section 54-41h; (7) if the facilities from which a wire communication is to be intercepted are public, a special need exists to intercept wire communications over such facilities; (8) the investigative officers to be authorized to intercept the wire communication are qualified by training and experience to execute the interception sought; (9) not more than thirty-four orders authorizing interception have been previously issued by all panels in the calendar year in which the application is made, except that upon a showing of an emergency situation in which the commission of an offense enumerated in section 54-41b may result in imminent peril to public health, safety or welfare, such panel may issue additional orders authorizing interception. (1971, P.A. 68, S. 4; P.A. 79-179, S. 4; P.A. 82-368, S. 4; P.A. 83-295, S. 11.) History: P.A. 79-179 removed reference to law enforcement officers in Subdiv. (8); P.A. 82-368 included a provision dealing with the issuance of emergency orders involving danger to public health, safety or welfare; P.A. 83-295 amended Subdiv. (9) by replacing "a violation of" with "the commission of an offense enumerated in". Cited. 176 C. 17; 191 C. 360; 194 C. 447; Id., 589; 199 C. 591; 206 C. 90; 210 C. 804; Id., 805. Subdiv. (7) requirement of finding of special need fully satisfied despite absence of written statement. 212 C. 485. Cited. 224 C. 29; Id., 593; 238 C. 253; Id., 692. Cited. 3 CA 477; 5 CA 207; Id., 634; 7 CA 660; 8 CA 673; 16 CA 245; 33 CA 409; 44 CA 249.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959a - Wiretapping and Electronic Surveillance Section 54-41e. - Statement by panel on issuance of order. Contents of order.

Each order authorizing the interception of any wire communication shall be accompanied by a written statement of the panel setting

forth in detail its determination made in accordance with the provisions of section 54-41d and the grounds therefor and shall specify: (1) The identity of the person, if known, whose communications are to be intercepted; (2) the nature and location of the communication facilities as to which or the place where authority to intercept is granted; (3) a particular description of the type of communication sought to be intercepted, and a statement of the particular offense to which it relates; (4) the identity of the investigative officers authorized to intercept such wire communications; (5) the identity of the investigative or law enforcement officers to whom disclosure of the contents of any intercepted wire communication or any evidence derived therefrom may be made; (6) the use to which the contents of any intercepted wire communication or any evidence derived therefrom may be put; (7) the identity of the person making the application and his authority; (8) the identity of the panel and its authority to issue an order; (9) the period of time during which such interception is authorized, including a statement that the interception shall automatically terminate when the desired communication has been first obtained; (10) express authorization to make secret entry onto private premises to install any device, provided no such secret entry shall be authorized if there exists a practicable alternative method of executing the order which will preserve the secrecy of its execution; (11) the date of issuance of the order and its effective date. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception in accordance with the provisions of this chapter, and shall terminate upon attainment of the authorized objective, or in any event within fifteen days next succeeding the date of issuance of such order. An order authorizing the interception of a wire communication shall, upon request of the applicant, direct that a communication common carrier, landlord, custodian or other person shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such carrier, landlord, custodian or person is according the person whose communications are to be intercepted. Any communication common carrier, landlord, custodian or other person furnishing such facilities or technical assistance shall be compensated therefor by the applicant at the prevailing rates. (1971, P.A. 68, S. 5; P.A. 79-179, S. 5; P.A. 82-368, S. 5; P.A. 99-215, S. 10.) History: P.A. 79-179 removed reference to law enforcement officers in Subdiv. (4); P.A. 82-368 increased from 10 to 15 days the maximum duration of an order authorizing the interception of a wire communication; P.A. 99-215 deleted "issuing" before "panel". Cited. 176 C. 17. The remedy of total suppression considered entirely appropriate when execution of wiretap in complete disregard of minimization occurred; minimization requirement discussed. 191 C. 360. Cited. 210 C. 804; Id., 805; 212 C. 485; 224 C. 593; 238 C. 692. Cited. 5 CA 207; Id., 634; 8 CA 673; 9 CA 182; 16 CA 245.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959a - Wiretapping and Electronic Surveillance Section 54-41f. - Execution of order; progress reports.

Any order entered in accordance with the provisions of this chapter may be executed pursuant to its terms only by the investigative officers expressly authorized therein. The order may be executed according to its terms only during the hours specified therein, and for the period authorized or part thereof. No order may authorize the interception of any wire communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than fifteen days. Whenever an order authorizing an interception is entered in accordance with the provisions of this chapter, the order may require reports to be made to the panel showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Such reports shall be made at such intervals as such panel may require. (1971, P.A. 68, S. 6; P.A. 79-179, S. 6; P.A. 82-368, S. 6; P.A. 99-215, S. 11.) History: P.A. 79-179 removed reference to power of law enforcement officers to execute orders; P.A. 82-368 increased from 10 to 15 days the maximum duration of an interception; P.A. 99-215 deleted "which issued the order" after "panel". Cited. 191 C. 360; 212 C. 485; 238 C. 692.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959a - Wiretapping and Electronic Surveillance Section 54-41g. - Extensions of order.

No more than three extensions of an order may be granted by the panel and only upon application for an extension made in accordance with the provisions of section 54-41c, which shall, in addition, contain the results of the interceptions conducted thus far, and findings by the panel as required by the provisions of section 54-41d. The period of any extension shall be no longer than the panel deems necessary to achieve the purposes for which it was granted and in no event longer than fifteen days. (1971, P.A. 68, S. 7; P.A. 82-368, S. 7; P.A. 99-215, S. 12.) History: P.A. 82-368 increased from 10 to 15 days the maximum period of an extension; P.A. 99-215 deleted "issuing" before "panel". Cited. 191 C. 360; 212 C. 485; 238 C. 692.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959a - Wiretapping and Electronic Surveillance Section 54-41h. - Privileged wire communications; issuance of order and interception prohibited.

If the facilities from which, or the place where, the wire communications are to be intercepted are being used, or are about to be used, or are leased to, listed in the name of, or commonly used by, a licensed physician, an attorney-at-law or a practicing clergyman, no order shall be issued and no wire communications shall be intercepted over such facilities or in such places. No otherwise privileged wire communications intercepted in accordance with, or in violation of, the provisions of this chapter shall lose their privileged character, nor shall any evidence derived therefrom be used for any purpose. (1971, P.A. 68, S. 8.) Cited. 191 C. 360; 212 C. 485; 238 C. 692.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959a - Wiretapping and Electronic

SurveillanceSection 54-41i. - Recording of interception; sealing, custody and destruction.

The contents of any wire communication intercepted by any means authorized by this chapter shall, if possible, be recorded on tape or wire or other comparable device. The recording of the contents of any wire communication in accordance with the provisions of this section shall be done in such manner as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of the order, or extensions thereof, such recordings shall be made available to the panel and sealed under its directions and custody of such recordings shall be wherever the panel so directs. They shall not be destroyed except upon an order of the panel and, if not so destroyed, they shall be kept for ten years. Duplicate recordings may be made by the applicant for his use or for disclosure pursuant to the provisions of section 54-41p for investigations. The presence of the seal provided for by this section, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any wire communication or evidence derived therefrom under the provisions of section 54-41p. (1971, P.A. 68, S. 9; P.A. 99-215, S. 13.) History: P.A. 99-215 deleted "issuing such order" after "panel" and "issuing or denying" before "panel". Cited. 191 C. 360; 212 C. 485; 238 C. 692. Cited. 8 CA 673; 16 CA 245.

2024 Connecticut General StatutesTitle 54 - Criminal ProcedureChapter 959a - Wiretapping and Electronic SurveillanceSection 54-41j. - Sealing, custody, storage and destruction of applications and orders.

Applications made and orders granted in accordance with the provisions of this chapter shall be sealed by the panel and transferred to the custody of the Chief Court Administrator. Except as otherwise provided, such applications and orders shall be disclosed only upon a showing of good cause to the Chief Court Administrator. Applications and orders shall be stored in a secure place which shall be designated by the Chief Court Administrator to which access shall be denied to all persons except the Chief Court Administrator or such court officers or administrative personnel as he shall designate. Applications and orders shall not be destroyed except upon order of the Chief Court Administrator and if not so destroyed they shall be kept for ten years. Any person who violates any of the provisions of this section may be punished in accordance with the provisions of section 51-33. (1971, P.A. 68, S. 10; P.A. 76-436, S. 10a, 533, 681; P.A. 99-215, S. 14.) History: P.A. 76-436 made no changes, Sec. 10a of the act cancelling amendments called for in Sec. 533; P.A. 99-215 deleted "issuing or denying" before "panel". Cited. 191 C. 360; 212 C. 485; 238 C. 692.

2024 Connecticut General StatutesTitle 54 - Criminal ProcedureChapter 959a - Wiretapping and Electronic SurveillanceSection 54-41k. - Service of notice of interception; inspection of intercepted communications, applications and orders; postponement of service.

Within a reasonable time but not later than ninety days next succeeding the termination of the period of an order or extensions thereof, the panel may cause to be served on the persons named in the order or the application, and shall cause to be served on persons not named in the order or application whose communications were intercepted, an inventory which shall include notice of the fact of the entry of the order or the application; the date of the entry and the period of authorized interception, or the denial of the application; and the fact that during the period wire communications were or were not intercepted. The panel shall make available to such person or his counsel for inspection the intercepted communications, applications and orders immediately upon the filing of a motion requesting such information. On an ex parte showing of good cause approved unanimously by the panel the serving of the inventory required by this section may be postponed for a period not to exceed sixty days. Not more than one such postponement shall be authorized and under no circumstances shall the serving of the inventory required by this section be made later than one hundred fifty days after the termination of the period of an order or extensions thereof. (1971, P.A. 68, S. 11; P.A. 82-368, S. 8; P.A. 99-215, S. 15.) History: P.A. 82-368 gave the panel discretion in ordering the service of an inventory, included persons not named in the order whose communications were intercepted as entitled to any such inventory and extended from 90 to 150 days the maximum period of postponement of such inventory; P.A. 99-215 deleted "issuing or denying" before "panel". Cited. 191 C. 360; 212 C. 485; 224 C. 593; 238 C. 692. Strict compliance with provisions of statute is mandatory. 3 CA 477. Cited. 10 CA 347. Service of inventory requirement discussed. 14 CA 605. Cited. 16 CA 245. When delivery of document to defendant's attorney deemed adequate service. 30 CS 302.

2024 Connecticut General StatutesTitle 54 - Criminal ProcedureChapter 959a - Wiretapping and Electronic SurveillanceSection 54-41l. - Intercepted communication admissible as evidence, when.

The contents of any intercepted wire communication or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing or other proceeding in a court of this state unless each aggrieved person, not less than thirty days before such trial, hearing or proceeding, has been served with a copy of the court order, and accompanying application, under which the interception was authorized. (1971, P.A. 68, S. 12.) Cited. 191 C. 360; 212 C. 485; 238 C. 253; Id., 692. Notice not required prior to issuance of bench warrant. 30 CS 302.

2024 Connecticut General StatutesTitle 54 - Criminal ProcedureChapter 959a - Wiretapping and Electronic SurveillanceSection 54-41m. - Motion to suppress.

Any aggrieved person in any trial, hearing or proceeding in or before any court, department, officer, agency, regulatory body or other authority of the state of Connecticut, or of a political subdivision thereof, may move to suppress the contents of any intercepted wire communication, or evidence derived therefrom, on the grounds that the communication was unlawfully intercepted

under the provisions of this chapter; the order of authorization or approval under which it was intercepted is insufficient on its face; or the interception was not made in conformity with the order of authorization or approval. Such motion shall be made before the trial, hearing or proceeding unless there was no opportunity to make such motion or the person was not aware of the grounds of the motion, in which case such motion may be made at any time during the course of such trial, hearing or proceeding. If the motion is granted, the contents of the intercepted wire communication, or evidence derived therefrom, shall be treated as having been obtained in violation of this chapter and shall not be received in evidence in any such trial, hearing or proceeding. The panel, upon the filing of such motion by the aggrieved person, shall make available to the aggrieved person or his counsel for inspection the intercepted communication and evidence derived therefrom. (1971, P.A. 68, S. 13.) Cited. 176 C. 17. Motion to suppress upheld since state's attorney failed to make formal oath or affirmation in connection with application. 180 C. 345. Cited. 191 C. 360; 194 C. 447; 199 C. 591; 212 C. 485; 224 C. 593; 238 C. 692. Cited. 3 CA 477; 5 CA 634; 7 CA 660; 10 CA 347; 14 CA 605; 27 CA 596; 44 CA 249. Cited. 30 CS 302.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959a - Wiretapping and Electronic Surveillance Section 54-41n. - Report by panel to Chief Court Administrator.

In addition to any reports required by federal law, within thirty days next succeeding the expiration of an order or an extension thereof, or the denial of an application, the panel shall report to the Chief Court Administrator the fact that an order or extension was applied for; the fact that the order or extension was granted as applied for, was modified or was denied; the period of interceptions authorized by the order, and the number and duration of any extensions of the order; the offense or offenses specified in the order or application, or extension of an order; the identity of the person making the application and the nature of the facilities from which or the place where communications were to be intercepted. (1971, P.A. 68, S. 14; P.A. 76-436, S. 10a, 534, 681; P.A. 99-215, S. 16.) History: P.A. 76-436 made no change, Sec. 10a of the act cancelling amendment called for in Sec. 534; P.A. 99-215 deleted "issuing or denying" before "panel". Cited. 191 C. 360; 212 C. 485; 238 C. 692.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959a - Wiretapping and Electronic Surveillance Section 54-41o. - Reports by state's attorneys.

(a) In January of each year each state's attorney shall report to the administrative office of the United States courts and to the Chief Court Administrator, who shall in turn report to the Governor and the General Assembly, the information required by this section with respect to each application for an order or extension made during the preceding calendar year; a general description of the interception made under such order or extension, including (1) the approximate nature and frequency of incriminating communications intercepted, (2) the approximate nature and frequency of other communications intercepted, (3) the approximate number of persons whose communications were intercepted, and (4) the approximate nature, amount and cost of the manpower and other resources used in the interceptions; the number of arrests resulting from interceptions made under such order or extension, and the offenses for which arrests were made; the number of trials resulting from such interceptions; the number of motions to suppress made with respect to such interceptions, and the number granted or denied; the number of convictions resulting from such interceptions and the offenses for which the convictions were obtained and a general assessment of the importance of the interceptions; and the information required by this section with respect to orders or extensions obtained in the calendar year next preceding. (b) In January of each year, the Chief State's Attorney shall make a report to the joint standing committee of the General Assembly having cognizance of matters relating to criminal law and procedure, based upon reports filed with him by each state's attorney covering the prior calendar year. The Chief State's Attorney's report shall include the following information: (1) The number of orders authorizing an interception, and the number of extensions thereof; (2) the number of additional orders granted based upon an emergency situation, and the nature of the emergency; (3) the nature of the particular offense to which each order was directed; (4) a general description of the interception made under each order or extension, including (A) the nature and frequency of incriminating communications intercepted, (B) the nature and frequency of other communications intercepted, (C) the number of persons whose communications were intercepted, and (D) the nature, amount and cost of the manpower and other resources used in the interceptions; (5) the number of arrests resulting from interceptions made under each order or extension, and the offenses for which such arrests were made; (6) the number of trials resulting from such interceptions; (7) the number of motions to suppress made with respect to such interceptions, and the number granted or denied; (8) the number of convictions resulting from such interceptions and the offenses for which the convictions were obtained and (9) the number of persons who were not named in an order or application for the interception of wire communications and whose communications were intercepted. (1971, P.A. 68, S. 15; P.A. 76-436, S. 10a, 535, 681; P.A. 79-631, S. 34, 111; P.A. 82-368, S. 9; P.A. 83-587, S. 66, 96.) History: P.A. 76-436 made no changes, Sec. 10a of the act cancelling amendment called for in Sec. 535; P.A. 79-631 deleted requirement that chief court administrator report to the judicial council; P.A. 82-368 added Subsec. (b) dealing with the report by the chief state's attorney to the joint standing committee of the general assembly having cognizance of matters relating to criminal law and procedure; P.A. 83-587 made a technical amendment to Subsec. (b). Cited. 191 C. 360; 212 C. 485; 238 C. 692.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959a - Wiretapping and Electronic Surveillance Section 54-41p. - Disclosure of contents of wire communication. Unauthorized disclosure: Class D felony.

(a) Any investigative officer who, by any means authorized by this chapter, has obtained knowledge of the contents of any wire communication, or evidence derived therefrom, may, if specially authorized by the order authorizing the interception of such

communication, disclose such contents to any investigative or law enforcement officer designated in such order to the extent that such disclosure is appropriate to the conduct of the investigation specified in the application for such order. (b) Any person who has received, by any means authorized by this chapter, any information concerning a wire communication, or evidence derived therefrom, intercepted in accordance with the provisions of this chapter may disclose the contents of that communication or such derivative evidence insofar as it relates to the crimes set forth in section 54-41b while giving testimony under oath or affirmation in any criminal proceeding before any court or grand jury. (c) If an investigative officer, while engaged in the interception of wire communications in accordance with the provisions of this chapter, intercepts wire communications relating to any crime not specified in the order authorizing such interception, the contents of such intercepted communications and evidence derived therefrom may be disclosed as otherwise provided in subsection (a) of this section. (d) Any investigative officer who discloses the contents of any intercepted wire communication or evidence derived therefrom (1) to any person not authorized to receive such information or (2) in a manner otherwise than authorized by the provisions of this chapter shall be guilty of a class D felony. (1971, P.A. 68, S. 16; P.A. 79-179, S. 7; P.A. 82-368, S. 10; P.A. 05-288, S. 184.) History: P.A. 79-179 removed law enforcement officers' power to disclose contents of wire communication to an investigative officer or to another law enforcement officer; P.A. 82-368 designated previous provisions as Subsecs. (a) and (b) and added Subsecs. (c) and (d) re interception of communications unrelated to crimes specified in the order and re consideration of unauthorized disclosure as a class D felony; P.A. 05-288 made a technical change in Subsec. (c), effective July 13, 2005. Cited. 191 C. 360; 212 C. 485; 223 C. 906; 224 C. 322; Id., 593; 238 C. 692. Cited. 27 CA 596.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959a - Wiretapping and Electronic Surveillance Section 54-41q. - Authority of communication common carrier to intercept, disclose or use wire communication.

(a) It shall not be unlawful under this chapter for an operator of a switchboard, or an officer, employee or agent of any communication common carrier whose facilities are used in the transmission of a wire communication, to intercept, disclose or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the carrier of such communication, provided such communication common carriers shall not utilize service observing or random monitoring except for mechanical or service quality control checks. (b) It shall not be unlawful under this chapter for an officer, employee or agent of any communications common carrier to provide information or facilities to an investigative officer who, pursuant to this chapter, is authorized to intercept a wire communication. (1971, P.A. 68, S. 17; P.A. 79-179, S. 8.) History: P.A. 79-179 authorized officer, employee or agent of communications common carrier to provide information or facilities to investigative officers rather than to law enforcement officers in Subsec. (b). Cited. 191 C. 360; 212 C. 485.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959a - Wiretapping and Electronic Surveillance Section 54-41r. - Remedies of party intercepted; defense.

Any person whose wire communication is intercepted, disclosed or used in violation of this chapter or of sections 53a-187 to 53a-189, inclusive, shall (1) have a civil cause of action against any person who intercepts, discloses or uses, or procures any other person to intercept, disclose or use, such communication, and (2) be entitled to recover from any such person actual damages but not less than liquidated damages computed at the rate of one hundred dollars per day for each day of violation or one thousand dollars, whichever is higher; punitive damages; and a reasonable attorney's fee and other litigation costs reasonably incurred. A good faith reliance on a court order shall constitute a complete defense to any civil or criminal action brought in accordance with the provisions of this chapter or any other law. (1971, P.A. 68, S. 18.) Cited. 191 C. 360; 212 C. 485; 224 C. 593. Cited. 3 CA 477; 14 CA 605. Cited. 30 CS 302.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959a - Wiretapping and Electronic Surveillance Section 54-41s. - Illegal possession, sale, distribution of equipment: Class D felony.

A person is guilty of the illegal possession, sale or distribution of electronic surveillance equipment when he possesses, sells or distributes an electronic, mechanical or other device, as defined in section 54-41a for use in violation of section 53a-188 or 53a-189. The illegal possession, sale or distribution of electronic surveillance equipment is a class D felony. (P.A. 73-639, S. 22.) Cited. 191 C. 360; 212 C. 485; 224 C. 593.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959a - Wiretapping and Electronic Surveillance Section 54-41t. - Unauthorized or illegal interception: Class C felony.

Any investigative officer who intercepts the wire communications of any person in violation of the provisions of this chapter shall be guilty of a class C felony. (P.A. 82-368, S. 11.) Cited. 191 C. 360; 212 C. 485; 224 C. 593; 238 C. 692. Cited. 16 CA 245.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 959a - Wiretapping and Electronic Surveillance Section 54-41u. - Admissibility of intercepted wire communication obtained pursuant to federal law.

Nothing in this chapter shall preclude the receipt in evidence in a court of this state of any intercepted wire communication obtained in conformity with 18 USC 2510 et seq. (P.A. 02-97, S. 14.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-42 to 54-44. - Original information in Superior Court. Bench warrant; procedure on arrest; previous bond in Court of Common Pleas. Admissibility of confession. Informations in cases appealed to Superior Court.

Sections 54-42 to 54-44, inclusive, are repealed. (1949 Rev., S. 8764–8766; 1963, P.A. 126, S. 2, 3; 1967, P.A. 656, S. 60; 1969, P.A. 803, S. 1; P.A. 73-116, S. 23; 73-667, S. 1, 2; P.A. 76-106, S. 1; 76-436, S. 536, 681; P.A. 77-452, S. 38, 72; 77-576, S. 39, 65; P.A. 80-313, S. 61; 80-483, S. 136, 186.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-45. - When grand jury is required. Selecting grand jury. Alternate grand jurors.

(a) The Superior Court may, when necessary, order a grand jury of eighteen electors of the judicial district where said court is sitting to be summoned, impaneled and sworn to inquire after and present such offenses as are cognizable by said court. Said court may, in its discretion, order one or two additional electors to be added to the grand jury as alternate grand jurors. Such alternate jurors shall be sworn separately from those constituting the regular panel and shall not counsel or confer with members of the regular panel as to any matters before the grand jury unless they become a part of the regular panel as hereinafter provided. They shall attend the sessions of the grand jury and shall be seated with or near the members of the regular panel, with equal opportunity to see and hear all matters adduced in the proceedings. If for any reason a grand juror is unable to further perform his duty, the court may excuse him and, if any grand juror is so excused or dies, the court may order that the alternate juror or, if more than one, that one who is designated by lot drawn by the clerk of the Superior Court, shall become a part of the regular panel and the inquiry shall then proceed as though such grand juror had been a member of the regular panel from the beginning of the inquiry. (b) No person shall be put to plea or held to trial for any crime the punishment of which may be death or imprisonment for life, charged by the state before May 26, 1983, unless an indictment has been found against him for such crime by a grand jury legally impaneled and sworn, and no bill shall be presented by any grand jury unless at least twelve of the jurors agree to it. (1949 Rev., S. 8747; February, 1965, P.A. 173; P.A. 73-116, S. 1; 73-667, S. 1, 2; P.A. 78-280, S. 2, 127; P.A. 80-313, S. 3; P.A. 83-210, S. 3, 5.) History: 1965 act added provisions for alternate grand jurors; P.A. 73-116 added reference to judicial districts; P.A. 73-667 changed effective date of P.A. 73-116 from October 1, 1973, to April 25, 1973; P.A. 78-280 deleted reference to counties; P.A. 80-313 divided section into Subsecs; P.A. 83-210 amended Subsec. (b) to require a grand jury indictment for crimes punishable by death or imprisonment for life “charged by the state before May 26, 1983” to reflect the establishment of a probable cause hearing pursuant to Sec. 54-46a in place of a grand jury proceeding for persons accused of such crimes. See Sec. 1-25 re forms of oaths for jurors. Powers and duties of grand jury. 1 C. 428. Where death or imprisonment for life is not penalty, no grand jury necessary. 3 C. 112. Inquiry before grand jury must be secret. 16 C. 467. Not necessary that accused be present. 21 C. 279. Quaere, whether member of grand jury may be challenged for favor; if absolute disqualification is discovered after indictment found, it may be pleaded in avoidance. 47 C. 106. The endorsement of a “true bill” on an indictment cannot be contradicted by parol evidence on habeas corpus proceedings; 67 C. 553; and, in habeas corpus proceedings in U.S. courts, failure to so endorse is not regarded. 160 U.S. 231. When required, an interpreter may be present in the grand jury room. 106 C. 721. When an accused person is confined for a crime punishable by death or life imprisonment, it is the duty of the court to order a grand jury; and this may be done before opening of term to which accused was bound over. *Id.*, 719. When court may select members of grand jury. 126 C. 64. In a general investigation by grand jury, state's attorney may be present to aid in examination of witnesses. *Id.*, 66. Jury may have stenographer present; what evidence jury may elicit. *Id.*, 71. Constitution does not protect a person from being questioned by grand jury but only gives immunity from answering particular questions; history and nature of grand jury. *Id.*, 72. Cited. 135 C. 269. Requires an indictment by a grand jury in all cases in which the penalty to be imposed may be life imprisonment. 144 C. 295. Grand jury in which 7 out of 18 are attorneys not in itself illegal where there is no evidence of an intentional and systematic exclusion of any group. 146 C. 137. Cited. *Id.*, 227; 153 C. 325. There is no federal constitutional impediment to dispensing entirely with grand jury in state prosecutions. 155 C. 367. In absence of contrary evidence, presumption arises that selection of grand jury was made without discrimination and fairly by officer in charge of selection. 158 C. 341. Cited. 159 C. 264; 164 C. 402; 176 C. 270; 181 C. 268; 183 C. 299; 184 C. 597. Presence of counsel before grand jury discussed; grand jury transcript available to defendant under Subsec. (a) is made available under the inherent supervisory powers of the Superior Court and evidentiary uses of it by defendant are restricted to impeaching a witness, attacking the credibility of a witness or proving inconsistent statements of a witness. 187 C. 281. Trial court's denial of motion to quash the ordering of second grand jury is not one of those few presentence orders deemed final for purposes of appeal. 191 C. 27. During period between November 24, 1982, and May 26, 1983, statute provided authorization for use of grand juries in cases punishable by death or life imprisonment. 192 C. 671. Cited. *Id.*, 700; 194 C. 416; *Id.*, 692; 197 C. 247; *Id.*, 280; *Id.*, 507; 199 C. 163; 202 C. 18; 203 C. 641; 204 C. 259; 207 C. 276; 226 C. 601. Cited. 4 CA 544; 10 CA 103; 27 CA 643; *Id.*, 675. Cited. 6 CS 221; 22 CS 6, 7. Person not given right to counsel before grand jury decision; this is not “critical stage” in proceedings against him. 25 CS 61. Grand jury is not prohibited from receiving hearsay evidence; that such evidence may have been considered by the grand jury would not entitle one who had been indicted to have the indictment quashed. *Id.*, 388. Counsel for the accused may not accompany him before the grand jury. *Id.*, 389. Section was fully complied with by the court and its officers in summoning grand jury in absence of a showing that any of the members were disqualified for any reason. 26 CS 211. Nature of grand jury discussed; not the state's burden to prove that the method of selection of grand jury was fair and nondiscriminatory. *Id.*, 213. Charge to grand jury that presumption of sanity was adequate basis on which to find, so far as element of soundness of mind was concerned, probable cause to hold accused for trial, was

accurate; constitutional right of accused to counsel does not include representation by counsel before a grand jury. *Id.*, 214. Indictment insufficient in law may be attacked by demurrer; provision that grand jurors come from county where court sits is broad enough to comply with federal constitutional requirement that there must be no intentional or systematic exclusion of group or class from grand jury. 29 CS 119. Exclusion of aliens from grand jury service does not make statute unconstitutional since citizenship requirement bears rational relationship to demands of jury service. 35 CS 98. Cited. 36 CS 141; 45 CS 1.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-45a. - Record of grand jury proceedings. Transcripts.

(a) In any grand jury proceeding ordered pursuant to the provisions of section 54-45, the official stenographer of the Superior Court or his assistant shall make a record of the proceedings excluding the deliberations, which shall be confidential and filed with the court. Access to the transcript shall be available only to the prosecutorial official or any person accused of crime as a result of the grand jury investigation or the accused person's attorney. The prosecutorial official or the person accused of a crime as a result of such grand jury investigation or the accused person's attorney may obtain a copy of the transcript by paying for it. (b) The transcript of such proceedings may not be used as evidence in any proceeding against the accused except for the purpose of impeaching a witness, attacking the credibility of a witness or proving inconsistent statements of a witness. The transcript may also be used as evidence in a prosecution for perjury committed by a witness while giving such testimony. (P.A. 78-289, S. 1; P.A. 80-313, S. 4.) History: P.A. 80-313 divided section into Subsecs. and reworded provisions. Cited. 177 C. 677; 181 C. 268; 186 C. 476. Availability and use of grand jury transcripts discussed. 187 C. 281. Cited. 193 C. 350; 194 C. 469; *Id.*, 530; 197 C. 698; 198 C. 644; 200 C. 323; 201 C. 534. Statute governs indicting grand juries and expressly prohibits subsequent use of grand jury testimony. 250 C. 188. Cited. 10 CA 103. Transcript may not be used to impeach a grand jury finding of a true bill. 36 CS 141. Cited. 42 CS 10; 45 CS 1.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-46. - Prosecution on complaint or information.

For all crimes charged by the state on or after May 26, 1983, the prosecution may be by complaint or information. For all crimes punishable by death or imprisonment for life charged by the state before May 26, 1983, the prosecution shall be by indictment. (1949 Rev., S. 8775; P.A. 75-376; P.A. 76-336, S. 15; 76-436, S. 537, 681; P.A. 79-157; P.A. 80-313, S. 7; P.A. 83-210, S. 4, 5.) History: P.A. 75-376 added provisions re trial on nolle prosequi; P.A. 76-336 clarified nolle provisions, substituting "At any stage in such prosecution" for "In any such prosecution"; P.A. 76-436 removed from exception cases involving nolle entered in common pleas court on matter bound over to superior court or upon recommendation of prosecutor that bench warrant is being requested or issued by superior court for arrest for same transaction, reflecting transfer of all trial jurisdiction to superior court, effective July 1, 1978; P.A. 79-157 designated previous provisions as Subsecs. (a) and (b) and added Subsec. (c) re effect of not guilty plea on privilege with respect to assignment for trial; P.A. 80-313 specified prosecution by indictment required for all crimes punishable by death or life imprisonment and deleted former Subsecs. (b) and (c) re nolle prosequi and assignment for trial; P.A. 83-210 amended the section to reflect the establishment of a probable cause hearing to replace a grand jury proceeding by providing that prosecution by complaint or information would apply to all crimes "charged by the state on or after May 26, 1983" and prosecution by indictment would only apply to persons accused of crimes punishable by death or life imprisonment "charged by the state before May 26, 1983". See Sec. 54-56b re right to dismissal or trial on nolle. See Sec. 54-56c re request for privileged trial status. Section is constitutional. 60 C. 94; 135 C. 262. Information may be amended after evidence has been offered. 35 C. 319. As to particularity required. 39 C. 230; 93 C. 646. Must charge all essential elements of crime; 72 C. 606; 73 C. 407; thus, specific intent must be charged. 66 C. 250; 80 C. 614; 81 C. 699. Charging offense in words of statute. 66 C. 9; *Id.*, 657; 72 C. 606; 73 C. 18; 80 C. 321; 81 C. 696; 83 C. 304; 97 C. 730, 735; 99 C. 117; or of city ordinance. 60 C. 106; 88 C. 715; 91 C. 68. If effect is to include acts not in purview of statute, it is not sufficient; 82 C. 321; 93 C. 646; a more particular description may limit proof. 80 C. 321. Necessity of negating exception. 69 C. 198; 88 C. 353. Old rules as to strictness relaxed; 81 C. 696; general rule as to certainty. 85 C. 322. Aider by verdict; 68 C. 512; 81 C. 696; amendable defect not ground for new trial. 80 C. 614. Necessity of identifying person with reference to whom crime is committed; 66 C. 558; of correctly alleging date of crime. 81 C. 98. Alleging matters by legal effect; act of principal as act of agent. 69 C. 86. Allegation of former conviction. 68 C. 512; 94 C. 701; 96 C. 172. Against one as accessory. 82 C. 213. Conspiracy and acts done in pursuance of it may be alleged in one count; 75 C. 206; so keeping disorderly house and one where lewd persons resort, 66 C. 8; so keeping place for registering bets and selling pools. 66 C. 250. Merger defined; is a doctrine of very limited application. 99 C. 114; 108 C. 215. Identity of offenses. *Id.*, 214. Cited. 151 C. 524; 153 C. 325; *Id.*, 451. There is no federal constitutional impediment to dispensing entirely with grand jury in state prosecutions. 155 C. 367. Prosecution by information for infamous crime was not violation of defendant's rights under U.S. Constitution. 156 C. 391. Cited. 159 C. 264; 184 C. 597; 192 C. 671; 202 C. 443; 229 C. 691. Cited. 22 CS 7. Not a denial of equal protection clause of fourteenth amendment of federal constitution to indict person by an information in larceny case. 25 CS 509.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-46a. - Probable cause hearing for persons charged with crimes punishable by death, life imprisonment without possibility of release or life imprisonment.

(a) No person charged by the state, who has not been indicted by a grand jury prior to May 26, 1983, shall be put to plea or held to trial for any crime punishable by death, life imprisonment without the possibility of release or life imprisonment unless the court at a

preliminary hearing determines there is probable cause to believe that the offense charged has been committed and that the accused person has committed it. The accused person may knowingly and voluntarily waive such preliminary hearing to determine probable cause. (b) Unless waived by the accused person or extended by the court for good cause shown, such preliminary hearing shall be conducted within sixty days of the filing of the complaint or information in Superior Court. The court shall be confined to the rules of evidence, except that written reports of expert witnesses shall be admissible in evidence and matters involving chain of custody shall be exempt from such rules. No motion to suppress or for discovery shall be allowed in connection with such hearing. The accused person shall have the right to counsel and may attend and, either individually or by counsel, participate in such hearing, present argument to the court, cross-examine witnesses against him and obtain a transcript of the proceedings at his own expense. At the close of the prosecution's case, if the court finds that, based on the evidence presented by the prosecution, probable cause exists, the accused person may make a specific offer of proof, including the names of witnesses who would testify or produce the evidence offered. The court shall not allow the accused person to present such evidence unless the court determines that such evidence would be sufficient to rebut the finding of probable cause. (c) If, from the evidence presented pursuant to subsection (b) of this section, it appears to the court that there is probable cause to believe that the accused person has committed the offense charged, the court shall so find and approve the continuance of the accused person's prosecution for that offense. A determination by the court that there is not probable cause to require the accused person to be put to trial for the offense charged shall not operate to prevent a subsequent prosecution of such accused person for the same offense. (P.A. 83-210, S. 1, 5; P.A. 87-260, S. 5; P.A. 12-5, S. 25.) History: P.A. 87-260 amended Subsec. (a) to change the applicability of the requirement of a preliminary hearing from a person charged by the state "on or after May 26, 1983" to a person charged by the state "who has not been indicted by a grand jury prior to May 26, 1983"; P.A. 12-5 amended Subsec. (a) to add reference to crime punishable by life imprisonment without possibility of release, effective April 25, 2012. Constitutional right to a probable cause hearing vested immediately for all defendants not yet indicted on May 26, 1983; portion of statute conferring right to probable cause hearing only on those charged on and after May 26, 1983, is unconstitutional and therefore invalid. 192 C. 671. Cited. 201 C. 598. Validity is not subject to constitutional attack as a violation of separation of powers. 203 C. 641. Cited. 206 C. 323; 210 C. 631; Id., 652; 211 C. 289; 213 C. 161; Id., 708; 214 C. 132; Id., 454; Id., 476; Id., 616; 218 C. 714; 220 C. 270; 221 C. 109; 222 C. 506; 223 C. 127; 224 C. 29; 228 C. 62. Probable cause hearing required by section applies only to criminal prosecutions, not to an action for adjudication of delinquency. 229 C. 691. Cited. 233 C. 106; 234 C. 97; 237 C. 58; 240 C. 727; Id., 743; 242 C. 409. Deprivation of counsel at a probable cause hearing constitutes procedural error for which harmless error review is proper. 279 C. 493. Cited. 7 CA 457; 26 CA 165; 28 CA 34; 29 CA 499; 30 CA 381; 34 CA 58; judgment reversed, see 232 C. 537; 35 CA 762; 36 CA 250; Id., 364; 37 CA 404; 46 CA 545. Second probable cause hearing which was held after the 60-day time limit was valid because the first hearing was held within the statutory time limit and the second hearing was scheduled based on defendant's request so that defendant could be represented by counsel. 75 CA 223. Right to be heard by an impartial tribunal is guaranteed by the state and federal constitutions and need not be recited in each section delineating criminal procedure, therefore section is constitutional. 151 CA 574. Cited. 40 CS 38; 42 CS 426; 43 CS 38; Id., 367. Subsec. (a): Cited. 204 C. 120; 209 C. 133. Death penalty unconstitutional under Art. I, Secs. 8 and 9 of Connecticut Constitution. 318 C. 1. Cited. 19 CA 571; 41 CA 809; 44 CA 790. By unconditionally accepting a plea deal and pleading guilty, petitioner waived any challenge to court's jurisdiction over his person; statute on its face contains terms "any crime", "the offense" and "it" when mandating that defendant exposed to punishment of life imprisonment or death be given preliminary hearing in probable cause; there is nothing in the statute that refers to crimes, offenses or an aggregation of crimes or offenses, and petitioner has referred to no case law or other statute that has interpreted the statute to require probable cause hearing when the aggregate of the charges exposes defendant to 60 years imprisonment, but the crimes, when considered individually, expose defendant to less than 60 years on each charge; when the state amends an information and defendant no longer faces possibility of a life sentence, it is not improper for trial court to proceed without affording defendant a hearing in probable cause. 105 CA 124. Subsec. (b): Court concluded statute constitutional when read in conjunction with prosecution's ongoing constitutional duty to disclose exculpatory material to a criminal defendant independent of a defense motion or request. 200 C. 323. Cited. 216 C. 492. No constitutional duty requires a court to entertain motions to suppress at a probable cause hearing. 218 C. 151. Cited. 229 C. 716; 238 C. 588. Waiver of time period in which to hold hearing may be asserted by attorney for defendant and does not require defendant personally to appear and be canvassed. 245 C. 301. Legislature, in enacting Subsec., required that probable cause hearing must be conducted within 60 days of filing of the complaint or information unless waived by defendant or extended by the court for good cause shown. 79 CA 535.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-47. - Investigations into commission of crime.

Section 54-47 is repealed. (1949 Rev., S. 8777; 1953, S. 3324d; 1969, P.A. 631, S. 2; 1971, P.A. 860; P.A. 73-116, S. 2; 73-667, S. 1, 2; P.A. 74-183, S. 139, 291; 74-186, S. 2, 12; P.A. 76-436, S. 10a, 538, 681; P.A. 78-280, S. 1, 127; P.A. 80-313, S. 5; P.A. 85-611, S. 9.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-47a. - Compelling testimony of witness. Immunity from prosecution.

(a) Whenever in the judgment of the Chief State's Attorney, a state's attorney or the deputy chief state's attorney, the testimony of any witness or the production of books, papers or other evidence of any witness is necessary to the public interest in any (1) criminal proceeding involving narcotics, arson, bribery, gambling, election law violations, felonious crimes of violence, any violation which

is an offense under the provisions of title 22a, corruption in the executive, legislative or judicial branch of state government or in the government of any political subdivision of the state, fraud by a vendor of goods or services in the medical assistance program under Title XIX of the Social Security Act amendments of 1965, as amended, any violation of chapter 949c, or any other class A, B or C felony or unclassified felony punishable by a term of imprisonment in excess of five years for which the Chief State's Attorney or state's attorney demonstrates that he has no other means of obtaining sufficient information as to whether a crime has been committed or the identity of the person or persons who may have committed a crime, before a court or grand jury of this state, (2) investigation conducted by an investigatory grand jury as provided in sections 54-47b to 54-47g, inclusive, or (3) delinquency proceeding the Chief State's Attorney, the state's attorney, or the deputy chief state's attorney, may, with notice to the witness, after the witness has claimed his privilege against self-incrimination, make application to the court for an order directing the witness to testify or produce evidence subject to the provisions of this section. (b) Upon the issuance of the order such witness shall not be excused from testifying or from producing books, papers or other evidence in such case or proceeding on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. No such witness may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled to testify or produce evidence, and no testimony or evidence so compelled, and no evidence discovered as a result of or otherwise derived from testimony or evidence so compelled, may be used as evidence against him in any proceeding, except that no witness shall be immune from prosecution for perjury or contempt committed while giving such testimony or producing such evidence. Whenever evidence is objected to as inadmissible because it was discovered as a result of or otherwise derived from compelled testimony or evidence, the burden shall be upon the person offering the challenged evidence to establish a source independent of the compelled testimony or evidence. (1969, P.A. 631, S. 1; P.A. 74-183, S. 140, 291; 74-227, S. 1, 2; P.A. 76-436, S. 539, 681; P.A. 78-96, S. 3-5; P.A. 80-313, S. 6; P.A. 81-104; P.A. 85-611, S. 8; P.A. 87-350, S. 4, 6; P.A. 21-103, S. 2.) History: P.A. 74-183 replaced circuit court with court of common pleas in accordance with reorganization of the judicial system, effective December 31, 1974; P.A. 74-227 deleted reference to prosecuting attorneys, added references to chief state's attorney, deputy chief state's attorneys, state referees, superior court judges and three-judge panels and extended applicability of provisions to cases involving violation of election laws; P.A. 76-436 deleted references to court of common pleas, reflecting transfer of all trial jurisdiction to superior court, effective July 1, 1978; P.A. 78-96 applied provisions to violations which are offenses under Title 25 provisions; P.A. 80-313 divided section into Subsecs. and made minor wording changes in Subsec. (b); P.A. 81-104 provided that immunity from prosecution may be granted to any witness in a criminal proceeding involving arson or bribery; P.A. 85-611 amended Subsec. (a) to replace reference to repealed Sec. 54-47 with provision that testimony or evidence may be compelled "in any investigation conducted by an investigatory grand jury as provided in sections 54-47b to 54-47g, inclusive"; P.A. 87-350 added provisions re criminal proceeding involving violation of title 22a, corruption in executive, legislative or judicial branch of state government or in government of political subdivision of state, fraud by a vendor of goods or services in the medical assistance program under Title XIX of the Social Security Act amendments of 1965, any violation of chapter 949c or any other class A, B or C felony or unclassified felony punishable by a term of imprisonment in excess of five years for which chief state's attorney or state's attorney demonstrates that he has no other means of obtaining sufficient information as to whether crime has been committed or identity of person who may have committed a crime; P.A. 21-103 amended Subsec. (a) by adding "is necessary to the public interest in any (1)", deleting "is necessary to the public interest," in Subdiv. (2) and redesignating existing provisions re Chief State's Attorney, state's attorney or deputy chief state's attorney application to court as Subdiv. (3), amending redesignated Subdiv. (3) by adding reference to delinquency proceeding, and making conforming changes. Section to be used to secure testimony for prosecution; as there is no other statutory authority granting immunity, there is no basis for granting immunity to witness for the defense. 170 C. 206. Cited. 172 C. 542, 561. Assistant state's attorney has authority pursuant to this section, in conjunction with Sec. 51-278, to make applications for immunity grants. 174 C. 16. One who has been granted immunity is not incompetent witness, although fact of immunity may bear upon weight given testimony of witness granted immunity. Id., 287. Cited. 191 C. 670; 201 C. 559; 202 C. 541; 204 C. 259. Defendant lacks standing to challenge procedure by which a witness has been immunized. 206 C. 203. Cited. 207 C. 98; 213 C. 66; 221 C. 625. A grant of immunity pursuant to section includes both use immunity and transactional immunity. 298 C. 404. Cited. 16 CA 679; 17 CA 395; 20 CA 447; 33 CA 521. In the absence of special circumstances, once the state grants immunity under section, it lacks the power to revoke that immunity. 168 CA 847; judgment affirmed, see 334 C. 431. Grant of immunity from prosecution for any perjury witness may commit while testifying is improper and in violation of public policy. 188 CA 813. Cited. 45 CS 1.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-47aa. - Ex parte order to compel disclosure of or direct application to carrier or provider for certain telephone and Internet records.

(a) For the purposes of this section: (1) "Basic subscriber information" means: (A) Name, (B) address, (C) local and long distance telephone connection records or records of session times and durations, (D) length of service, including start date, and types of services utilized, (E) telephone or instrument number or other subscriber number or identity, including any assigned Internet protocol address, and (F) means and source of payment for such service, including any credit card or bank account number; (2) "Call-identifying information" means dialing or signaling information that identifies the origin, direction, destination or termination of each communication generated or received by a subscriber or customer, excluding geo-location data, by means of any equipment, facility or service of a telecommunications carrier; (3) "Cell site simulator device" means a device that transmits or receives radio

waves for the purpose of conducting one or more of the following operations: (A) Identifying, locating or tracking the movements of a communications device, (B) intercepting, obtaining, accessing or forwarding the communications, stored data or metadata of a communications device, (C) affecting the hardware or software operations or functions of a communications device, (D) forcing transmissions from, or connections to, a communications device, (E) denying a communications device access to other communications devices, communications protocols or services, or (F) spoofing or simulating a communications device, cell tower, cell site or service. "Cell site simulator device" includes, but is not limited to, an international mobile subscriber identity catcher or other invasive cell phone or telephone surveillance or eavesdropping device that mimics a cell phone tower and sends out signals to cause cell phones in the area to transmit their locations, identifying information and communications content, or a passive interception device or digital analyzer that does not send signals to a communications device under surveillance. "Cell site simulator device" does not include any device used or installed by an electric distribution company, as defined in section 16-1, solely to the extent that such device is used by the electric distribution company to measure electrical usage, to provide services to customers or to operate the electric grid; (4) "Electronic communication service" means "electronic communication service" as defined in 18 USC 2510, as amended from time to time; (5) "Exigent circumstance" means an emergency involving danger of serious physical injury to or death of a person; (6) "Geo-location data" means information concerning the location of an electronic device, including the real-time and historical location of the device, that, in whole or in part, is generated by, derived from or obtained by the operation of an electronic device, including, but not limited to, a cellular telephone surveillance device and a cell site simulator device; (7) "Law enforcement official" means the Chief State's Attorney, a state's attorney, an inspector with the Division of Criminal Justice, a sworn member of the Division of State Police within the Department of Emergency Services and Public Protection or a sworn member of an organized local police department; (8) "Remote computing service" means "remote computing service" as defined in section 18 USC 2711, as amended from time to time; and (9) "Telecommunications carrier" means "telecommunications carrier" as defined in 47 USC 1001, as amended from time to time. (b) A law enforcement official may apply for an ex parte order from a judge of the Superior Court to compel (1) a telecommunications carrier to disclose call-identifying information pertaining to a subscriber or customer, (2) a provider of electronic communication service or remote computing service to disclose basic subscriber information pertaining to a subscriber or customer, or (3) a telecommunications carrier or a provider of electronic communication service or remote computing service to disclose the content of a subscriber's or customer's communications or geo-location data associated with a subscriber's or customer's call-identifying information. In the case of an application for an order to compel disclosure under subdivision (1) or (2) of this subsection, the judge shall grant such order if the law enforcement official swears under oath to a statement of a reasonable and articulable suspicion that a crime has been or is being committed and such call-identifying or basic subscriber information is relevant and material to an ongoing criminal investigation. In the case of an application for an order to compel disclosure under subdivision (3) of this subsection, if the judge makes a finding of probable cause to believe that a crime has been or is being committed and the content of such subscriber's or customer's communications or the geo-location data associated with such subscriber's or customer's call-identifying information is relevant and material to an ongoing criminal investigation, the judge shall grant such order authorizing the disclosure of such information, content or geo-location data. Any order entered pursuant to this subsection shall state upon its face the case number assigned to such investigation, the date and time of issuance and the name of the judge authorizing the order. The law enforcement official shall have any ex parte order issued pursuant to this subsection signed by the authorizing judge within forty-eight hours or not later than the next business day, whichever is earlier. No order pursuant to this subsection shall authorize the disclosure of any such information, content or data for a period in excess of fourteen days. (c) (1) Except as provided in subdivision (2) of this subsection, a law enforcement official shall not install or otherwise use a cell site simulator device to obtain geo-location data unless such official has obtained an order from a judge of the Superior Court, pursuant to this subsection, that permits such installation or use. A law enforcement official may apply for an ex parte order from a judge of the Superior Court allowing the installation and use of a cell site simulator device to obtain geo-location data. The judge shall grant such order if the law enforcement official swears in a statement under oath that there is probable cause to believe that a crime has been or is being committed and the geo-location data associated with a subscriber's or customer's call-identifying information is relevant and material to an ongoing criminal investigation, in which case such order shall authorize the installation or use of a cell site simulator device to obtain geo-location data. Any order entered pursuant to this subdivision shall state upon its face the case number assigned to such investigation, the date and time of issuance of the order and the name of the judge authorizing the order. The law enforcement official shall have any ex parte order issued pursuant to this subdivision signed by the authorizing judge within forty-eight hours or not later than the next business day, whichever is earlier. No order issued pursuant to this subdivision shall authorize the installation of cell site simulator device to obtain geo-location data for a period in excess of fourteen days. (2) A law enforcement official may install and use a cell site simulator device to obtain geo-location data without an ex parte order for a period of time not exceeding forty-eight hours when (A) facts exist upon which to base a belief that the geo-location data is relevant and material to an ongoing criminal investigation; (B) the law enforcement official believes that exigent circumstances exist; and (C) the facts support the law enforcement official's belief that exigent circumstances exist. If the law enforcement official seeks to install and use a cell site simulator device to obtain geo-location data relating to the same criminal investigation for a period of time exceeding forty-eight hours, such official shall apply for an ex parte order in accordance with the provisions of subdivision (1) of this subsection. In addition, the law enforcement official shall file as part of the application, a statement under oath attesting to the facts and beliefs concerning the exigent circumstances that existed and supported the use of the cell site simulator device for a period of time not exceeding forty-eight hours. The law enforcement official shall include in such statement the date and time of use of the cell site simulator device. (d) A

law enforcement official may apply directly to a telecommunications carrier or provider of electronic communication service or remote computing service for production of geo-location data for a period not in excess of forty-eight hours, including real-time or historical geo-location data, or any combination of such data, pertaining to an identified subscriber or customer. The telecommunications carrier or provider of electronic telecommunication service or remote computing service may provide the requested geo-location data upon the applicant stating under oath: (1) That facts exist upon which to base a belief that the data sought is relevant and material to an ongoing criminal investigation; (2) a belief that exigent circumstances exist; and (3) the facts supporting the belief that exigent circumstances exist. Any subsequent application for information from the same telecommunication carrier or provider of electronic communication service or remote computing service for production of geo-location data in connection with the same investigation shall be made pursuant to subsection (b) of this section. (e) Whenever an order is issued pursuant to subsection (b) of this section, a telecommunications carrier shall disclose to the appropriate law enforcement official call-identifying information or the content of a subscriber's or customer's communications or geo-location data, and a provider of electronic communication service or remote computing service shall disclose to the appropriate law enforcement official basic subscriber information or the content of a subscriber's or customer's communications or geo-location data, as directed by the order. (f) Not later than forty-eight hours after the issuance of an order pursuant to subsection (b) of this section, the law enforcement official shall mail notice of the issuance of such order to the subscriber or customer whose call-identifying information, communications data or geo-location data or basic subscriber information is the subject of such order, except that such notification may be delayed for a period of up to ninety days upon the execution of a written certification of such official to the judge who authorized the order that there is reason to believe that notification of the existence of the order may result in (1) endangering the life or physical safety of an individual, (2) flight from prosecution, (3) destruction of or tampering with evidence, (4) intimidation of potential witnesses, or (5) otherwise seriously jeopardizing the investigation. The law enforcement official shall maintain a true copy of such certification. During such ninety-day period, the law enforcement official may request the court to extend such period of delayed notification. Such period may be extended beyond ninety days only upon approval of the court. The applicant shall file a copy of the notice with the clerk of the court for the geographical area within which any person who may be arrested in connection with or subsequent to the execution of the order would be presented, and such notice shall include the case number assigned to such investigation pursuant to subsection (b) of this section. If information is provided in response to the order, the applicant shall, not later than ten days after receiving such information, file with the clerk a return containing an inventory of the information received. Such return and inventory shall include the case number assigned to such investigation pursuant to subsection (b) of this section, and such return and inventory shall remain sealed until the copy of the notice is filed with the clerk pursuant to this section. If a judge finds there is a significant likelihood that such notification would seriously jeopardize the investigation and issues an order authorizing delayed notification under this subsection, the telecommunications carrier or provider of electronic communication service or remote computing service from whom the call-identifying information, communications data, geo-location data or basic subscriber information is sought shall not notify any person, other than legal counsel for the telecommunications carrier or provider of electronic communication service or remote computing service and the law enforcement official that requested the ex parte order, of the existence of the ex parte order. Any information provided in response to the court order shall be disclosed to the defense counsel. (g) A telecommunications carrier or provider of electronic communication service or remote computing service that provides information pursuant to an order issued pursuant to subsection (b) of this section or pursuant to an application made pursuant to subsection (d) of this section shall be compensated for the reasonable expenses incurred in providing such information. (h) Any telecommunications carrier or provider of electronic communication service or remote computing service that provides information pursuant to an order issued pursuant to subsection (b) of this section or an application made pursuant to subsection (d) of this section shall be afforded the legal protections provided under 18 USC 3124, as amended from time to time, with regard to such actions. (i) No information obtained pursuant to subsections (b) to (d), inclusive, of this section shall be retained for a period in excess of fourteen days, unless such information relates to an ongoing criminal investigation. Any information provided pursuant to subsections (b) to (d), inclusive, of this section shall be disclosed to the defense counsel. (j) Not later than January fifteenth of each year, each law enforcement official shall report to the Chief State's Attorney the information required by this subsection with respect to each order issued pursuant to subsections (b) and (c) of this section and each application made pursuant to subsection (d) of this section in the preceding calendar year. The Chief State's Attorney shall, based upon the reports filed by each law enforcement official and not later than January thirty-first of each year, submit a report, in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to criminal law and procedure concerning orders issued pursuant to subsections (b) and (c) of this section and applications made pursuant to subsection (d) of this section in the preceding calendar year. The report shall include the following information: (1) The number of orders issued pursuant to subsections (b) and (c) of this subsection and the number of applications submitted to telecommunications carriers or providers of electronic communication service or remote computing service pursuant to subsection (d) of this section, (2) whether the order was directed to a telecommunications carrier, provider of electronic communication service or provider of remote computing service, (3) whether the information sought was call-identifying information or basic subscriber information, (4) the statutory offense or offenses that were the subject of the investigation, (5) the number of notifications that were delayed pursuant to subsection (f) of this section, and the reason for such delayed notification, (6) the number of motions to vacate an order that were filed, and the number of motions granted or denied, (7) the number of investigations concluded and the final result of such investigations, and (8) the status of any criminal prosecution resulting from the investigation. (P.A. 05-182, S. 1, 2; P.A. 11-51, S. 134; P.A. 16-148, S. 1; P.A. 17-216, S. 4; 17-221, S. 2.) History: Pursuant to P.A. 11-51, "Department of Public Safety" was changed editorially by the Revisors

to “Department of Emergency Services and Public Protection” in Subsec. (a)(4), effective July 1, 2011; P.A. 16-148 amended Subsec. (a) by redefining “call-identifying information” in Subdiv. (2), adding new Subdiv. (4) defining “exigent circumstance”, adding new Subdiv. (5) defining “geo-location data” and redesignating existing Subdivs. (4) to (6) as Subdivs. (6) to (8), amended Subsec. (b) by replacing “may request an ex parte order” with “may apply for an ex parte order”, adding Subdiv. (3) re disclosure of content of subscriber's or customer's communications or geo-location data, replacing “law enforcement official states a reasonable and articulable suspicion” with “law enforcement official swears under oath to a statement of (A) a reasonable and articulable suspicion”, deleting reference to exigent circumstances, adding provisions re disclosure of content of communication or geo-location data not authorized, adding Subpara. (B) re probable cause to believe that crime has been or is being committed and content of subscriber's or customer's communications or geo-location data is relevant and material to ongoing criminal investigation, and adding provision re no order to authorize disclosure of information, content or data for a period in excess of 14 days, added new Subsec. (c) re law enforcement official may apply directly to telecommunications carrier or provider of electronic communication service or remote computing service for production of geo-location data, redesignated existing Subsecs. (c) to (f) as Subsecs. (d) to (g), amended redesignated Subsec. (e) by adding provisions re applicant to file copy of notice with clerk of court that issued order and re disclosure of information to defense counsel, amended redesignated Subsecs. (f) and (g) by adding references to application made pursuant to Subsec. (c), added Subsec. (h) re retention of information and disclosure of information to defense counsel, redesignated existing Subsec. (g) as Subsec. (i) and amended same by adding references to application made pursuant to Subsec. (c) and, in Subdiv. (1), adding provision re number of applications submitted, and made technical and conforming changes; P.A. 17-216 amended Subsec. (b) to add references to application for order to compel disclosure, delete Subpara. (A) and (B) designators, amended Subsec. (d) to add provisions re order issued pursuant to Subsec. (b) and content of subscriber's or customer's communications or geo-location data and references to appropriate law enforcement official, amended Subsec. (e) to add reference to communications data or geo-location data and replace provision re notice to be filed with clerk of court that issued order with provision re notice to be filed with clerk of court for geographical area within which person who may be arrested would be presented, and add provisions re notice to include case number assigned to investigation and return and inventory to include case number assigned to investigation and to remain sealed until notice is filed with clerk, and made technical and conforming changes; P.A. 17-221 amended Subsec. (a) to add new Subdiv. (3) defining “cell site simulator device”, redesignate existing Subdivs. (3) to (8) as Subdivs. (4) to (9) and add reference to cell site simulator device in redesignated Subdiv. (6), added new Subsec. (c) re installation or use of cell site simulator device, redesignated existing Subsecs. (c) to (i) as Subsecs. (d) to (j), and made conforming changes. Suppression of evidence obtained in violation of section is available as a remedy. 331 C. 258. There is nothing in section to suggest that defendant is to receive notice re a third party's phone records; the fact that victim's phone records show that she received calls from defendant does not, in itself, make notice provisions of Subsec. (d) applicable. 161 CA 10.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-47b. - Investigatory grand jury. Definitions.

For the purposes of sections 54-47a to 54-47h, inclusive: (1) “Applicant” means any judge of the Superior Court, Appellate Court or Supreme Court, the Chief State's Attorney or a state's attorney who makes an application to a panel of judges for an investigation into the commission of a crime or crimes. (2) “Crime or crimes” means (A) any crime or crimes involving corruption in the executive, legislative or judicial branch of state government or in the government of any political subdivision of the state, (B) fraud by a vendor of goods or services in the medical assistance program under Title XIX of the Social Security Act Amendments of 1965, as amended, (C) any violation of chapter 949c, (D) any violation of the election laws of the state, (E) any felony involving the unlawful use or threatened use of physical force or violence committed with the intent to intimidate or coerce the civilian population or a unit of government, and (F) any other class A, B or C felony or any unclassified felony punishable by a term of imprisonment in excess of five years for which the Chief State's Attorney or state's attorney demonstrates that he or she has no other means of obtaining sufficient information as to whether a crime has been committed or the identity of the person or persons who may have committed a crime. (3) “Investigatory grand jury” means a judge, constitutional state referee or any three judges of the Superior Court, other than a judge designated by the Chief Justice to serve on the panel, appointed by the Chief Court Administrator to conduct an investigation into the commission of a crime or crimes. (4) “Panel of judges” or “panel” means a panel of three Superior Court judges designated by the Chief Justice of the Supreme Court from time to time to receive applications for investigations into the commission of crimes in accordance with the provisions of sections 54-47a to 54-47h, inclusive, one of whom may be the Chief Court Administrator. (P.A. 85-611, S. 1; P.A. 87-350, S. 1, 6; P.A. 02-97, S. 11.) History: P.A. 87-350 added any violation of the election laws of the state or any unclassified felony punishable by a term of imprisonment in excess of five years to definition of “crime or crimes”, added “or state's attorney” after “chief states attorney” and added “or the identity of the person or persons who may have committed a crime”; P.A. 02-97 amended definition of “crime or crimes” in Subdiv. (2) by adding new Subpara. (E) re any felony involving the unlawful use or threatened use of physical force or violence committed with the intent to intimidate or coerce the civilian population or a unit of government, redesignating former Subpara. (E) as Subpara. (F) and making a technical change for purposes of gender neutrality. Cited. 202 C. 541; 204 C. 259; 207 C. 98; 213 C. 66; 221 C. 625. Cited. 16 CA 679; 17 CA 395; 20 CA 447. Cited. 45 CS 1.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-47c. - Application for investigation into commission of crime.

(a) Any judge of the Superior Court, Appellate Court or Supreme Court, the Chief State's Attorney or a state's attorney may make application to a panel of judges for an investigation into the commission of a crime or crimes whenever such applicant has reasonable belief that the administration of justice requires an investigation to determine whether or not there is probable cause to believe that a crime or crimes have been committed. (b) Each application for an investigation into the commission of a crime or crimes shall be made in writing upon oath or affirmation to a panel of judges. Each application shall include the following information: (1) The identity of the applicant and his authority to make such application; (2) a full and complete statement of the facts and circumstances relied upon by the applicant to justify his reasonable belief that the investigation will lead to a finding of probable cause that a crime or crimes have been committed; and (3) a full and complete statement of the facts concerning all previous applications known to the applicant, made to any panel of judges, for investigation of any one or more of the same criminal offenses involving any of the same persons specified in the application, including the action taken by the panel on each such application. The panel of judges may require such additional testimony or documentary evidence in support of facts in the application as it deems necessary. Such additional testimony shall be transcribed. (c) If the application is made by the Chief State's Attorney or a state's attorney, it shall also include (1) a full and complete statement of the status of the investigation and of the evidence collected as of the date of such application, (2) if other normal investigative procedures have been tried with respect to the alleged crime, a full and complete statement specifying the other normal investigative procedures that have been tried and the reasons such procedures have failed or the specific nature of the alleged crime or the nature of the investigation that leads the applicant to reasonably conclude that the use of normal investigative procedures would not result in the obtaining of information that would advance the investigation or would fail to secure and preserve evidence or testimony that might otherwise be compromised, (3) if other normal investigative procedures have not been tried, a full and complete statement of the reasons such procedures reasonably appear to be unlikely to succeed if tried or be too dangerous to employ, and (4) a full and complete statement of the reasons for the applicant's belief that the appointment of an investigatory grand jury and the investigative procedures employed by such investigatory grand jury will lead to a finding of probable cause that a crime or crimes have been committed. (d) The panel may approve the application and order an investigation into the commission of a crime or crimes if it finds that (1) the administration of justice requires an investigation to determine whether or not there is probable cause to believe that a crime or crimes have been committed, (2) if the application was made by the Chief State's Attorney or a state's attorney, other normal investigative procedures with respect to the alleged crime have been tried and have failed or reasonably appear to be unlikely to succeed if tried or be too dangerous to employ or, due to the specific nature of the alleged crime or the nature of the investigation, it is reasonable to conclude that the use of normal investigative procedures would not result in the obtaining of information that would advance the investigation or would fail to secure and preserve evidence or testimony that might otherwise be compromised, and (3) the investigative procedures employed by an investigatory grand jury appear likely to succeed in determining whether or not there is probable cause to believe that a crime or crimes have been committed. (P.A. 85-611, S. 2; P.A. 87-350, S. 2, 6; P.A. 98-48, S. 2; P.A. 03-273, S. 1.) History: P.A. 87-350 added provision re transcription of additional testimony; P.A. 98-48 designated provisions of Subsec. (b) re requirements of an application made by the Chief State's Attorney or a state's attorney as new Subsec. (c), amended said Subsec. (c) to designate provisions re the use of other normal investigative procedures as Subdivs. (2) and (3) and rephrase said provisions, add Subdiv. (1) requiring a statement of the status of the investigation and of the evidence collected as of the date of the application and add Subdiv. (4) requiring a statement of the reasons for the applicant's belief that the appointment of an investigatory grand jury and the investigative procedures employed by such grand jury will lead to a finding of probable cause that a crime or crimes have been committed, and added new Subsec. (d) authorizing the panel to approve the application and order an investigation if it makes certain findings and specifying said findings; P.A. 03-273 amended Subsec. (c)(2) to add provision re statement that specifies the specific nature of the alleged crime or the nature of the investigation that leads the applicant to reasonably conclude that the use of normal investigative procedures would not result in the obtaining of information that would advance the investigation or would fail to secure and preserve evidence or testimony that might otherwise be compromised and amended Subsec. (d)(2) to add provision re finding that, due to the specific nature of the alleged crime or the nature of the investigation, it is reasonable to conclude that the use of normal investigative procedures would not result in the obtaining of information that would advance the investigation or would fail to secure and preserve evidence or testimony that might otherwise be compromised. Cited. 202 C. 541; 204 C. 259; 206 C. 203; 207 C. 98; 213 C. 66; 221 C. 625; 224 C. 29. Cited. 16 CA 679; 17 CA 395; 20 CA 447. Cited. 45 CS 1.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-47d. - Appointment of investigatory grand jury. Duration and scope of investigation.

(a) If the panel approves the application and orders an investigation into the commission of a crime or crimes, the Chief Court Administrator shall (1) appoint an investigatory grand jury to conduct the investigation, and (2) designate the court location in the judicial district where any motions to quash and any contempt proceedings shall be heard and any findings and records of the investigation shall be filed. (b) Each order authorizing the investigation into the commission of a crime or crimes by the panel shall specify: (1) The date of issuance of the order, (2) the period of time within which the investigation is to be conducted, provided in no event shall the investigation be longer than six months from the date the Chief Court Administrator appoints the investigatory grand jury to conduct the investigation, unless an application for an extension of time is filed and granted pursuant to subsection (c) of this section, (3) the scope of the investigation, and (4) the panel's reasons for finding that (A) the administration of justice requires an investigation to determine whether or not there is probable cause to believe that a crime or crimes have been committed, (B) if

the application was made by the Chief State's Attorney or a state's attorney, other normal investigative procedures with respect to the alleged crime have been tried and have failed or reasonably appear to be unlikely to succeed if tried or be too dangerous to employ, or, due to the specific nature of the alleged crime or the nature of the investigation, it is reasonable to conclude that the use of normal investigative procedures would not result in the obtaining of information that would advance the investigation or would fail to secure and preserve evidence or testimony that might otherwise be compromised, and (C) the investigative procedures employed by the investigatory grand jury appear likely to succeed in determining whether or not there is probable cause to believe that a crime or crimes have been committed. The panel shall retain a copy of the order and the original application and shall transmit to the investigatory grand jury, appointed pursuant to subsection (a) of this section, the original order and a copy of the application filed with the panel. (c) The investigatory grand jury may make an application to the panel of judges for an extension of time within which to conduct its investigation or for an amendment to the scope of its investigation. The application for extension or amendment shall set forth the reasons for the necessity of such extension or amendment. No more than two extensions or amendments of an order may be granted by the issuing panel. The period of any extension shall be no longer than the panel deems necessary to achieve the purposes for which it was granted and in no event shall any extension be for a period longer than six months. (P.A. 85-611, S. 3; P.A. 87-350, S. 3, 6; P.A. 98-48, S. 3; P.A. 03-273, S. 2.) History: P.A. 87-350 made technical changes in Subsec. (a) and deleted provision in Subsec. (c) requiring extension or amendment to contain the findings thus far made; P.A. 98-48 amended Subsec. (b)(4) to insert Subpara. indicators and add Subpara. (B) re the panel's reasons for finding that other normal investigative procedures have failed or are unlikely to succeed if tried or be too dangerous to employ and Subpara. (C) re the panel's reasons for finding that the investigative procedures employed by the investigatory grand jury appear likely to succeed in determining whether or not there is probable cause to believe that a crime or crimes have been committed; P.A. 03-273 made a technical change in Subsec. (a) and amended Subsec. (b)(4)(B) to add provision re finding that due to the specific nature of the alleged crime or the nature of the investigation, it is reasonable to conclude that the use of normal investigative procedures would not result in the obtaining of information that would advance the investigation or would fail to secure and preserve evidence or testimony that might otherwise be compromised. Cited. 202 C. 541; 204 C. 259; 206 C. 203; 207 C. 98; 213 C. 66; 221 C. 625. Cited. 16 CA 679; 17 CA 395; 20 CA 447. An application and order transmitted by an investigatory grand jury panel pursuant to Subsec. (b) are part of the record of the investigatory grand jury. 104 CA 398; judgment reversed, see 293 C. 247. Cited. 45 CS 1.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-47e. - Sealing of order and application. Summary of scope of investigation. Disclosure.

Any order authorizing the investigation into the commission of a crime or crimes and any application filed with the panel pursuant to section 54-47c or subsection (c) of section 54-47d shall be sealed. The panel shall submit to the Chief Court Administrator a summary of the scope of the investigation, any recommendation as to the court location at which any motions to quash and any contempt proceedings are to be heard and the finding and record of the investigation are to be filed. Such summary shall be public unless the panel determines, by majority vote, that such summary be sealed for purposes of (1) ensuring the public safety of any individual, (2) ensuring that the investigation would not be adversely affected or (3) complying with other provisions of the general statutes or rules of court which prohibit disclosure of such information. Any investigation by the investigatory grand jury shall be conducted in private, provided the panel, by a majority vote, may order the investigation or any portion thereof to be public when such disclosure or order is deemed by the panel to be in the public interest. (P.A. 85-611, S. 4; P.A. 88-345, S. 2, 3.) History: P.A. 88-345 deleted former provisions re discretionary disclosure of fact that matter has been referred to the grand jury and added provisions re submission by panel of summary of scope of investigation, recommendation as to court location and disclosure of such summary, effective June 7, 1988, and applicable to findings filed on or after June 7, 1988. Cited. 202 C. 541; 204 C. 259. Does not apply to disclosure of material accumulated by grand jury investigation convened under authority of repealed Sec. 54-47. 207 C. 98. Cited. 213 C. 66; 221 C. 625. Legislature has vested the grand jury and the panel with discretion to disclose evidence gathered as a result of a grand jury investigation, however section is intended to remove such discretion with respect to the application for investigatory grand jury and the panel's order. 293 C. 247. Cited. 16 CA 679; 17 CA 395; 20 CA 447. Application for investigatory grand jury and panel's order thereon must be sealed at onset of investigation and remain sealed unless, after investigation and filing of finding and record of investigatory grand jury, a majority of panel deems their disclosure to be in public interest. 104 CA 398; judgment reversed, see 293 C. 247. Cited. 45 CS 1.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-47f. - Conduct of investigation. Testimony of witnesses.

(a) The investigatory grand jury, in conducting the investigation, may (1) seek the assistance of the Chief State's Attorney or state's attorney who filed the application, or his designee, (2) appoint an attorney to provide assistance if a judge of the Superior Court, Appellate Court or Supreme Court filed the application or (3) appoint any other attorney to provide assistance when necessary in the interest of justice. (b) The attendance of witnesses and the production of documents at such investigation may be compelled by subpoena, signed by any official authorized to issue such process. (c) If any witness properly summoned fails to appear or to produce any documents included in the subpoena, or if he fails to answer any proper question, the investigatory grand jury conducting the investigation may report the matter to the state's attorney for the judicial district which has been designated in subsection (a) of section 54-47d unless such state's attorney is the applicant or has been appointed to assist in such investigation, in which case the investigatory grand jury shall report the matter to the Chief State's Attorney, and such state's attorney or Chief State's

Attorney, as the case may be, may file a complaint setting forth the facts at any criminal session of the superior court in such judicial district. The court shall thereupon issue a citation to the witness to appear before the court and show cause why he should not be punished as for a contempt, and if, after hearing, the court finds that he failed to appear without due cause or failed to produce any document properly to be presented to the investigatory grand jury or failed to answer any proper question in the course of the investigation, it may punish him as it might a witness failing to appear, to produce a document properly to be considered or to answer a proper question before the court. (d) Witnesses may be examined by the investigatory grand jury conducting the investigation or by any attorney or attorneys appointed by such investigatory grand jury for such purpose. At the hearing, the official conducting the investigation shall inform the witness that he has the right to have counsel present and to consult with such counsel. (e) The official conducting the investigation shall inform any witness who is a target of the investigation that he is a target and shall advise him that he has the right under the Constitution of the United States and the Constitution of Connecticut not to be compelled to be a witness, or to give evidence, against himself. (f) Any attorney appointed to assist in conducting the investigation shall disclose to the investigatory grand jury any exculpatory information or material in his possession, custody or control concerning any person who is a target of the investigation. (g) An official stenographer of the Superior Court or his assistant shall record any testimony taken at the investigation. (P.A. 85-611, S. 5; P.A. 01-84, S. 24, 26.) History: P.A. 01-84 made a technical change in Subsec. (b), effective July 1, 2001. Cited. 202 C. 541; 204 C. 259; 207 C. 98; 213 C. 66; 221 C. 625. Cited. 16 CA 679; 17 CA 395; 20 CA 447. Cited. 45 CS 1.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-47g. - Finding and record of investigation. Disclosure. Hearing. Access to testimony.

(a) Within sixty days of the conclusion of the investigation, the investigatory grand jury conducting such investigation shall file its finding with the court of the judicial district designated by the Chief Court Administrator pursuant to subsection (a) of section 54-47d, and shall file a copy of its finding with the panel and with the Chief State's Attorney or a state's attorney if such Chief State's Attorney or state's attorney made application for the investigation. The stenographer shall file any record of the investigation with the court of the judicial district designated by the Chief Court Administrator pursuant to subsection (a) of section 54-47d and the panel and the Chief State's Attorney or a state's attorney, if such Chief State's Attorney or state's attorney made application for the investigation, shall have access to such record upon request made to the clerk of the court without a hearing. Such finding shall state whether or not there is probable cause to believe that a crime or crimes have been committed. Except as otherwise provided in this section, any part of the record of the investigation not disclosed with the finding pursuant to subsection (b) of this section shall be sealed, provided any person may file an application with the panel for disclosure of any such part of the record. Upon receipt of such application, the panel shall, after notice, hold a hearing and the panel, by a majority vote, may disclose any such part of the record when such disclosure is deemed by the panel to be in the public interest, except that no part of the record shall be disclosed which contains allegations of the commission of a crime by an individual if the investigatory grand jury failed to find probable cause that such individual committed such crime unless such individual requests the release of such part of the record. Any person aggrieved by an order of the panel shall have the right to appeal such order by filing a petition for review with the Appellate Court within seventy-two hours from the issuance of such order. (b) The finding of the investigation shall be open to public inspection and copying at the court where it has been filed seven calendar days after it has been filed, unless within that period the Chief State's Attorney or a state's attorney with whom the finding was filed files a motion with the investigatory grand jury requesting that a part or all of such finding not be so disclosed. The finding may include all or such part of the record as the investigatory grand jury may determine, except that no part of the record shall be disclosed which contains allegations of the commission of a crime by an individual if the investigatory grand jury failed to find probable cause that such individual committed such crime unless such individual requests the release of such part of the record. In such event as much of the finding as has not been sought to be withheld from disclosure shall be disclosed promptly upon the expiration of said seven-calendar-day period. (c) Within fifteen calendar days of the filing of such motion, the investigatory grand jury shall conduct a hearing. The investigatory grand jury shall give written notice of such hearing to the person filing such motion and any other person the investigatory grand jury deems to be an interested party to the proceedings, which may include, but not be limited to, persons who testified or were the subject of testimony before the investigatory grand jury. Within five calendar days of the conclusion of the hearing, the investigatory grand jury shall render its decision, and shall send copies thereof to all those to whom it gave notice of the hearing. It shall deny any such motion unless it makes specific findings of fact on the record that there is a substantial probability that one of the following interests will be prejudiced by publicity that nondisclosure would prevent, and that reasonable alternatives to nondisclosure cannot adequately protect that interest: (1) The right of a person to a fair trial; (2) the prevention of potential defendants from fleeing; (3) the prevention of subornation of perjury or tampering with witnesses; or (4) the protection of the lives and reputations of innocent persons which would be significantly damaged by the release of uncorroborated information. Any order of nondisclosure shall be drawn to protect the interest so found. (d) Any person aggrieved by an order of the investigatory grand jury shall have the right to appeal such order by filing a petition for review with the Appellate Court within seventy-two hours from issuance of such order. (e) The Appellate Court shall provide an expedited hearing on such petition in accordance with such rules as the judges of the Appellate Court may adopt, consistent with the rights of the petitioner and the parties. (f) Notwithstanding the existence of an order of nondisclosure under this section, any witness may apply in writing to the presiding judge of the criminal session of the court of the judicial district wherein the record of the investigation has been filed, or his designee, for access to and a copy of the record of his own testimony. Any witness shall be allowed access, at all reasonable times, to the record of his own testimony and be allowed to

obtain a copy of such record unless said judge or his designee finds after a hearing and for good cause shown that it is not in the best interest of justice to allow the witness to have access to and a copy of the record of his testimony. (g) Notwithstanding the existence of an order of nondisclosure under this section, the presiding judge of the criminal session of the court of the judicial district wherein the record of the investigation has been filed, or his designee, shall grant any written request of a person accused of a crime as a result of the investigation to have access, at all reasonable times, to the record of his own testimony and to obtain a copy of such record. (P.A. 85-611, S. 6; P.A. 87-350, S. 5, 6; P.A. 88-148; 88-345, S. 1, 3; P.A. 05-288, S. 185.) History: P.A. 87-350 added provisions re duty of stenographer to file copies of finding and record of investigation, application of witness to presiding judge for access to record of investigation, right of witness to access at all reasonable times to access of record of own testimony and granting written request by person accused of crime as result of investigation to access of record of own testimony; P.A. 88-148 amended Subsec. (b) to authorize any witness to apply for and, unless the presiding judge or his designee disallows it, to obtain a copy of the record of his own testimony, and amended Subsec. (c) to require the presiding judge or his designee to grant the written request of a person accused of a crime as a result of the investigation to obtain a copy of the record of his own testimony; P.A. 88-345 amended Subsec. (a) to permit person to make application to panel for disclosure of record and panel to disclose any part of the record, except such part which contains allegations re individual if grand jury failed to find probable cause and re right of appeal within 72 hours of order, and added new provisions as Subsecs. (b) to (e), inclusive, re disclosure of finding, hearing on motion for nondisclosure, specific findings of fact necessary for granting such motion, right of appeal of order of grand jury and expedited hearing on petition by appellate court, relettering prior provisions accordingly, effective June 7, 1988, and applicable to findings filed on or after June 7, 1988; P.A. 05-288 made a technical change in Subsec. (a), effective July 13, 2005. Cited. 202 C. 541; 204 C. 259; 207 C. 98; 213 C. 66; 219 C. 905; 221 C. 625. State's right of access to testimony of grand jury witness includes right to use that testimony in its case-in-chief in subsequent criminal prosecution of that witness; to the extent that trial court's ruling is predicated on grand juror's order of secrecy, it lacks support in record because defendant never established that he relied to his detriment on grand juror's order of secrecy. 250 C. 188. Order and application are not part of the record of the grand jury investigation and must be sealed pursuant to Sec. 54-47e since the legislature did not vest the grand jury or panel with discretion to make public disclosure of order and application. 293 C. 247. Cited. 16 CA 679; 17 CA 395; 19 CA 230. Cited. 45 CS 1. Subsec. (a): Cited. 222 C. 331; 229 C. 178. Initial determination of "public interest" left to grand jury panel. 20 CA 447. Cited. 43 CA 851. Because prosecution has right of access under statute to record of testimony from investigatory grand jury proceedings, it could provide to defendants, without request for hearing, those categories of materials normally subject to disclosure in criminal cases, as such disclosure is very much part of prosecutorial function, although disclosure must be only for purpose of pending criminal case and any discovery ordered by trial court pursuant to defense request should be accompanied by protective order. 50 CS 23. Subsec. (c): Legislature intended for grand jury to have discretion as to whether to grant a motion to seal its report if there was a substantial probability that information in the report would prejudice a person's right to a fair trial to a degree that is more than de minimis and that the prejudice could be prevented by nondisclosure; "reasonable alternatives" portion requires grand jury to consider alternatives to nondisclosure when the alternatives would protect the enumerated interests in the first instance, but does not require grand jury to injure an enumerated interest through disclosure and then craft remedies to cure that injury; "innocent persons" does not include persons who have been arrested as the result of grand jury's finding of probable cause. 293 C. 464.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-47h. - Report.

In January of each year, the panel of judges appointed pursuant to section 54-47b shall report to the Chief Court Administrator, who shall in turn report to the Chief Justice, Governor and General Assembly, the following information with respect to applications made during the preceding calendar year: (1) The number of applications for an investigation into the commission of a crime or crimes filed with the panel; (2) the number of applications approved by the panel; and (3) the number of applications approved for extensions of time or amendments to the order. (P.A. 85-611, S. 7.) Cited. 202 C. 541; 204 C. 259; 207 C. 98; 213 C. 66. Appellate review under section must be forwarded on an action brought to the trial court; there was no basis for appeal from determinations of grand jury panel before effective date of P.A. 88-345, i.e. June 7, 1988. 221 C. 625. Cited. 16 CA 679; 17 CA 395; 20 CA 447. Cited. 45 CS 1.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-47i. - Authority of investigation ordered prior to October 1, 1985.

(a) The authority of any judge, state referee or three judges of the Superior Court to conduct an inquiry to determine whether or not there is probable cause to believe that a crime or crimes have been committed, where such inquiry was ordered prior to October 1, 1985, in accordance with section 54-47 of the general statutes, revision of 1958, revised to January 1, 1985, shall continue until the conclusion of such inquiry and a final report has been filed with the court pursuant to said section, and any action taken or caused to be taken by such judge, state referee or three judges of the Superior Court pursuant to such inquiry, otherwise valid, shall be valid notwithstanding that such action was or is taken or caused to be taken on or after October 1, 1985, and any evidence obtained pursuant to such inquiry, otherwise admissible, shall be admissible in any criminal prosecution of a person accused as a result of such inquiry notwithstanding that such evidence was or is obtained on or after October 1, 1985. (b) The appointment of any judge or referee after October 1, 1985, to replace a judge or referee ordered to conduct an inquiry to determine whether or not probable cause to believe that a crime or crimes have been committed, where such inquiry was ordered prior to October 1, 1985, in accordance with

section 54-47 of the general statutes, revised to January 1, 1985, shall not be deemed to create a new inquiry and the authority of such judge so appointed shall continue as provided in subsection (a) of this section. (P.A. 86-317, S. 1, 2.) P.A. 85-611 as clarified by P.A. 86-317 did not revoke the authority of or alter the procedures governing investigatory grand juries that had been properly authorized before October 1, 1985. 202 C. 189. Section validates any action taken or evidence obtained on or after October 1, 1985, pursuant to authority contained in former Sec. 54-47; considered to be clarifying. Id., 541. Cited. 207 C. 98; 213 C. 66. Cited. 45 CS 1.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-48. - Reward for arrest of capital offender or felon.

When any crime punishable by death or imprisonment for more than one year has been committed, the Governor, upon application of the state's attorney for the judicial district in which it has been committed, may offer, publicly, a reward not exceeding fifty thousand dollars, to the person who gives information leading to the arrest and conviction of the guilty person, or, if such guilty person has fled after conviction of a felony in a court of this state, to the person who gives information leading to the arrest and detention of the convicted felon, whether found within the state or elsewhere, which reward shall be paid to the informer by the state, by order of the court before which such conviction is had. (1949 Rev., S. 8269; P.A. 73-116, S. 3; 73-667, S. 1, 2; P.A. 77-604, S. 55, 84; P.A. 78-276; 78-280, S. 2, 127; P.A. 97-52.) History: P.A. 73-116 substituted "Connecticut Correctional Institution, Somers" for "State Prison" and added reference to judicial districts; P.A. 73-667 changed effective date of P.A. 73-116 from October 1, 1973, to April 25, 1973; P.A. 77-604 deleted specific reference to imprisonment at Somers referring instead to imprisonment "for more than one year"; P.A. 78-276 deleted reference to counties (as did P.A. 78-280) and increased maximum amount of reward from \$3,000 to \$20,000; P.A. 97-52 increased the maximum amount of the reward to \$50,000. Does not recompense one who had wholly performed before the offer was made. 143 C. 462.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-49. - Reward for information as to high crime or crime resulting in death of police officer or firefighter.

(a) When any high crime has been committed in any municipality, the chief executive officer of such municipality, as described in section 7-193, may offer, publicly, a reward not exceeding two thousand five hundred dollars, to the person who gives information leading to the arrest and conviction of the guilty person; which reward shall be paid to the informer by the municipality, by order of the court before which such conviction is had. (b) When any crime has been committed in any municipality which results in the death of any police officer or firefighter, the chief executive officer of such municipality, upon the affirmative vote of two-thirds of the legislative body of such municipality, or when the legislative body is the town meeting, at least two-thirds of those present and voting, may offer publicly, a reward not exceeding twenty thousand dollars, to the person who gives information leading to the arrest and conviction of the guilty person, which reward shall be paid to the informer by the municipality, by order of the court before which such conviction is had. (1949 Rev., S. 8270; P.A. 84-540, S. 5, 7; P.A. 93-425, S. 1.) History: P.A. 84-540 added Subsec. (b) authorizing the chief executive officer of a municipality in which a crime has been committed which results in the death of a police officer or firefighter, to offer a reward for information leading to arrest and conviction of guilty person; P.A. 93-425 amended Subsec. (a) by deleting "town, its selectmen" and adding "municipality, the chief executive officer of such municipality, as described in section 7-193", increasing reward from amount not exceeding \$200 to \$2,500, and deleting "town" and substituting "municipality". A high crime is an immoral and unlawful act, nearly allied and equal in guilt to a felony, but not coming strictly within that denomination. 6 C. 417. Construction of section should be equitable; offer of reward not barred until statute of limitations has run against the crime. 39 C. 159. When city has no power to offer reward. 65 C. 300. Cited. 84 C. 374; 86 C. 437.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-50. - Reward for information as to unlawful disinterment of corpse.

For any violation of the provisions of section 53-334, the Governor, upon application of the selectmen of the town where the offense has been committed, shall, publicly, offer a reward, not exceeding two hundred dollars, for the apprehension of the guilty person; and, if the offender is convicted, such reward shall be paid to the informer by the state, upon order of the court before which the conviction is had. (1949 Rev., S. 8271.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-51. - Reward for information as to theft of motor vehicle, livestock or poultry.

Section 54-51 is repealed, effective October 1, 2003. (1949 Rev., S. 8272; P.A. 74-338, S. 55, 94; P.A. 03-9, S. 1.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-52. - Determination of claims to reward.

When any reward is offered for the recovery of stolen property, or for information which may lead to the conviction of any criminal, or for both, the court before which conviction is had or the superior court for the judicial district where the offense was committed, at a criminal term, may decide upon the claims of the parties interested in such reward. If there is more than one claimant for the reward, the court in which the conviction was secured or the court for the judicial district wherein the offense was committed, or the

presiding judge of such court, shall determine who are justly entitled to the reward, and may apportion it equitably among them. (1949 Rev., S. 8268, 8273; P.A. 73-116, S. 24; 73-667, S. 1, 2; P.A. 76-436, S. 540, 681; P.A. 78-280, S. 1, 127.) History: P.A. 73-116 added reference to judicial districts; P.A. 73-667 changed effective date of P.A. 73-116 from October 1, 1973, to April 25, 1973; P.A. 76-436 deleted provision whereby presiding judge of court to which accused was bound over determines amount of reward when accused forfeits his recognizance and authorized court for county or judicial district where offense was committed to determine reward, reflecting transfer of all trial jurisdiction to superior court, effective July 1, 1978; P.A. 78-280 deleted references to counties. Averments in application. 39 C. 161. Party furnishing merely corroborative evidence, if necessary to conviction, may be entitled to reward. Id., 162. The offer, unless otherwise limited, holds good until a prosecution would be barred by statute of limitations. Id., 163. Policeman detecting burglar cannot demand reward. 51 C. 577. Statutes as to rewards give rise to contractual rights. 78 C. 428. Cited. 143 C. 462.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-53. - Release by correctional officials.

Each person detained in a community correctional center pursuant to the issuance of a bench warrant of arrest or for arraignment, sentencing or trial for an offense not punishable by death shall be entitled to bail and shall be released from such institution upon entering into a recognizance, with sufficient surety, or upon posting cash bail, in an amount rounded down to the nearest dollar, as provided in section 54-66, for the detained person's appearance before the court having cognizance of the offense, to be taken by any person designated by the Commissioner of Correction at the institution where the person is detained. The person so designated shall deliver the recognizance or cash bail to the clerk of the appropriate court before the opening of the court on the first court day thereafter. When cash bail in excess of ten thousand dollars is received for a detained person accused of a felony, where the underlying facts and circumstances of the felony involve the use, attempted use or threatened use of physical force against another person, the person so designated shall prepare a report that contains (1) the name, address and taxpayer identification number of the detained person, (2) the name, address and taxpayer identification number of each person offering the cash bail, other than a person licensed as a professional bondsman under chapter 533 or a surety bail bond agent under chapter 700f, (3) the amount of cash received, and (4) the date the cash was received. Not later than fifteen days after receipt of such cash bail, the person so designated shall file the report with the Department of Revenue Services and mail a copy of the report to the state's attorney for the judicial district in which the alleged offense was committed and to each person offering the cash bail. (1949 Rev., S. 8778; 1961, P.A. 517, S. 50; February, 1965, P.A. 606; 1969, P.A. 803, S. 2; P.A. 80-313, S. 17; P.A. 99-240, S. 15; P.A. 24-137, S. 5.) History: 1961 act deleted obsolete reference to county commissioners; 1965 act made section applicable to person awaiting arraignment or sentencing as well as trial, offered the alternative of posting cash bail and substituted present provisions for taking bail for prior provision of taking by the court, a judge or clerk; 1969 act replaced jail administrator with commissioner of correction, substituted references to community correctional centers for references to jails and specified applicability to persons detained "pursuant to the issuance of a bench warrant"; P.A. 80-313 made minor changes in wording; P.A. 99-240 added provisions requiring the person designated by the commissioner to prepare a report when cash bail in excess of \$10,000 is received for a detained person accused of a felony involving the use, attempted use or threatened use of physical force against another person, specifying the contents of such report and requiring such designated person not later than 15 days after receipt of such cash bail to file such report with the Department of Revenue Services and mail a copy of such report to the appropriate state's attorney and each person offering the cash bail; P.A. 24-137 added provision re rounding amount of cash bail down to nearest dollar. Not permitted to one under sentence for prior offense. K. 260. Sheriff may take bail and release prisoner. 2 D. 11. Not the practice to issue a special order to clerk for commitment of prisoner to jail; there is a continuing order to that effect. 36 C. 251. Bail where state appeals; 65 C. 282; where accused appeals to Supreme Court and sentence is stayed. 71 C. 457. Liabilities on bail bond. 83 C. 688. Nature of act of taking bail; law authorizing clerk to take bail will not permit him to fix amount. 89 C. 301. Application to Supreme Court to admit accused to bail denied; procedure there must be to have finding of facts made by referee unless they are admitted by state's attorney. 109 C. 738. Cited. 140 C. 326. In capital cases, refusal of bail must be restricted to cases where proof is evident or presumption great in accord with Art. I, Sec. 8 of state constitution; burden of proof that proof is evident or presumption great in capital offenses as grounds for refusing bail is on state and not met by fact of grand jury indictment. 159 C. 264. Only an act of God or an act of law or an act of the obligee excuses a surety whose principal does not appear before court; sleepiness constitutes no reason for relaxation of the law. 23 CS 321.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-53a. - Detention of persons who have not made bail.

(a) No person who has not made bail may be detained in a correctional facility pursuant to the issuance of a bench warrant of arrest or for arraignment, sentencing or trial for an offense not punishable by death, for longer than forty-five days, unless at the expiration of the forty-five-day period the person is presented to the court having cognizance of the offense. On each such presentment, the court may reduce, modify or discharge the bail, or may for cause shown remand the person to the custody of the Commissioner of Correction. On the expiration of each successive forty-five-day period, the person may again by motion be presented to the court for such purpose. (b) Notwithstanding the provisions of subsection (a) of this section, any person who has not made bail and is detained in a correctional facility pursuant to the issuance of a bench warrant of arrest or for arraignment, sentencing or trial for an offense classified as a class D or E felony, except a person charged with a crime in another state and detained pursuant to chapter 964 or a person detained for violation of parole pending a parole revocation hearing, shall be presented to the court having cognizance of the

offense not later than thirty days after the date of the person's detention, unless such presentment is waived by the person. On such presentment, the court may reduce, modify or discharge the bail or may for cause shown remand the person to the custody of the Commissioner of Correction. On the expiration of each successive thirty-day period, the person shall again be presented to the court for such purpose. (c) (1) Notwithstanding the provisions of subsection (a) or (b) of this section, any person who has not made bail and is detained in a correctional facility for no offense other than a misdemeanor, except a person charged with a crime in another state and detained pursuant to chapter 964 or a person detained for violation of parole pending a parole revocation hearing, shall be presented to the court having cognizance of the offense not later than fourteen days after the date of the person's arraignment, unless such presentment is waived by the person. (2) If such person is detained for a misdemeanor that is not a family violence crime, as defined in section 46b-38a, on such presentment the court shall remove the financial conditions on the release of the person unless the court makes a finding on the record, pursuant to the provisions of subdivision (2) of subsection (a) of section 54-64a. (3) If such person is detained for a misdemeanor that is a family violence crime, as defined in section 46b-38a, on such presentment the court shall remove the financial conditions on the release of the person unless the court makes a finding on the record pursuant to the provisions of subdivision (2) of subsection (a) of section 54-64a that, without such conditions, there is a likely risk that (A) the person will fail to appear in court, as required, (B) the person will obstruct or attempt to obstruct justice or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective juror or witness, or (C) the person will engage in conduct that threatens the safety of another person. (d) Notwithstanding the provisions of this section, any person who has not made bail may be heard by the court upon a motion for modification of the bail at any time. (1971, P.A. 513; P.A. 74-186, S. 1, 12; P.A. 80-313, S. 25; P.A. 82-244; P.A. 89-166; P.A. 13-258, S. 8; P.A. 17-145, S. 2.) History: P.A. 74-186 made minor changes in wording and specified that presentment is to occur at the expiration of each successive 45-day period; P.A. 80-313 made minor changes in wording, substituting "the" for "such" etc; P.A. 82-244 added Subsec. (b) requiring a bail review hearing every 30 days for persons charged with a class D felony or a misdemeanor; P.A. 89-166 added Subsec. (c) providing that any person who has not made bail may be heard by the court upon a motion for modification of the bail at any time; P.A. 13-258 amended Subsec. (b) to add reference to a class E felony; P.A. 17-145 replaced "community correctional center" with "correctional facility", amended Subsec. (b) to delete "or as a misdemeanor" and add provision re person who waives presentment, added new Subsec. (c) re person who has not made bail, is detained and is charged with no offense other than a misdemeanor and person who is detained for a misdemeanor, redesignated existing Subsec. (c) as Subsec. (d), and made technical and conforming changes, effective July 1, 2017. See Sec. 51-180 re criminal terms and sessions of court. See Sec. 51-180a re special session held when accused is confined for want of bail. Cited. 169 C. 438. Section, which requires review of bail every 45 days for persons held in custody while mandating procedure for implementing right to be released on bail, provides no sanction for a violation of that procedure; denial of any right created by section is not a violation of fundamental constitutional right. 171 C. 395. Cited. 29 CS 434. Provides no sanction in event of a violation; defendant not entitled to dismissal of information without showing of prejudice. 43 CS 211.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-54 and 54-55. - Original information in Court of Common Pleas. Information in cases appealed to Court of Common Pleas.

Sections 54-54 and 54-55 are repealed. (1949 Rev., S. 8767, 8768; 1961, P.A. 517, S. 71.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-56. - Dismissal of information by court.

All courts having jurisdiction of criminal cases shall at all times have jurisdiction and control over informations and criminal cases pending therein and may, at any time, upon motion by the defendant, dismiss any information and order such defendant discharged if, in the opinion of the court, there is not sufficient evidence or cause to justify the bringing or continuing of such information or the placing of the person accused therein on trial. (1949 Rev., S. 8769.) Cited. 170 C. 337. In absence of statutory authority, court may not of its own motion dismiss a criminal prosecution unless there is fundamental legal defect in information or indictment or constitutional defect such as denial of speedy trial or illegality of arrest. 172 C. 608. Cited. 189 C. 42; 193 C. 474; Id., 602; 198 C. 435; 200 C. 440. Trial court did not abuse its discretion having properly found "cause" to dismiss with prejudice. Id., 453. Cited. 204 C. 187; 207 C. 374; 209 C. 225; 213 C. 708; 214 C. 657; 229 C. 716; 242 C. 409. Absent compliance with section, trial court did not have authority to dismiss pending misdemeanor charge because, in trial court's view, case was not sufficiently important to warrant time and expense of jury trial. 243 C. 690. Dismissal of an information may be predicated upon either insufficient evidence or insufficient cause, but only in the most compelling of circumstances. 305 C. 330. Cited. 4 CA 520; 5 CA 347; 7 CA 46; 8 CA 607; 11 CA 224. Insufficient cause "prong" of statute is inappropriate basis for dismissal of information preceded by arrest warrant where no trial has yet been held. 19 CA 495. Cited. 20 CA 321; 21 CA 210; 24 CA 195; 29 CA 689; 40 CA 789; 45 CA 722. Purpose and history of law. 13 CS 112. Cited. 21 CS 246. Resort to section is not proper method to raise issue of jurisdiction of court over person of defendant. 28 CS 512. Purpose of motion to dismiss is to prevent unchecked powers by prosecuting attorney. 29 CS 118. Insufficient evidence and insufficient cause grounds of section may not be raised through pretrial dismissal motion in case where defendant was arrested on warrant signed by a judge. 49 CS 248. Motion to dismiss count having been previously granted, motion for directed verdict on that count was properly denied. 5 Conn. Cir. Ct. 78.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section

54-56a. (Formerly Sec. 54-2b). - Pleading by mail in certain motor vehicle cases.

In any criminal action arising out of an alleged violation of the law relating to motor vehicles, except a violation of section 14-219 specified in subsection (e) of said section 14-219, appearances, pleas of not guilty and requests for trial by jury or court may be made by or on behalf of the defendant by mailing such pleas and requests by first-class mail, postage prepaid, to the clerk of the court in which such case is to be tried, which pleas and requests shall be received by said clerk not later than the court day next preceding the court day on which the defendant is to appear. Said pleas and claims shall be filed on forms approved by the Office of the Chief Court Administrator. (1963, P.A. 475; P.A. 74-183, S. 127, 291; P.A. 76-381, S. 3; 76-436, S. 519, 681; P.A. 77-452, S. 34, 72; P.A. 79-196; P.A. 85-446, S. 4, 6; P.A. 90-213, S. 12.) History: P.A. 74-183 replaced circuit court with court of common pleas, reflecting reorganization of judicial system, effective December 31, 1974; P.A. 76-381 amended section to specify applicability re actions arising out of alleged commission of an infraction; P.A. 76-436 and P.A. 77-452 replaced court of common pleas with superior court, reflecting transfer of all trial jurisdiction to superior court, effective July 1, 1978; P.A. 79-196 required that forms for filing pleas and claims be approved by chief court administrator's office rather than by superior court judges; Sec. 54-2b transferred to Sec. 54-56a in 1981; P.A. 85-446 deleted references to procedures for an alleged commission of an infraction, effective October 1, 1986; P.A. 90-213 added exception for a violation of Sec. 14-219 specified in Subsec. (e) of said Sec. 14-219. Annotation to former section 54-2b: Cited. 29 CS 155.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-56b. - Right to dismissal or trial on nolle.

A nolle prosequi may not be entered as to any count in a complaint or information if the accused objects to the nolle prosequi and demands either a trial or dismissal, except with respect to prosecutions in which a nolle prosequi is entered upon a representation to the court by the prosecuting official that a material witness has died, disappeared or become disabled or that material evidence has disappeared or has been destroyed and that a further investigation is therefore necessary. (P.A. 80-313, S. 30.) Cited. 180 C. 153. The court must accept the entry of nolle prosequi for the record unless it is persuaded that prosecutor's exercise of discretion is clearly contrary to manifest public interest. 185 C. 199. Cited. 191 C. 27; 198 C. 435. Entry of nolle over defendant's objection fits within exception to rule of finality allowing appeal of interlocutory trial court rulings that, if erroneous, cannot later be remedied. 209 C. 52. Gives defendant the right to have criminal charge disposed of with finality by dismissal with prejudice. *Id.*, 133. Cited. 214 C. 616; 233 C. 44; 240 C. 590. Trial court properly allowed the entry of nolle prosequi based on the state's representations that a key witness against defendant was unavailable due to the witness' intent to assert his fifth amendment privilege against self-incrimination, and the court was not required to conduct an evidentiary hearing re the state's representations; nolle prosequi functionally converted into a dismissal without prejudice pursuant to Sec. 54-142a(c) after 13 months had elapsed, therefore the state was not barred from bringing charges against defendant 4 years later and defendant's right to a speedy trial was not violated. 289 C. 598. Prosecutor representations that key witness suffered from a disability that prevented her from being able to testify fell within range of good faith disagreement re meaning of "disabled" under section and trial court properly deferred to prosecutor's exercise of discretion. 331 C. 658. Cited. 5 CA 347; 10 CA 217; 11 CA 224; 40 CA 705; judgment reversed, see 240 C. 590; 44 CA 162. Defendant's objection to entry of nolle made 7 weeks after it had been entered was not timely and fell outside limited jurisdiction retained by the court following the entry of nolle. 111 CA 397. Defendant's infraction ticket was a complaint and, therefore, he was entitled to object to the entry of nolle and demand a trial or a dismissal. 143 CA 194. The phrase "has . . . become disabled" does not mean "unavailable" and was not intended to extend to instances in which the state lacks the ability to compel a witness to testify at trial; the term "disappeared" does not mean absent from the jurisdiction. 179 CA 676.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-56c. - Request for privileged trial status.

If the accused enters a plea of not guilty, the state's attorney, assistant state's attorney or deputy assistant state's attorney may, in accordance with rules adopted by the judges of the Superior Court, request that the case be privileged with respect to assignment for trial. (P.A. 80-313, S. 31.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-56d. (Formerly Sec. 54-40). - Competency to stand trial.

(a)Competency requirement. Definition.A defendant shall not be tried, convicted or sentenced while the defendant is not competent. For the purposes of this section, a defendant is not competent if the defendant is unable to understand the proceedings against him or her or to assist in his or her own defense. (b)Presumption of competency.A defendant is presumed to be competent. The burden of proving that the defendant is not competent by a preponderance of the evidence and the burden of going forward with the evidence are on the party raising the issue. The burden of going forward with the evidence shall be on the state if the court raises the issue. The court may call its own witnesses and conduct its own inquiry. (c)Request for examination.If, at any time during a criminal proceeding, it appears that the defendant is not competent, counsel for the defendant or for the state, or the court, on its own motion, may request an examination to determine the defendant's competency. (d)Examination of defendant. Report.If the court finds that the request for an examination is justified and that, in accordance with procedures established by the judges of the Superior Court, there is probable cause to believe that the defendant has committed the crime for which the defendant is charged, the court shall

order an examination of the defendant as to his or her competency. The court may (1) appoint one or more physicians specializing in psychiatry to examine the defendant, or (2) order the Commissioner of Mental Health and Addiction Services to conduct the examination either (A) by a clinical team consisting of a physician specializing in psychiatry, a clinical psychologist and one of the following: A clinical social worker licensed pursuant to chapter 383b or a psychiatric nurse clinical specialist holding a master's degree in nursing, or (B) by one or more physicians specializing in psychiatry, except that no employee of the Department of Mental Health and Addiction Services who has served as a member of a clinical team in the course of such employment for at least five years prior to October 1, 1995, shall be precluded from being appointed as a member of a clinical team. If the Commissioner of Mental Health and Addiction Services is ordered to conduct the examination, the commissioner shall select the members of the clinical team or the physician or physicians. When performing an examination under this section, the examiners shall have access to information on treatment dates and locations in the defendant's treatment history contained in the Department of Mental Health and Addiction Services' database of treatment episodes for the purpose of requesting a release of treatment information from the defendant. If the examiners determine that the defendant is not competent, the examiners shall then determine whether there is a substantial probability that the defendant, if provided with a course of treatment, will regain competency within the maximum period of any placement order under this section. If the examiners determine that there is a substantial probability that the defendant, if provided with a course of treatment, will regain competency within the maximum period of any placement order under this section, the examiners shall then determine whether the defendant appears to be eligible for civil commitment, with monitoring by the Court Support Services Division, pursuant to subdivision (2) of subsection (h) of this section. If the examiners determine that there is not a substantial probability that the defendant, if provided with a course of treatment, will regain competency within the maximum period of any placement order under this section, the examiners shall then determine whether the defendant appears to be eligible for civil commitment to a hospital for psychiatric disabilities pursuant to subsection (m) of this section and make a recommendation to the court regarding the appropriateness of such civil commitment. The court may authorize a physician specializing in psychiatry, a clinical psychologist, a clinical social worker licensed pursuant to chapter 383b or a psychiatric nurse clinical specialist holding a master's degree in nursing selected by the defendant to observe the examination. Counsel for the defendant may observe the examination. The examination shall be completed within fifteen business days from the date it was ordered and the examiners shall prepare and sign, without notarization, a written report and file such report with the court within twenty-one business days of the date of the order. On receipt of the written report, the clerk of the court shall cause copies to be delivered immediately to the state's attorney and to counsel for the defendant. (e)Hearing. Evidence. The court shall hold a hearing as to the competency of the defendant not later than ten days after the court receives the written report. Any evidence regarding the defendant's competency, including the written report, may be introduced at the hearing by either the defendant or the state, except that no treatment information contained in the Department of Mental Health and Addiction Services' database of treatment episodes may be included in the written report or introduced at the hearing unless the defendant released the treatment information pursuant to subsection (d) of this section. If the written report is introduced, at least one of the examiners shall be present to testify as to the determinations in the report, unless the examiner's presence is waived by the defendant and the state. Any member of the clinical team shall be considered competent to testify as to the team's determinations. A defendant and the defendant's counsel may waive the court hearing only if the examiners, in the written report, determine without qualification that the defendant is competent. Nothing in this subsection shall limit any other release or use of information from said database permitted by law. (f)Court finding of competency or incompetency. If the court, after the hearing, finds that the defendant is competent, the court shall continue with the criminal proceedings. If the court finds that the defendant is not competent, the court shall also find whether there is a substantial probability that the defendant, if provided with a course of treatment, will regain competency within the maximum period of any placement order permitted under this section. (g)Court procedure if finding that defendant will not regain competency. If, at the hearing, the court finds that there is not a substantial probability that the defendant, if provided with a course of treatment, will regain competency within the period of any placement order under this section, the court shall follow the procedure set forth in subsection (m) of this section. (h)Court procedure if finding that defendant will regain competency. Placement of defendant for treatment or pending civil commitment proceedings. Progress report. (1) If, at the hearing, the court finds that there is a substantial probability that the defendant, if provided with a course of treatment, will regain competency within the period of any placement order under this section, the court shall either (A) order placement of the defendant for treatment for the purpose of rendering the defendant competent, or (B) order placement of the defendant at a treatment facility pending civil commitment proceedings pursuant to subdivision (2) of this subsection. (2) (A) Except as provided in subparagraph (B) of this subdivision, if the court makes a finding pursuant to subdivision (1) of this subsection and does not order placement pursuant to subparagraph (A) of said subdivision, the court shall, on its own motion or on motion of the state or the defendant, order placement of the defendant in the custody of the Commissioner of Mental Health and Addiction Services at a treatment facility pending civil commitment proceedings. The treatment facility shall be determined by the Commissioner of Mental Health and Addiction Services. Such order shall: (i) Include an authorization for the Commissioner of Mental Health and Addiction Services to apply for civil commitment of such defendant pursuant to sections 17a-495 to 17a-528, inclusive; (ii) permit the defendant to agree to request voluntarily to be admitted under section 17a-506 and participate voluntarily in a treatment plan prepared by the Commissioner of Mental Health and Addiction Services, and require that the defendant comply with such treatment plan; and (iii) provide that if the application for civil commitment is denied or not pursued by the Commissioner of Mental Health and Addiction Services, or if the defendant is unwilling or unable to comply with a treatment plan despite reasonable efforts of the treatment facility to encourage the defendant's compliance, the person in charge of the treatment facility, or such person's designee, shall submit a written progress report to the

court and the defendant shall be returned to the court for a hearing pursuant to subsection (k) of this section. Such written progress report shall include the status of any civil commitment proceedings concerning the defendant, the defendant's compliance with the treatment plan, an opinion regarding the defendant's current competency to stand trial, the clinical findings of the person submitting the report and the facts upon which the findings are based, and any other information concerning the defendant requested by the court, including, but not limited to, the method of treatment or the type, dosage and effect of any medication the defendant is receiving. The Court Support Services Division shall monitor the defendant's compliance with any applicable provisions of such order. The period of placement and monitoring under such order shall not exceed the period of the maximum sentence which the defendant could receive on conviction of the charges against such defendant, or eighteen months, whichever is less. If the defendant has complied with such treatment plan and any applicable provisions of such order, at the end of the period of placement and monitoring, the court shall approve the entry of a nolle prosequi to the charges against the defendant or shall dismiss such charges.

(B) This subdivision shall not apply: (i) To any person charged with a class A felony, a class B felony, except a violation of section 53a-122 that does not involve the use, attempted use or threatened use of physical force against another person, or a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 14-227a or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (2) of subsection (a) of section 53-21 or section 53a-56b, 53a-60d, 53a-70, 53a-70a, 53a-71, 53a-72a or 53a-72b; (ii) to any person charged with a crime or motor vehicle violation who, as a result of the commission of such crime or motor vehicle violation, causes the death of another person; or (iii) unless good cause is shown, to any person charged with a class C felony.

(i) Placement for treatment. Conditions. (1) The placement of the defendant for treatment for the purpose of rendering the defendant competent shall comply with the following conditions: (A) The period of placement under the order or combination of orders shall not exceed the period of the maximum sentence which the defendant could receive on conviction of the charges against the defendant or eighteen months, whichever is less; (B) the placement shall be either (i) in the custody of the Commissioner of Mental Health and Addiction Services, the Commissioner of Children and Families or the Commissioner of Developmental Services, except that any defendant placed for treatment with the Commissioner of Mental Health and Addiction Services may remain in the custody of the Department of Correction pursuant to subsection (p) of this section; or, (ii) if the defendant or the appropriate commissioner agrees to provide payment, in the custody of any appropriate mental health facility or treatment program which agrees to provide treatment to the defendant and to adhere to the requirements of this section; and (C) the court shall order the placement, on either an inpatient or an outpatient basis, which the court finds is the least restrictive placement appropriate and available to restore competency. (2) In determining the least restrictive placement appropriate and available to restore competency, the court shall consider the following factors: (A) The nature and circumstances of the alleged crime; (B) such defendant's record of criminal convictions; (C) such defendant's record of appearance in court; (D) such defendant's family and community ties; (E) such defendant's willingness and ability to engage with treatment ordered under this section; (F) whether such defendant's use of substances would interfere with such defendant's ability to be successful in such placement; (G) any psychiatric symptoms experienced by such defendant and the nature and severity of the symptoms; and (H) any other relevant factors specific to the defendant and such defendant's circumstances. (3) If the defendant is not charged with a felony, the court shall presume that outpatient treatment is the least restrictive placement appropriate and available to restore competency, unless the court has good cause to find otherwise based on review of the factors in subdivision (2) of this subsection. If outpatient treatment is the least restrictive placement for a defendant who has not yet been released from a correctional facility, the court shall consider whether the availability of such treatment is a sufficient basis on which to release the defendant on a promise to appear, conditions of release, cash bail or bond. If the court determines that the defendant may not be so released, the court shall order treatment of the defendant on an inpatient basis at a mental health facility or facility for persons with intellectual disability. Not later than twenty-four hours after the court orders placement of the defendant for treatment for the purpose of rendering the defendant competent, the examiners shall transmit information obtained about the defendant during the course of an examination pursuant to subsection (d) of this section to the health care provider named in the court's order.

(j) Progress reports re treatment. The person in charge of the treatment facility, or such person's designee, or the Commissioner of Mental Health and Addiction Services with respect to any defendant who is in the custody of the Commissioner of Correction pursuant to subsection (p) of this section, shall submit a written progress report to the court (1) at least seven days prior to the date of any hearing on the issue of the defendant's competency; (2) whenever he or she believes that the defendant has attained competency; (3) whenever he or she believes that there is not a substantial probability that the defendant will attain competency within the period covered by the placement order; (4) whenever, within the first one hundred twenty days of the period covered by the placement order, he or she believes that the defendant would be eligible for civil commitment pursuant to subdivision (2) of subsection (h) of this section; or (5) whenever he or she believes that the defendant is still not competent but has improved sufficiently such that continued inpatient commitment is no longer the least restrictive placement appropriate and available to restore competency. The progress report shall contain: (A) The clinical findings of the person submitting the report and the facts on which the findings are based; (B) the opinion of the person submitting the report as to whether the defendant has attained competency or as to whether the defendant is making progress, under treatment, toward attaining competency within the period covered by the placement order; (C) the opinion of the person submitting the report as to whether the defendant appears to be eligible for civil commitment to a hospital for psychiatric disabilities pursuant to subsection (m) of this section and the appropriateness of such civil commitment, if there is not a substantial probability that the defendant will attain competency within the period covered by the placement order; and (D) any other information concerning the defendant requested by the court, including, but not limited to, the method of treatment or the type, dosage and effect of any medication the defendant is receiving. Not later than five business days after the court finds either that the defendant will not attain

competency within the period of any placement order under this section or that the defendant has regained competency, the person in charge of the treatment facility, or such person's designee, or the Commissioner of Mental Health and Addiction Services with respect to any defendant who is in the custody of the Commissioner of Correction pursuant to subsection (p) of this section, shall provide a copy of the written progress report to the examiners who examined the defendant pursuant to subsection (d) of this section. (k) Reconsideration of competency. Hearing. Involuntary medication. Appointment and duties of health care guardian. (1) Whenever any placement order for treatment is rendered or continued, the court shall set a date for a hearing, to be held within ninety days, for reconsideration of the issue of the defendant's competency. Whenever the court (A) receives a report pursuant to subsection (j) of this section which indicates that (i) the defendant has attained competency, (ii) the defendant will not attain competency within the remainder of the period covered by the placement order, (iii) the defendant will not attain competency within the remainder of the period covered by the placement order absent administration of psychiatric medication for which the defendant is unwilling or unable to provide consent, (iv) the defendant would be eligible for civil commitment pursuant to subdivision (2) of subsection (h) of this section, or (v) the defendant is still not competent but has improved sufficiently such that continued inpatient commitment is no longer the least restrictive placement appropriate and available to restore competency, or (B) receives a report pursuant to subparagraph (A)(iii) of subdivision (2) of subsection (h) of this section which indicates that (i) the application for civil commitment of the defendant has been denied or has not been pursued by the Commissioner of Mental Health and Addiction Services, or (ii) the defendant is unwilling or unable to comply with a treatment plan despite reasonable efforts of the treatment facility to encourage the defendant's compliance, the court shall set the matter for a hearing not later than ten days after the report is received. The hearing may be waived by the defendant only if the report indicates that the defendant is competent. With respect to a defendant who is in the custody of the Commissioner of Correction pursuant to subsection (p) of this section, the Commissioner of Mental Health and Addiction Services shall retain responsibility for providing testimony at any hearing under this subsection. The court shall determine whether the defendant is competent or is making progress toward attaining competency within the period covered by the placement order. If the court finds that the defendant is competent, the defendant shall be returned to the custody of the Commissioner of Correction or released, if the defendant has met the conditions for release, and the court shall continue with the criminal proceedings. If the court finds that the defendant is still not competent but that the defendant is making progress toward attaining competency, the court may continue or modify the placement order. If the court finds that the defendant is still not competent but that the defendant is making progress toward attaining competency and inpatient placement is no longer the least restrictive placement appropriate and available to restore competency, the court shall consider whether the availability of such less restrictive placement is a sufficient basis on which to release the defendant on a promise to appear, conditions of release, cash bail or bond and may order continued treatment to restore competency on an outpatient basis. If the court finds that the defendant is still not competent and will not attain competency within the remainder of the period covered by the placement order absent administration of psychiatric medication for which the defendant is unwilling or unable to provide consent, the court shall proceed as provided in subdivisions (2), (3) and (4) of this subsection. If the court finds that the defendant is eligible for civil commitment, the court may order placement of the defendant at a treatment facility pending civil commitment proceedings pursuant to subdivision (2) of subsection (h) of this section. (2) If the court finds that the defendant will not attain competency within the remainder of the period covered by the placement order absent administration of psychiatric medication for which the defendant is unwilling or unable to provide consent, and after any hearing held pursuant to subdivision (3) of this subsection, the court may order the involuntary medication of the defendant if the court finds by clear and convincing evidence that: (A) To a reasonable degree of medical certainty, involuntary medication of the defendant will render the defendant competent to stand trial, (B) an adjudication of guilt or innocence cannot be had using less intrusive means, (C) the proposed treatment plan is narrowly tailored to minimize intrusion on the defendant's liberty and privacy interests, (D) the proposed drug regimen will not cause an unnecessary risk to the defendant's health, and (E) the seriousness of the alleged crime is such that the criminal law enforcement interest of the state in fairly and accurately determining the defendant's guilt or innocence overrides the defendant's interest in self-determination. (3) (A) If the court finds that the defendant is unwilling or unable to provide consent for the administration of psychiatric medication, and prior to deciding whether to order the involuntary medication of the defendant under subdivision (2) of this subsection, the court shall appoint a health care guardian who shall be a licensed health care provider with specialized training in the treatment of persons with psychiatric disabilities to represent the health care interests of the defendant before the court. Notwithstanding the provisions of section 52-146e, such health care guardian shall have access to the psychiatric records of the defendant. Such health care guardian shall file a report with the court not later than thirty days after his or her appointment. The report shall set forth such health care guardian's findings and recommendations concerning the administration of psychiatric medication to the defendant, including the risks and benefits of such medication, the likelihood and seriousness of any adverse side effects and the prognosis with and without such medication. The court shall hold a hearing on the matter not later than ten days after receipt of such health care guardian's report and shall, in deciding whether to order the involuntary medication of the defendant, take into account such health care guardian's opinion concerning the health care interests of the defendant. (B) The court, in anticipation of considering continued involuntary medication of the defendant under subdivision (4) of this subsection, shall order the health care guardian to file a supplemental report updating the findings and recommendations contained in the health care guardian's report filed under subparagraph (A) of this subdivision. (4) If, after the defendant has been found to have attained competency by means of involuntary medication ordered under subdivision (2) of this subsection, the court determines by clear and convincing evidence that the defendant will not remain competent absent the continued administration of psychiatric medication for which the defendant is unable to provide consent, and after any hearing held pursuant to subdivision (3) of this subsection and consideration of the

supplemental report of the health care guardian, the court may order continued involuntary medication of the defendant if the court finds by clear and convincing evidence that: (A) To a reasonable degree of medical certainty, continued involuntary medication of the defendant will maintain the defendant's competency to stand trial, (B) an adjudication of guilt or innocence cannot be had using less intrusive means, (C) the proposed treatment plan is narrowly tailored to minimize intrusion on the defendant's liberty and privacy interests, (D) the proposed drug regimen will not cause an unnecessary risk to the defendant's health, and (E) the seriousness of the alleged crime is such that the criminal law enforcement interest of the state in fairly and accurately determining the defendant's guilt or innocence overrides the defendant's interest in self-determination. Continued involuntary medication ordered under this subdivision may be administered to the defendant while the criminal charges against the defendant are pending and the defendant is in the custody of the Commissioner of Correction or the Commissioner of Mental Health and Addiction Services. An order for continued involuntary medication of the defendant under this subdivision shall be reviewed by the court every one hundred eighty days while such order remains in effect. The court shall order the health care guardian to file a supplemental report for each such review. After any hearing held pursuant to subdivision (3) of this subsection and consideration of the supplemental report of the health care guardian, the court may continue such order if the court finds, by clear and convincing evidence, that the criteria enumerated in subparagraphs (A) to (E), inclusive, of this subdivision are met. (5) The state shall hold harmless and indemnify any health care guardian appointed by the court pursuant to subdivision (3) of this subsection from financial loss and expense arising out of any claim, demand, suit or judgment by reason of such health care guardian's alleged negligence or alleged deprivation of any person's civil rights or other act or omission resulting in damage or injury, provided the health care guardian is found to have been acting in the discharge of his or her duties pursuant to said subdivision and such act or omission is found not to have been wanton, reckless or malicious. The provisions of subsections (b), (c) and (d) of section 5-141d shall apply to such health care guardian. The provisions of chapter 53 shall not apply to a claim against such health care guardian. (l) Failure of defendant to return to treatment facility in accordance with terms and conditions of release. If a defendant who has been ordered placed for treatment on an inpatient basis at a mental health facility or a facility for persons with intellectual disability is released from such facility on a furlough or for work, therapy or any other reason and fails to return to the facility in accordance with the terms and conditions of the defendant's release, the person in charge of the facility, or such person's designee, shall, within twenty-four hours of the defendant's failure to return, report such failure to the prosecuting authority for the court location which ordered the placement of the defendant. Upon receipt of such a report, the prosecuting authority shall, within available resources, make reasonable efforts to notify any victim or victims of the crime for which the defendant is charged of such defendant's failure to return to the facility. No civil liability shall be incurred by the state or the prosecuting authority for failure to notify any victim or victims in accordance with this subsection. The failure of a defendant to return to the facility in which the defendant has been placed may constitute sufficient cause for the defendant's rearrest upon order by the court. (m) Release or placement of defendant who will not attain competency. Report to court prior to release from placement. (1) If at any time the court determines that there is not a substantial probability that the defendant will attain competency within the period of treatment allowed by this section, or if at the end of such period the court finds that the defendant is still not competent, the court shall consider any recommendation made by the examiners pursuant to subsection (d) of this section and any opinion submitted by the treatment facility pursuant to subparagraph (C) of subsection (j) of this section regarding eligibility for, and the appropriateness of, civil commitment to a hospital for psychiatric disabilities and shall either release the defendant from custody or order the defendant placed in the custody of the Commissioner of Mental Health and Addiction Services, the Commissioner of Children and Families or the Commissioner of Developmental Services. If the court orders the defendant placed in the custody of the Commissioner of Children and Families or the Commissioner of Developmental Services, the commissioner given custody, or the commissioner's designee, shall then apply for civil commitment in accordance with sections 17a-75 to 17a-83, inclusive, or 17a-270 to 17a-282, inclusive. If the court orders the defendant placed in the custody of the Commissioner of Mental Health and Addiction Services, the court may order the commissioner, or the commissioner's designee, to apply for civil commitment in accordance with sections 17a-495 to 17a-528, inclusive, or order the commissioner, or the commissioner's designee, to provide services to the defendant in a less restrictive setting, provided the examiners have determined in the written report filed pursuant to subsection (d) of this section or have testified pursuant to subsection (e) of this section that such services are available and appropriate. If the court orders the defendant placed in the custody of the Commissioner of Mental Health and Addiction Services and orders the commissioner to apply for civil commitment pursuant to this subsection, the court may order the commissioner to give the court notice when the defendant is released from the commissioner's custody if such release is prior to the expiration of the time within which the defendant may be prosecuted for the crime with which the defendant is charged, provided such order indicates when such time expires. If the court orders the defendant placed in the custody of the Commissioner of Developmental Services for purposes of commitment under any provision of sections 17a-270 to 17a-282, inclusive, the court may order the Commissioner of Developmental Services to give the court notice when the defendant's commitment is terminated if such termination is prior to the expiration of the time within which the defendant may be prosecuted for the crime with which the defendant is charged, provided such order indicates when such time expires. (2) The court shall hear arguments as to whether the defendant should be released or should be placed in the custody of the Commissioner of Mental Health and Addiction Services, the Commissioner of Children and Families or the Commissioner of Developmental Services. (3) If the court orders the release of a defendant charged with the commission of a crime that resulted in the death or serious physical injury, as defined in section 53a-3, of another person, or with a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (2) of subsection (a) of section 53-21, subdivision (2) of subsection (a) of section 53a-60 or section 53a-60a, 53a-70, 53a-70a, 53a-71, 53a-72a or 53a-72b, or orders the placement of such defendant in the custody of the Commissioner of Mental

Health and Addiction Services or the Commissioner of Developmental Services, the court may, on its own motion or on motion of the prosecuting authority, order, as a condition of such release or placement, periodic examinations of the defendant as to the defendant's competency at intervals of not less than six months. If, at any time after the initial periodic examination, the court finds again, based upon an examiner's recommendation, that there is a substantial probability that the defendant, if provided with a course of treatment, will never regain competency, then any subsequent periodic examination of the defendant as to the defendant's competency shall be at intervals of not less than eighteen months. Such an examination shall be conducted in accordance with subsection (d) of this section. Periodic examinations ordered by the court under this subsection shall continue until the court finds that the defendant has attained competency or until the time within which the defendant may be prosecuted for the crime with which the defendant is charged, as provided in section 54-193, has expired, whichever occurs first. (4) Upon receipt of the written report as provided in subsection (d) of this section, the court shall, upon the request of either party filed not later than thirty days after the court receives such report, conduct a hearing as provided in subsection (e) of this section. Such hearing shall be held not later than ninety days after the court receives such report. If the court finds that the defendant has attained competency, the defendant shall be returned to the custody of the Commissioner of Correction or released, if the defendant has met the conditions for release, and the court shall continue with the criminal proceedings. (5) The court shall dismiss, with or without prejudice, any charges for which a nolle prosequi is not entered when the time within which the defendant may be prosecuted for the crime with which the defendant is charged, as provided in section 54-193, has expired. Notwithstanding the record erasure provisions of section 54-142a, police and court records and records of any state's attorney pertaining to a charge which is nolleed or dismissed without prejudice while the defendant is not competent shall not be erased until the time for the prosecution of the defendant expires under section 54-193. A defendant who is not civilly committed as a result of an application made by the Commissioner of Mental Health and Addiction Services, the Commissioner of Children and Families or the Commissioner of Developmental Services pursuant to this section shall be released. A defendant who is civilly committed pursuant to such an application shall be treated in the same manner as any other civilly committed person. (n)Payment of costs. The cost of the examination effected by the Commissioner of Mental Health and Addiction Services and of testimony of persons conducting the examination effected by the commissioner shall be paid by the Department of Mental Health and Addiction Services. The cost of the examination and testimony by physicians appointed by the court shall be paid by the Judicial Department. If the defendant is indigent, the fee of the person selected by the defendant to observe the examination and to testify on the defendant's behalf shall be paid by the Public Defender Services Commission. The expense of treating a defendant placed in the custody of the Commissioner of Mental Health and Addiction Services, the Commissioner of Children and Families or the Commissioner of Developmental Services pursuant to subdivision (2) of subsection (h) of this section or subsection (i) of this section shall be computed and paid for in the same manner as is provided for persons committed by a probate court under the provisions of sections 17b-122, 17b-124 to 17b-132, inclusive, 17b-136 to 17b-138, inclusive, 17b-194 to 17b-197, inclusive, 17b-222 to 17b-250, inclusive, 17b-263, 17b-340 to 17b-350, inclusive, 17b-689b and 17b-743 to 17b-747, inclusive. (o)Custody of defendant prior to hearing. Until the hearing is held, the defendant, if not released on a promise to appear, conditions of release, cash bail or bond, shall remain in the custody of the Commissioner of Correction unless hospitalized as provided in sections 17a-512 to 17a-517, inclusive. (p)Placement of defendant who presents significant security, safety or medical risk. Defendant remaining in custody of Commissioner of Correction. (1) This section shall not be construed to require the Commissioner of Mental Health and Addiction Services to place any defendant who presents a significant security, safety or medical risk in a hospital for psychiatric disabilities which does not have the trained staff, facilities or security to accommodate such a person, as determined by the Commissioner of Mental Health and Addiction Services in consultation with the Commissioner of Correction. (2) If a defendant is placed for treatment with the Commissioner of Mental Health and Addiction Services pursuant to subsection (i) of this section and such defendant is not placed in a hospital for psychiatric disabilities pursuant to a determination made by the Commissioner of Mental Health and Addiction Services under subdivision (1) of this subsection, the defendant shall remain in the custody of the Commissioner of Correction. The Commissioner of Correction shall be responsible for the medical and psychiatric care of the defendant, and the Commissioner of Mental Health and Addiction Services shall remain responsible to provide other appropriate services to restore competency. (3) If a defendant remains in the custody of the Commissioner of Correction pursuant to subdivision (2) of this subsection and the court finds that the defendant is still not competent and will not attain competency within the remainder of the period covered by the placement order absent administration of psychiatric medication for which the defendant is unwilling or unable to provide consent, the court shall proceed as provided in subdivisions (2), (3) and (4) of subsection (k) of this section. Nothing in this subdivision shall prevent the court from making any other finding or order set forth in subsection (k) of this section. (q)Defense of defendant prior to trial. This section shall not prevent counsel for the defendant from raising, prior to trial and while the defendant is not competent, any issue susceptible of fair determination. (r)Credit for time in confinement on inpatient basis. Actual time spent in confinement on an inpatient basis pursuant to this section shall be credited against any sentence imposed on the defendant in the pending criminal case or in any other case arising out of the same conduct in the same manner as time is credited for time spent in a correctional facility awaiting trial. (1949 Rev., S. 8748; 1959, P.A. 523, S. 2; 1967, P.A. 670; 1969, P.A. 828, S. 213; P.A. 74-306, S. 1-4; P.A. 75-476, S. 1-3, 6; P.A. 76-353; 76-436, S. 532, 681; P.A. 77-415, S. 1, 2; P.A. 78-280, S. 117, 127; P.A. 80-313, S. 32; P.A. 81-365; P.A. 83-183, S. 1-5; P.A. 84-506; P.A. 85-288; 85-613, S. 79, 154; P.A. 93-91, S. 1, 2; P.A. 94-27, S. 16, 17; P.A. 95-146; 95-257, S. 11, 58; P.A. 96-90; 96-180, S. 128, 166; 96-215, S. 3, 4; P.A. 98-88, S. 1, 2; P.A. 01-41; June 30 Sp. Sess. P.A. 03-3, S. 13-17, 97; P.A. 04-28, S. 1; 04-76, S. 57; P.A. 05-19, S. 2, 3; P.A. 06-36, S. 1; P.A. 07-71, S. 1; 07-73, S. 2(b); 07-153, S. 1; P.A. 09-79, S. 1; P.A. 10-28, S. 1; P.A. 11-15, S. 1, 2; 11-129, S. 19; June 12 Sp. Sess. P.A. 12-1, S. 142; P.A. 16-126, S. 31; P.A. 18-134, S. 1; P.A. 19-16, S. 20, 21; 19-118, S. 39;

19-189, S. 23, 24; P.A. 24-137, S. 6.) History: 1959 act added provision re computation and payment of hospital expense during confinement; 1967 act divided section into Subsecs., added qualification of inability to assist in his own defense to Subsecs. (a) and (c) and authority of judge to act on his own motion in Subsec. (a), amended Subsec. (b) to make mandatory the appointment of at least two psychiatrists rather than discretionary appointment of two or three physicians to examine accused and added provisions re commitment to state hospital for mental illness for examination, re physician's witnessing of examination and re filing of examination report; 1969 act added Subsec. (d) re maximum periods of commitment; P.A. 74-306 amended Subsec. (b) to make judge's appointment of examiners optional rather than mandatory, to change number appointed from "at least two" to "one or more", to replace provision re commitment to state hospital with provisions re commitment to commissioner of mental health and examination by clinical team, to impose 15-day deadline for filing written report, to require hearing and to specify when hearing may be waived, amended Subsecs. (c) and (d) to reflect changes in Subsec. (b), imposing 15-day deadline for hearing in Subsec. (c) and provision re application of Sec. 17-197 in Subsec. (d), and added Subsecs. (e) and (f) re commitment of violent person and re cost of examinations; P.A. 75-476 restated and clarified Subsec. (b) adding procedural details and limiting examinations to a determination of accused's ability to understand proceeding and assist in his own defense where previously determination was of accused's "mental condition", made similar changes in Subsec. (c), eliminating references to insanity and mental defectiveness and deleting provision stating that expenses are to be paid in same manner as expenses in superior court criminal prosecutions, and amended Subsec. (d) to replace previous provisions re maximum commitment for period equaling maximum sentence for the particular crime or for 25 years if case involves class A felony with maximum commitment period of 18 months, to make changes conforming provisions to changes in Subsecs. (b) and (c) and to add provisions re hearing procedure and options to proceed with trial, reconfine accused, etc.; P.A. 76-353 amended Subsec. (b) to set 10-day deadline for hearing where previously "prompt" hearing was required, amended Subsec. (c) to add references to commissioner of mental retardation, to require hearing within ten rather than 15 days and to add reference to possibility that accused will not be able to understand proceeding and assist in his own defense within remainder of commitment period, amended Subsec. (d) to conform with changes in Subsec. (c) and to restore optional maximum commitment for maximum period of sentence which may be imposed for the crime he is accused of and repealed Subsecs. (e) and (f) by omission; P.A. 76-436 amended section to reflect substitution of assistant state's attorneys for prosecuting attorneys, effective July 1, 1978; P.A. 77-415 restated provisions, reorganized Subsecs. and added Subsecs. (f) and (g) restoring provisions omitted by P.A. 76-353; P.A. 78-280 made technical grammatical change in Subsec. (b); P.A. 80-313 restated and reordered provisions, and revised subsection divisions but made no substantive changes; Sec. 54-40 transferred to Sec. 54-56d in 1981; P.A. 81-365 replaced previous section which was declared unconstitutional; P.A. 83-183 authorized placement of defendant in custody of children and youth services commissioner in Subsecs. (g), (i), (l) and (m) and specified that court may order treatment at mental retardation facilities in Subsec. (i); P.A. 84-506 amended Subsec. (d) to require the examiner to "prepare and sign, without notarization" a written report and file it with the court within 10 days of the examination, amended Subsec. (g) to replace provision requiring court to either release the defendant or place him in the custody of the commissioner of mental health, children and youth services or mental retardation with provision that the court shall "follow the procedure set forth in Subsec. (m)", added a new Subsec. (l) re the responsibilities of the person in charge of a treatment facility and the prosecuting authority when a defendant fails to return to such facility, and relettered remaining Subsecs. accordingly; P.A. 85-288 amended Subsec. (m) to provide that the court shall dismiss, with or without prejudice, any charges for which a nolle prosequi is not entered when the time within which the defendant may be prosecuted for the crime with which he is charged has expired; P.A. 85-613 made technical change in Subsec. (m), substituting reference to chapter 368t for reference to chapter 365a; P.A. 93-91 substituted commissioner and department of children and families for commissioner and department of children and youth services, effective July 1, 1993; P.A. 94-27 amended Subsec. (m) to delete reference to Secs. 17a-580 to 17a-603, inclusive, effective July 1, 1994; P.A. 95-146 amended Subsec. (d) to revise the composition of the clinical team by replacing "a psychiatric social worker" with "one of the following: A clinical independent social worker certified pursuant to chapter 383b or a psychiatric nurse clinical specialist holding a master's degree in nursing", to add exception re appointment of an employee of the Department of Mental Health as a member of a clinical team, to revise the list of professionals authorized to observe the examination by deleting "a psychiatric social worker" and adding "a clinical independent social worker certified pursuant to chapter 383b or a psychiatric nurse clinical specialist holding a master's degree in nursing" and to require the report to be filed within 21 business days of the "date of the order" rather than within 10 days of the "completion of the examination"; P.A. 95-257 replaced Commissioner and Department of Mental Health with Commissioner and Department of Mental Health and Addiction Services, effective July 1, 1995; P.A. 96-90 amended Subsec. (m) to delete references to Secs. 17a-450 to 17a-484, inclusive, 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, 17a-615 to 17a-618, inclusive, and 46a-11a to 46a-11g, inclusive; P.A. 96-180 made technical changes in Subsec. (d) by replacing references to "clinical independent social worker certified pursuant to chapter 383b" with "clinical social worker licensed pursuant to chapter 383b", effective June 3, 1996; P.A. 96-215 amended Subsec. (b) by deleting "clear and convincing" evidence and inserting "preponderance of the" evidence in lieu thereof, effective June 4, 1996; (Revisor's note: In 1997 the references to "17b-115 to 17b-138" and "17b-689 to 17b-693, inclusive," in Subsec. (n) were changed editorially by the Revisors to "17b-116 to 17b-138" and "17b-689, 17b-689b", respectively, to reflect the repeal of certain sections by Sec. 164 of June 18 Sp. Sess. P.A. 97-2); P.A. 98-88 amended Subsec. (k) to designate existing provisions as Subdiv. (1), redesignating former Subdivs. (1) and (2) as Subparas. (A) and (B), respectively, adding Subpara. (C) re a report that the defendant will not attain competency absent administration of psychiatric medication for which the defendant is unwilling or unable to provide consent and adding provision requiring the court to proceed as provided in Subdivs. (2) and (3) if it finds that the defendant will not attain competency absent administration of psychiatric

medication for which the defendant is unwilling or unable to provide consent, to add new Subdiv. (2) authorizing the court to order the involuntary medication of the defendant if it makes certain findings by clear and convincing evidence, and to add new Subdiv. (3) requiring the appointment of a licensed health care provider to represent the health care interests of the defendant if the defendant is unable to provide consent for the administration of psychiatric medication, requiring such person to file a report with the court setting forth his findings and recommendations re the administration of psychiatric medication to the defendant and requiring the court to hold a hearing on the matter and consider such person's opinion in deciding whether to order the involuntary medication of the defendant, and amended Subsec. (m) to authorize a court when it releases a defendant charged with a crime that resulted in the death or serious physical injury of another person to order periodic examinations of the defendant, set forth the procedure for conducting such an examination and a subsequent hearing by the court, require the continuation of criminal proceedings if the defendant is found to have attained competency, specify the duration of such periodic examinations and add references to Sec. 54-193a; P.A. 01-41 amended Subsec. (k) to designate as "a health care guardian" the person appointed in Subdiv. (3) to represent the health care interests of the defendant, add Subdiv. (4) re indemnification of health care guardians and make technical changes in Subdivs. (1) and (2); June 30 Sp. Sess. P.A. 03-3 amended Subsec. (d) by adding provision re whether defendant appears eligible for civil commitment with monitoring by Court Support Services Division pursuant to Subsec. (h)(2), adding Subdiv. and Subpara. designators and making technical changes, amended Subsec. (h) by designating existing provisions as Subdiv. (1) and amending said Subdiv. by designating provisions re ordering placement for treatment as Subpara. (A) and adding Subpara. (B) re ordering placement at treatment facility pending civil commitment proceedings, and by adding Subdiv. (2) re placement of defendant in custody of Commissioner of Mental Health and Addiction Services at treatment facility pending civil commitment proceedings, amended Subsec. (j) by adding Subdiv. (4) re report whenever defendant has been placed for treatment pending civil commitment proceedings and application for civil commitment is denied or not pursued and by making technical changes, amended Subsec. (m) by adding provision re if court orders placement of defendant in custody of Commissioner of Mental Health and Addiction Services and by making technical changes, and amended Subsec. (n) by adding reference to Subsec. (h)(2), effective August 20, 2003, and, in repealing Secs. 17b-19, 17b-62 to 17b-65, inclusive, 17b-116, 17b-116a, 17b-116b, 17b-117, 17b-120, 17b-121, 17b-123, 17b-134, 17b-135, 17b-220, 17b-259 and 17b-287, also authorized deletion of internal references to said sections in this section, effective March 1, 2004; P.A. 04-28 amended Subsec. (d) by changing "or" to "and" re determinations of probability that defendant will regain competency and whether defendant appears eligible for civil commitment, effective April 28, 2004; P.A. 04-76 amended Subsec. (n) by deleting references to Secs. 17b-118b and 17b-221 that were repealed by the same act; (Revisor's note: In 2005, a reference in Subsec. (m) to Sec. 17a-283 was changed editorially by the Revisors to Sec. 17a-282 to reflect the repeal of Sec. 17a-283 by P.A. 04-54); P.A. 05-19 amended Subsec. (k)(1) by adding Subpara. (D) re denial of application for civil commitment of defendant and amended Subsec. (p) by deleting provision re state policeman to guard violent defendant after necessary placement in facility; P.A. 06-36 amended Subsec. (d) by adding provision re action of examiners upon determination of substantial probability that defendant will regain competency within maximum period of placement order, amended Subsec. (h)(2) by adding provision re request for voluntary admission under Sec. 17a-506, replacing provision re defendant ceasing voluntary participation in treatment plan with provision re defendant unwilling or unable to comply with treatment plan despite reasonable efforts of treatment facility to encourage compliance, deleting reference to Subsec. (j) and adding provision re contents of written progress report, amended Subsec. (j)(4) by adding provision re first 120 days of period covered by placement order, replacing "has been placed for treatment pending civil commitment proceedings" with "would be eligible for civil commitment" and deleting provision re application for civil commitment is denied or not pursued, amended Subsec. (k)(1) by replacing "has been placed for treatment pending civil commitment proceedings" with "would be eligible for civil commitment", deleting provision re application for civil commitment is denied or not pursued, adding provision re receipt of report pursuant to Subsec. (h)(2)(A)(iii) and adding provision re placement order upon finding that defendant is eligible for civil commitment, amended Subsec. (k)(3) by inserting "unwilling or" and made technical changes throughout section; P.A. 07-71 amended Subsec. (k) by making a conforming change in Subdiv. (1), making a technical change in Subdiv. (2), designating existing provisions of Subdiv. (3) as Subdiv. (3)(A) and making a technical change therein, adding Subdiv. (3)(B) re supplemental report of health care guardian, adding new Subdiv. (4) re continued involuntary medication of defendant and redesignating existing Subdiv. (4) as Subdiv. (5); pursuant to P.A. 07-73 "Commissioner of Mental Retardation" was changed editorially by the Revisors to "Commissioner of Developmental Services", effective October 1, 2007; P.A. 07-153 amended Subsec. (d) by adding provision re examiners' determination and recommendation re civil commitment of incompetent defendant to hospital for psychiatric disabilities, amended Subsec. (j) by adding new Subpara. (C) requiring progress report to contain opinion re eligibility for and appropriateness of such commitment and redesignating existing Subpara. (C) as Subpara. (D), made technical changes in Subsec. (k) and amended Subsec. (m) by adding provision re consideration of examiners' recommendation and treatment facility opinion re such commitment, distinguishing between commitment procedures applicable to placement of defendant in custody of Commissioner of Children and Families or Commissioner of Developmental Services and commitment procedures applicable to placement of defendant in custody of Commissioner of Mental Health and Addiction Services and authorizing the court to order the latter commissioner to provide services in a less restrictive setting; P.A. 09-79 amended Subsec. (d) to add provision re examiners' access to information on treatment dates and locations in department's database of treatment episodes for purpose of obtaining release of information from defendant and to provide that examination be completed within 15 business days, rather than 15 days, amended Subsec. (e) to add provision re exclusion of treatment information in database of treatment episodes unless defendant released the information and to provide that nothing in subsection shall limit other release or use of information from said database permitted by law, amended

Subsec. (i) to require evaluators to transmit information obtained about defendant not later than 24 hours after court orders placement, amended Subsec. (j) to require person in charge of treatment facility or designee to provide written progress report to examiners not later than 5 business days after court finds defendant will not attain competency within period of placement order or defendant has regained competency, and made technical changes, effective June 2, 2009; P.A. 10-28 amended Subsec. (i) to substitute “examiners” for “evaluators” and “examination” for “evaluation”, and amended Subsec. (m) to divide existing provisions into Subdivs. (1) to (5), to add provision allowing court to order commissioner to give court notice prior to committed defendant's release if release is prior to expiration of time within which defendant may be prosecuted in Subdiv. (1), to add provision re violation of Sec. 53-21(a)(2), 53a-60(a)(2), 53a-60a, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, provide that periodic examinations occur at intervals of not less than 6 months and reposition provision re continuation of periodic examinations in Subdiv. (3), and to add “record” re erasure in Subdiv. (5); P.A. 11-15 added Subsecs. (j)(5) and (k)(1)(A)(v) re defendant who is not competent but has improved sufficiently that inpatient commitment is no longer the least restrictive placement appropriate and available to restore competency, amended Subsec. (k)(1) to add provision re court consideration of whether availability of such less restrictive placement is a sufficient basis on which to release such defendant on a promise to appear, conditions of release, cash bail or bond, and made technical changes; P.A. 11-129 amended Subsec. (i) to substitute “facility for persons with intellectual disability” for “mental retardation facility”; June 12 Sp. Sess. P.A. 12-1 amended Subsec. (i)(2) to insert Subpara. designators (A) and (B) and add exception in Subpara. (A) that defendant placed with Commissioner of Mental Health and Addiction Services may remain in custody of Department of Correction, amended Subsec. (j) to make provisions applicable to Commissioner of Mental Health and Addiction Services re defendant in custody of Commissioner of Correction, amended Subsec. (k)(1) to provide that Commissioner of Mental Health and Addiction Services retain responsibility for providing testimony at hearing re defendant in custody of Commissioner of Correction, amended Subsec. (l) to substitute “a facility for persons with intellectual disability” for “mental retardation facility”, amended Subsec. (m) to add provision in Subdiv. (1) allowing court to order Commissioner of Developmental Services to give court notice prior to committed defendant's release if release is prior to expiration of time within which defendant may be prosecuted, and add provision in Subdiv. (3) allowing court to order periodic examinations of defendant placed with Commissioner of Developmental Services, amended Subsec. (p) to designate existing provisions as Subdiv. (1) and amend same to replace provisions re placement of violent defendant with provisions re defendant who presents a significant security, safety or medical risk, add Subdiv. (2) re defendant remaining in custody of Commissioner of Correction and, add Subdiv. (3) re defendant in custody of Commissioner of Correction who the court finds is still not competent and will not attain competency absent administration of psychiatric medication; P.A. 16-126 amended Subsec. (h)(2)(B) by adding references to Secs. 14-227m and 14-227n(a)(1) and (2); P.A. 18-134 amended Subsec. (m)(3) by adding provision re conducting subsequent periodic examinations as to defendant's competency at intervals of not less than 18 months; P.A. 19-16 amended Subsec. (m) to delete reference to Sec. 54-193a in Subdivs. (3) and (5); P.A. 19-118 amended Subsec. (n) by deleting reference to Sec. 17b-256, effective July 1, 2019; P.A. 19-189 amended Subsecs. (h)(2)(B) and (m)(3) by replacing “53a-70b,” with “section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or”; P.A. 24-137 amended Subsec. (i) by redesignating existing language re conditions for placement for treatment as new Subdiv. (1), redesignating existing Subdivs. (1) to (3) as Subdiv. (1)(A) to (C), redesignating existing Subdiv. (2)(A) and (B) as Subdiv. (1)(B)(i) and (ii), adding new Subdiv. (2) re determination of least restrictive placement and redesignating existing language re outpatient treatment as new Subdiv. (3) and adding language re a defendant not charged with a felony in same. See Sec. 17a-543a re appointment of special limited conservator for and administration of medication to defendant placed in custody of Commissioner of Mental Health and Addiction Services. See Sec. 17a-566 re required examination for signs of mental illness of persons convicted of certain crimes. Annotations to former section 54-40: Cited. 134 C. 45; 161 C. 20. A person who is “insane” within the meaning of the rule exempting mentally disabled persons from execution is not necessarily “insane” within the meaning of the rules precluding incompetent persons from trial, conviction and sentencing. 169 C. 13. Cited. 171 C. 454; 193 C. 526; 198 C. 273. Cited. 14 CS 33. Commitment under section operates in all particulars as civil commitment by Probate Court and committed person's assets must be used for his support; section applies to those already committed at time of enactment and is not ex post facto as it is not a criminal statute. 5 Conn. Cir. Ct. 542. Annotations to present section: Cited. 186 C. 476; 189 C. 61; 192 C. 383; Id., 520; 198 C. 598; 199 C. 359; 200 C. 224; 205 C. 673; 210 C. 304; 214 C. 476; 222 C. 312; 223 C. 557; 224 C. 29; Id., 907; 225 C. 524; 227 C. 930; 229 C. 228; 230 C. 109; Id., 572; 233 C. 44; Id., 813; 235 C. 671; 237 C. 633. Trial court improperly failed to canvass defendant personally and relied on old competency report despite defense counsel's representations that competency issues had newly surfaced; even when defendant is competent at commencement of trial, trial court must be alert to circumstances suggesting a change that would render defendant unable to meet the standards of competence to stand trial. 315 C. 151. Cited. 5 CA 79; 6 CA 476; 8 CA 491; 9 CA 587; 14 CA 140; Id., 586; 17 CA 602; 20 CA 212; 22 CA 477; 25 CA 741; 28 CA 360; judgment reversed, see 229 C. 529; Id., 548; 30 CA 428; 32 CA 553; 34 CA 236; 36 CA 135; Id., 641; 54 CA 361. Defendant is presumed competent and burden to show otherwise is on party alleging incompetence. 62 CA 367. Trial court did not improperly fail to order competency hearing in light of court's observations of defendant at trial and various evaluation reports from mental health facility in which he had been treated, all of which concluded that he was competent to stand trial and that he was engaging in a deliberate pattern of behavior to delay his trial; trial court did not abuse its discretion in determining defendant was malingering in order to delay trial and that competency hearing under section was not required. 81 CA 294. Although defense counsel expressed concerns about defendant's competency, court had opportunity to observe defendant on numerous occasions and did not abuse its discretion by denying defendant's motion for a competency evaluation. 113 CA 651. To demonstrate that trial counsel was ineffective for purposes of this section, petitioner must show that trial counsel had substantial evidence to raise a reasonable doubt

regarding petitioner's lack of competence, but failed to act on it by moving for a competency hearing, and such evidence required trial counsel to investigate petitioner's competence further, but failed to do so. 166 CA 707. Cited. 44 CS 101. Juvenile, age 11, failed to meet burden of proving that he is not competent to stand trial because expert's opinion that juvenile is not competent lacks sufficient foundation and is based upon expert's age-bias for juvenile competency. 52 CS 267. Subsec. (a): No abuse of discretion in finding defendant competent to stand trial. 68 CA 470. Despite egregious and repeated outbursts during trial, defendant legally competent to stand trial since his demeanor and condition remained unchanged from the final pretrial evaluation and his conduct resulted not from mental incapacity but from his deliberate choice to obstruct the proceedings. 158 CA 119. Subsec. (b): Defendant who refuses to cooperate with evaluation process is presumed to be competent under Subsec. 124 CA 249. Subsec. (i): Placements for treatment must be treated cumulatively for purposes of applying the 18-month time limitation. 288 C. 610. Subsec. (k): Subdiv. (2): State's interest in trying defendant for intent to sell and manufacture of marijuana overrides defendant's right to self-determination because the offenses were serious and carried a mandatory minimum sentence of 7 years imprisonment. 299 C. 141. Discussion of whether trial court correctly used standards set forth in statute in determining whether to order forced medication of defendant to render him competent to stand trial; confirmation that statute makes it mandatory to appoint a licensed health care provider to represent health care interests of defendant if court finds that defendant is unable to provide consent for involuntary medication. 70 CA 488. State did not establish by clear and convincing evidence that forced administration of antipsychotic drugs either is substantially likely to render defendant competent to stand trial or, to a reasonable degree of medical certainty, will render defendant competent to stand trial, or that administration of antipsychotic drugs is narrowly tailored and substantially unlikely to have side effects that will interfere significantly with defendant's ability to assist counsel in preparing for trial and at trial. 53 CS 290. Subsec. (m): The term "defendant" includes a respondent in a juvenile matter. 291 C. 556. Subdiv. (5): Provision applies to all charges pending against defendant who has been found incompetent and not restorable to competency; the applicable statute of limitations runs continuously from the date that defendant committed the offense and not from the date that defendant had been found incompetent and not restorable to competency. 301 C. 630. Unconditional release under statute is a reasonable legislative determination. 22 CA 199. Section, as amended by P.A. 98-88, applies retroactively to authorize court to order periodic competency evaluations of incompetent defendant charged with the commission of a crime that resulted in death or serious physical injury; trial court did not abuse its discretion in ordering periodic competency evaluations of defendant when there is no possibility that he will ever regain competence because the plain language of statute contains no such limitation and there is an interest in giving the state a formal mechanism of keeping abreast of possible improvements in defendant's mental condition that may allow prosecution to go forward. 126 CA 539; judgment affirmed, see 307 C. 548.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-56e. (Formerly Sec. 54-76p). - Accelerated pretrial rehabilitation.

(a) There shall be a pretrial program for accelerated rehabilitation of persons accused of a crime or crimes or a motor vehicle violation or violations for which a sentence to a term of imprisonment may be imposed, which crimes or violations are not of a serious nature. Upon application by any such person for participation in the program, the court shall, but only as to the public, order the court file sealed. (b) The court may, in its discretion, invoke such program on motion of the defendant or on motion of a state's attorney or prosecuting attorney with respect to a defendant (1) who, the court believes, will probably not offend in the future, (2) who has no previous record of conviction of a crime or of a violation of section 14-196, subsection (c) of section 14-215, section 14-222a, subsection (a) or subdivision (1) of subsection (b) of section 14-224, section 14-227a or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or section 15-132a, 15-133 or 15-140n, and (3) who states under oath, in open court or before any person designated by the clerk and duly authorized to administer oaths, under the penalties of perjury, (A) that the defendant has never had such program invoked on the defendant's behalf or that the defendant was charged with a misdemeanor or a motor vehicle violation for which a term of imprisonment of one year or less may be imposed and ten or more years have passed since the date that any charge or charges for which the program was invoked on the defendant's behalf were dismissed by the court, or (B) with respect to a defendant who is a veteran, that the defendant has not had such program invoked in the defendant's behalf more than once previously, provided the defendant shall agree thereto and provided notice has been given by the defendant, on a form prescribed by the Office of the Chief Court Administrator, to the victim or victims of such crime or motor vehicle violation, if any, by registered or certified mail and such victim or victims have an opportunity to be heard thereon. Any defendant who applies for participation in such program shall pay to the court an application fee of thirty-five dollars, except as provided in subsection (g) of this section. No defendant shall be allowed to participate in the pretrial program for accelerated rehabilitation more than two times. For the purposes of this section, "veteran" has the same meaning as provided in section 27-103. (c) This section shall not be applicable: (1) To any person charged with (A) a class A felony, (B) a class B felony, except a violation of subdivision (1) or (2) of subsection (a) of section 53a-122 that does not involve the use, attempted use or threatened use of physical force against another person, or a violation of subdivision (3) of subsection (a) of section 53a-122 that does not involve the use, attempted use or threatened use of physical force against another person and does not involve a violation by a person who is a public official, as defined in section 1-110, or a state or municipal employee, as defined in section 1-110, or (C) a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 14-227a or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (2) of subsection (a) of section 53-21 or section 53a-56b, 53a-60d, 53a-70, 53a-70a, 53a-71, except as provided in subdivision (5) of this subsection, 53a-72a, 53a-72b, 53a-90a, 53a-196e or 53a-196f, (2) to any person charged with a crime or motor vehicle violation who, as a result of the commission of such crime or motor vehicle violation, causes the death of another

person, (3) to any person accused of a family violence crime as defined in section 46b-38a who (A) is eligible for the pretrial family violence education program established under section 46b-38c, or (B) has previously had the pretrial family violence education program invoked in such person's behalf, (4) to any person charged with a violation of section 21a-267, 21a-279 or 21a-279a, who (A) is eligible for the pretrial drug education and community service program established under section 54-56i or the pretrial drug intervention and community service program established under section 54-56q, or (B) has previously had (i) the pretrial drug education program, (ii) the pretrial drug education and community service program established under the provisions of section 54-56i, or (iii) the pretrial drug intervention and community service program established under section 54-56q, invoked on such person's behalf, (5) unless good cause is shown, to (A) any person charged with a class C felony, or (B) any person charged with committing a violation of subdivision (1) of subsection (a) of section 53a-71 while such person was less than four years older than the other person, (6) to any person charged with a violation of section 9-359 or 9-359a, (7) to any person charged with a motor vehicle violation (A) while operating a commercial motor vehicle, as defined in section 14-1, or (B) who holds a commercial driver's license or commercial learner's permit at the time of the violation, (8) to any person charged with a violation of subdivision (6) of subsection (a) of section 53a-60, (9) to a health care provider or vendor participating in the state's Medicaid program charged with a violation of section 53a-122 or subdivision (3) of subsection (a) of section 53a-123, or (10) to any person charged with a violation of section 15-132a, 15-133 or 15-140n. (d) Except as provided in subsection (g) of this section, any defendant who enters such program shall pay to the court a participation fee of one hundred dollars. Any defendant who enters such program shall agree to the tolling of any statute of limitations with respect to such crime and to a waiver of the right to a speedy trial. Any such defendant shall appear in court and shall, under such conditions as the court shall order, be released to the supervision of the Court Support Services Division, except that, if a criminal docket for drug-dependent persons has been established pursuant to section 51-181b in the judicial district, such defendant may be transferred, under such conditions as the court shall order, to the court handling such docket for supervision by such court. If the defendant refuses to accept, or, having accepted, violates such conditions, the defendant's case shall be brought to trial. The period of such probation or supervision, or both, shall not exceed two years. If the defendant has reached the age of sixteen years but has not reached the age of eighteen years, the court may order that as a condition of such probation the defendant be referred for services to a youth service bureau established pursuant to section 10-19m, provided the court finds, through an assessment by a youth service bureau or its designee, that the defendant is in need of and likely to benefit from such services. When determining any conditions of probation to order for a person entering such program who was charged with a misdemeanor that did not involve the use, attempted use or threatened use of physical force against another person or a motor vehicle violation, the court shall consider ordering the person to perform community service in the community in which the offense or violation occurred. If the court determines that community service is appropriate, such community service may be implemented by a community court established in accordance with section 51-181c if the offense or violation occurred within the jurisdiction of a community court established by said section. If the defendant is charged with a violation of section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l, the court may order that as a condition of such probation the defendant participate in a hate crimes diversion program as provided in subsection (e) of this section. If a defendant is charged with a violation of section 53-247, the court may order that as a condition of such probation the defendant undergo psychiatric or psychological counseling or participate in an animal cruelty prevention and education program provided such a program exists and is available to the defendant. (e) If the court orders the defendant to participate in a hate crimes diversion program as a condition of probation, the defendant shall pay to the court a participation fee of four hundred twenty-five dollars, except as provided in subsection (g) of this section. The Judicial Department shall contract with service providers, develop standards and oversee appropriate hate crimes diversion programs to meet the requirements of this section. Any defendant whose employment or residence makes it unreasonable to attend a hate crimes diversion program in this state may attend a program in another state which has standards substantially similar to, or higher than, those of this state, subject to the approval of the court and payment of the application and program fees as provided in this section. The hate crimes diversion program shall consist of an educational program and supervised community service. (f) If a defendant released to the supervision of the Court Support Services Division satisfactorily completes such defendant's period of probation, such defendant may apply for dismissal of the charges against such defendant and the court, on finding such satisfactory completion, shall dismiss such charges. If the defendant does not apply for dismissal of the charges against such defendant after satisfactorily completing such defendant's period of probation, the court, upon receipt of a report submitted by the Court Support Services Division that the defendant satisfactorily completed such defendant's period of probation, may on its own motion make a finding of such satisfactory completion and dismiss such charges. If a defendant transferred to the court handling the criminal docket for drug-dependent persons satisfactorily completes such defendant's period of supervision, the court shall release the defendant to the supervision of the Court Support Services Division under such conditions as the court shall order or shall dismiss such charges. Upon dismissal, all records of such charges shall be erased pursuant to section 54-142a. An order of the court denying a motion to dismiss the charges against a defendant who has completed such defendant's period of probation or supervision or terminating the participation of a defendant in such program shall be a final judgment for purposes of appeal. (g) The court shall waive any application or participation fee under this section for any person who (1) files with the court an affidavit of indigency or inability to pay, assisted by the Court Support Services Division, to the extent requested by such person, and the court enters a finding of inability to pay, or (2) has been determined indigent and eligible for representation by a public defender who has been appointed on behalf of such person pursuant to section 51-296. The court shall not require a person to perform community service in lieu of payment of such fee, if such fee is waived. (P.A. 73-641, S. 1, 2; P.A. 74-38; P.A. 76-53; 76-179; P.A. 79-581, S. 11; 79-585, S. 10, 15; P.A. 81-446, S. 4; P.A. 82-9; P.A. 83-534, S. 7; P.A. 85-350, S. 2; 85-374; P.A. 87-343, S. 3, 4; P.A. 87-567, S. 5, 7; P.A. 88-145; P.A. 89-219, S. 7,

10; P.A. 91-24, S. 6; May Sp. Sess. P.A. 92-6, S. 116, 117; P.A. 93-138; P.A. 95-142, S. 4; 95-154; 95-225, S. 31; P.A. 97-248, S. 10, 12; P.A. 98-81, S. 16, 20; 98-208, S. 1, 2; P.A. 99-148, S. 3, 4; 99-187, S. 5; P.A. 00-72, S. 4, 12; 00-196, S. 39; 00-209, S. 5; P.A. 01-16; 01-84, S. 19, 26; P.A. 02-132, S. 34; P.A. 03-208, S. 2; P.A. 04-139, S. 9; P.A. 05-235, S. 5; P.A. 07-217, S. 192; P.A. 10-43, S. 22; P.A. 11-158, S. 1; P.A. 12-42, S. 2; P.A. 13-159, S. 3; 13-271, S. 43; P.A. 14-56, S. 3; 14-130, S. 34; 14-220, S. 2; 14-233, S. 7; P.A. 15-85, S. 19; 15-211, S. 10; P.A. 16-126, S. 32; 16-193, S. 29; P.A. 19-189, S. 25; P.A. 21-79, S. 42; 21-102, S. 12; June Sp. Sess. P.A. 21-1, S. 161; P.A. 22-26, S. 27; 22-37, S. 32; 22-40, S. 13; 22-115, S. 15; P.A. 24-20, S. 25.) History: P.A. 74-38 transferred power to invoke accelerated rehabilitation program from state's attorney or prosecuting attorney to the court and replaced provision which made section inapplicable to persons accused of class A, B or C felony with provision specifying that section is inapplicable in such cases "unless good cause is shown"; P.A. 76-53 clarified provision requiring that crime victims be given opportunity to express their views by specifying notice procedure; P.A. 76-179 required that candidate for rehabilitation state under oath that he has not previously had the program invoked on his behalf; P.A. 79-581 rendered provisions inapplicable to youths previously adjudged youthful offenders; P.A. 79-585 substituted office of adult probation for commission on adult probation; Sec. 54-76p transferred to Sec. 54-56e in 1981; P.A. 81-446 excluded persons charged with a violation of Sec. 14-227a from the provisions of this section; P.A. 82-9 substituted "in the future" for "again" and added provision re erasure of records pursuant to Sec. 54-142a upon dismissal; P.A. 83-534 excluded persons charged with a violation of Sec. 53a-56b or 53a-60d from the provisions of this section; P.A. 85-350 added provision that if the defendant does not apply for dismissal of the charges against him after satisfactory completion of the program the court may on its own motion make a finding of satisfactory completion and dismiss the charges; P.A. 85-374 added provision that certain court orders are final judgments for purposes of appeal; P.A. 87-343 made persons accused of a motor vehicle violation for which a sentence to a term of imprisonment may be imposed eligible for the program; P.A. 87-567 specified that section will not apply to persons accused of a family violence crime who are eligible for pretrial family education program established under Sec. 46b-38c or who have previously had pretrial family violence education program invoked in their behalf; P.A. 88-145 precluded from the program an accused who has a previous record of conviction of "a violation of section 14-196, subsection (c) of section 14-215, section 14-222a, subsection (a) of section 14-224 or section 14-227a", and made a technical change to conform with the changes made by P.A. 87-343 by requiring the accused to give notice to the victim or victims of such crime "or motor vehicle violation"; P.A. 89-219 established an application fee of \$25 and a participation fee of \$100; P.A. 91-24 added provision permitting the defendant to make a sworn statement "before any person designated by the clerk and duly authorized to administer oaths"; May Sp. Sess. P.A. 92-6 increased application fee from \$25 to \$35; P.A. 93-138 made persons accused of more than one crime or motor vehicle violation eligible for the program; P.A. 95-142 made ineligible for the program any person charged with a violation of Sec. 53-21(2), 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b; P.A. 95-154 made ineligible for the program any person charged with a class A or B felony and any person who has previously been adjudged a youthful offender for the commission of a class B felony, however provision re youthful offenders failed to take effect because of irreconcilable conflict with P.A. 95-225, the provisions of that act having taken precedence; P.A. 95-225 made ineligible for the program any person who has previously been adjudged a youthful offender where formerly a "youth" who has previously been adjudged a youthful offender was ineligible unless good cause was shown, and added provision authorizing the court to order certain defendants be referred for services to a youth service bureau as a condition of probation if the court finds that they are in need of and likely to benefit from such services; P.A. 97-248 authorized the transfer of a defendant to the court handling the criminal docket for drug-dependent persons if such a docket has been established in the judicial district, specified that the period of probation or supervision or both not exceed two years and provided that if a defendant transferred to the court handling the criminal docket for drug-dependent persons satisfactorily completes his period of supervision the court shall release the defendant to the Office of Adult Probation or dismiss the charges, effective July 1, 1997; P.A. 98-81 after "who has not been adjudged a youthful offender" added "on or after October 1, 1995", effective May 22, 1998; P.A. 98-208 inserted Subsec., Subdiv. and Subpara. indicators and added Subsec. (c)(2) making provisions inapplicable to any person charged with a crime or motor vehicle violation who, as a result of the commission of such crime or motor vehicle violation, causes the death of another person, effective July 1, 1998; P.A. 99-148 added Subsec. (c)(4) making provisions inapplicable to any person charged with a violation of Sec. 21a-267 or 21a-279 who is eligible for the pretrial drug education program under Sec. 54-56i or has previously had such program invoked in such person's behalf and made provisions of section gender neutral, effective July 1, 1999; P.A. 99-187 amended Subsec. (d) to add provision authorizing the court to order as a condition of probation that the defendant participate in the zero-tolerance drug supervision program established pursuant to Sec. 53a-39d and to make technical changes for purposes of gender neutrality; P.A. 00-72 amended Subsec. (d) to add exception re amount of the participation fee and add provision authorizing the court to order participation in a hate crimes diversion program as a condition of probation for defendants charged with a violation of Sec. 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l, added new Subsec. (e) re hate crimes diversion program and redesignated former Subsec. (e) as Subsec. (f), effective July 1, 2001; P.A. 00-196 amended Subsec. (d) to add provisions requiring the court to consider ordering a person charged with a misdemeanor that did not involve the use, attempted use or threatened use of physical force against another person or a motor vehicle violation to perform community service as a condition of probation and authorizing such community service to be implemented by a community court if the offense or violation occurred within the jurisdiction of a community court, which provisions were formerly incorporated in Sec. 53a-28(e) and were deleted therefrom by same public act; P.A. 00-209 amended Subsec. (b)(3) to replace condition that defendant "has not previously been adjudged a youthful offender on or after October 1, 1995," with condition that defendant "has not been adjudged a youthful offender within the preceding five years", and to add provision that in determining whether to grant an application for a person who has been adjudged a youthful offender more than five years prior to the date of the application, the

court shall have access to the youthful offender records of such person and may consider the crime such person was charged with as a youth; P.A. 01-16 amended Subsec. (c)(1) to add exception re eligibility of any person charged with a violation of Sec. 53a-122 that does not involve the use, attempted use or threatened use of physical force against another person and to make a technical change; P.A. 01-84 amended Subsec. (c)(1) to replace reference to “subdivision (2) of section 53-21” with “subdivision (2) of subsection (a) of section 53-21”, effective July 1, 2001; P.A. 02-132 replaced “Office of Adult Probation” with “Court Support Services Division” in Subsecs. (d), (e) and (f) and replaced “Office of Adult Probation” with “Judicial Department” re authority for contracting with service providers in Subsec. (e); P.A. 03-208 amended Subsec. (d) to add provision authorizing the court to order counseling or participation in an animal cruelty prevention and education program for a defendant charged with a violation of Sec. 53-247; P.A. 04-139 amended Subsec. (c)(1) to make section inapplicable to a person charged with a violation of Sec. 53a-90a, 53a-196e or 53a-196f; P.A. 05-235 added Subsec. (c)(6) making section inapplicable to any person charged with a violation of Sec. 9-359 or 9-359a, effective July 1, 2005, and applicable to elections, primaries and referenda held on or after September 1, 2005; P.A. 07-217 made a technical change in Subsec. (d), effective July 12, 2007; P.A. 10-43 amended Subsec. (d) to delete provision authorizing court to order as condition of probation that defendant participate in zero-tolerance drug supervision program; P.A. 11-158 amended Subsec. (b) to delete Subdiv. (3) re condition that person not have been adjudged youthful offender within preceding 5 years, redesignate existing Subdiv. (4) as Subdiv. (3) and delete provision re court access to youthful offender records of person adjudged youthful offender more than 5 years prior to the application and consideration of crime such person was charged with as a youth; P.A. 12-42 amended Subsec. (b) to add provisions re defendant who is a veteran and re definition of “veteran”; P.A. 13-159 amended Subsec. (c) to add “except as provided in subdivision (5) of this subsection” in Subdiv. (1), substitute “pretrial drug education and community service program” for “pretrial drug education program” and make a conforming change in Subdiv. (4), and add Subpara. (A) designator re person charged with a class C felony and add Subpara. (B) re person charged under Sec. 53a-71(a)(1) for violation committed while less than 4 years older than the other person in Subdiv. (5); P.A. 13-271 amended Subsec. (c) to add Subdiv. (7) re person charged with motor vehicle violation while operating a commercial motor vehicle or who holds commercial driver's license or commercial driver's instruction permit at time of violation, effective January 1, 2014; P.A. 14-56 amended Subsec. (b) to redefine “veteran”, effective May 23, 2014; P.A. 14-130 amended Subsec. (b)(2) to add reference to Sec. 14-224(b)(1); P.A. 14-220 amended Subsec. (c) to add Subdiv. (8) re person charged with violation of Sec. 53a-60(a)(6); P.A. 14-233 amended Subsec. (a) to add provision re court to order file sealed as to public upon application for participation in program, amended Subsec. (b) to add Subpara. (A) and (B) designators and provision re defendant charged with misdemeanor or motor vehicle violation when 10 years have passed since program was previously invoked and related charges were dismissed in Subdiv. (3), and to add provision re no defendant may participate in program more than 2 times, amended Subsec. (c) to add reference to violation of Sec. 53a-122(a)(1), (2) or (3) and add provision re public official or state or municipal employee charged with violation of Sec. 53a-122(a)(4), and made technical changes; P.A. 15-85 amended Subsec. (b) by substituting “form prescribed by the Office of the Chief Court Administrator” for “form approved by rule of court”; P.A. 15-211 amended Subsec. (c) by adding Subpara. designators (A) to (C) in Subdiv. (1) and adding Subdiv. (9) re health care provider or vendor participating in the Medicaid program charged with a violation of Sec. 53a-122 or 53a-123(a)(4); P.A. 16-126 amended Subsecs. (b)(2) and (c)(1) by adding references to Secs. 14-227m and 14-227n(a)(1) and (2); P.A. 16-193 made technical changes in Subsec. (c)(8) and (9); P.A. 19-189 amended Subsec. (c) by replacing “53a-70b,” with “section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or”; P.A. 21-79 amended Subsec. (b) by redefining “veteran”; P.A. 21-102 added Subsec. (g) re fee waivers and made conforming changes in Subsecs. (b), (d) and (e); June Sp. Sess. P.A. 21-1 amended Subsec. (c)(4) by adding reference to Sec. 21a-279a and to Sec. 54-56i, adding references to pretrial drug intervention and community service program under Sec. 54-56q, and making technical changes, effective July 1, 2021; P.A. 22-26 amended Subsec. (c)(4)(B)(i) by making a technical change, amended Subsecs. (d) and (f) by replacing “custody” with “supervision” and amended Subsec. (g)(1) by deleting reference to “has such indigency confirmed”, adding reference re court finding “of inability to pay” and adding reference re Court Support Services Division assisting person “to the extent requested by such person”, effective July 1, 2022; P.A. 22-37 made a technical change in Subsec. (c)(4)(B); P.A. 22-40 amended Subsec. (b) to add reference to Sec. 15-132a, 15-133 or 15-140n in Subdiv. (2), amended Subsec. (c) to add Subdiv. (10) re person charged with violation of Sec. 15-132a, 15-133 or 15-140n and made technical changes, effective July 1, 2022; P.A. 22-115 amended Subsec. (c) to delete existing reference to Sec. 53a-122(a)(3) and replace existing reference to Sec. 53a-122(a)(4) with Sec. 53a-122(a)(3) and existing reference to Sec. 53a-123(a)(4) with Sec. 53a-123(a)(3); P.A. 24-20 amended Subsec. (c) by replacing reference to commercial driver's instruction permit with reference to commercial learner's permit and making a technical change. Annotations to former section 54-76p: Cited. 36 CS 527. Found error in denial of application for accelerated rehabilitation; detailed discussion in dissent. 37 CS 767. Annotations to present section: Claim to a dismissal of charges based on successful completion of conditions imposed under statute is interlocutory and review of claim not deemed proper as an exception to the ground rule requiring final judgment; exceptions discussed. 194 C. 650. Cited. 206 C. 512; 219 C. 752; 222 C. 331. Arbitrator improperly relied on employee's admission into accelerated rehabilitation program as evidence of cause for employee's discharge from employment despite clear and significant public policy that acceptance of accelerated rehabilitation is not evidence of guilt, that it cannot be used as evidence of guilt, and that it has no probative value on the issues of guilt or innocence of the charged offenses. 298 C. 824. Under 2014 Supplement, because the purpose of accelerated rehabilitation is to grant onetime offenders an opportunity to maintain a clean criminal record, a conviction obtained while participating in the program violates the purpose of section and requires a finding of unsatisfactory completion. 313 C. 590. Denial of application for accelerated rehabilitation is not appealable following plea of nolo contendere. 2 CA 219. “Crime” means a single criminal act or transaction out

of which one or more criminal charges might arise; determinative criterion governing statute is whether charges arise out of same act or transaction. 6 CA 505. Cited. 8 CA 273; 9 CA 631; judgment reversed, see 205 C. 352; Id., 686; 23 CA 559. Defendant charged with more than one single criminal act or transaction is ineligible for accelerated rehabilitation. 25 CA 235. Cited. 27 CA 635. Section is mandatory in nature; failure to complete satisfactorily the period of pretrial probation requires that case be returned to docket for trial. 45 CA 722. Court's appraisal of sufficiency of required apology to victim upheld, where defendant initiated other litigation that may have been impacted by wording of apology. 108 CA 605. Mere arrest of defendant, without more, was not sufficient ground to terminate defendant's accelerated rehabilitation. 110 CA 814. Mere arrest of defendant, without more, is an insufficient ground for revoking his eligibility for dismissal of charges pursuant to accelerated rehabilitation program. 37 CS 853. Cited. Id., 864. Denial of application for accelerated rehabilitation not a final judgment from which right of appeal lies. 38 CS 552. Cited. Id., 689; 41 CS 454. Subsec. (a): After defendant's completion of program, court must act affirmatively by making a finding of satisfactory completion in order to dismiss charges against defendant and state's failure to terminate his status in the program during period of probation does not require court to dismiss the underlying charge. 98 CA 111. Legislature's use of both the singular "crime" and the plural "crimes" reflects the legislature's intent that statute may be invoked with respect to defendant accused of either one crime or multiple crimes, regardless of whether those crimes are temporally or otherwise related. 110 CA 442.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-56f. (Formerly Sec. 54-5). - Requirements of sureties of the peace.

Any judge of the Superior Court may, from his personal knowledge or upon complaint of another, require sureties of the peace and good behavior from any person who threatens to beat or kill another or resists or abuses any officer in the execution of his office or contends with angry words or, by any unlawful act, terrifies or disturbs any person. When any person complains on oath to a judge of the Superior Court that he has just cause to fear that another will imprison, beat or kill the complainant, or procure others to do so, and that he is under fear of bodily harm, such judge may, if he believes such person has just cause for such fear, require sureties of the peace and good behavior from the person so complained of. Upon refusal of the person so required to find sureties of the peace in any of such cases, such judge may commit him to a community correctional center to remain until he is discharged by due course of law or until the next term of the superior court having criminal jurisdiction in such judicial district, which may make further order relating to the subject matter of any such offense; but, in all cases in which any person so complains on oath, such judge shall require of him a sufficient bond to prosecute his complaint to effect; and, if the person complained of is discharged by such judge for want of probable cause, the complainant shall pay all the expenses of such prosecution and such judge shall tax the same against the complainant and issue execution against him therefor, and the same when collected shall be paid into the hands of such judge, to be by him paid to those to whom the same may be due. (1949 Rev., S. 8729; 1959, P.A. 28, S. 205; 1963, P.A. 642, S. 59; 1967, P.A. 656, S. 59; P.A. 73-116, S. 15; 73-667, S. 1, 2; P.A. 74-183, S. 129, 291; P.A. 76-436, S. 520, 681; P.A. 78-280, S. 1, 127.) History: 1959 act substituted circuit court judge for trial justice and deleted provision for person who abuses justice of the peace; 1963 act deleted specification commitment be to jail "in county"; 1967 act changed court "session" to court "term"; P.A. 73-116 replaced "jail" with "community correctional center" and added reference to judicial districts; P.A. 73-667 changed effective date of P.A. 73-116 from October 1, 1973, to April 25, 1973; P.A. 74-183 replaced circuit court with court of common pleas, reflecting reorganization of judicial system, effective December 31, 1974; P.A. 76-436 replaced court of common pleas with superior court, reflecting transfer of all trial jurisdiction to superior court, effective July 1, 1978; P.A. 78-280 deleted reference to counties; Sec. 54-5 transferred to Sec. 54-56f in 1981. Annotations to former section 54-5: Bond void in part is void in toto. 7 C. 239. Justice authorized to take recognizance for good behavior and also to appear before higher court. 15 C. 149. Accused may be brought before and tried by another justice than the one issuing warrant. 59 C. 386. Cited. 60 C. 431.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-56g. - Pretrial alcohol education program.

(a)(1) There shall be a pretrial alcohol education program for persons charged with a violation of section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or section 15-133 or 15-140n. Upon application by any such person for participation in such program, the court shall, but only as to the public, order the court file sealed, and such person shall pay to the court an application fee of one hundred dollars and a nonrefundable evaluation fee of one hundred dollars, except as provided for in subsection (i) of this section, and such person shall state under oath, in open court or before any person designated by the clerk and duly authorized to administer oaths, under penalties of perjury that: (A) If such person is charged with a violation of section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subsection (d) of section 15-133 or section 15-140n, such person has not had such program invoked in such person's behalf within the preceding ten years for a violation of section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subsection (d) of section 15-133 or section 15-140n, (B) such person has not been convicted of a violation of section 53a-56b or 53a-60d, a violation of subsection (a) of section 14-227a before, on or after October 1, 1981, a violation of subdivision (1) or (2) of subsection (a) of section 14-227a on or after October 1, 1985, a violation of section 14-227g, a violation of section 14-227m or a violation of subdivision (1) or (2) of subsection (a) of section 14-227n, (C) such person has not been convicted of a violation of section 15-132a, subsection (d) of section 15-133, section 15-140l or section 15-140n, (D) such person has not been convicted in any other state at any time of an offense the essential elements of which are substantially the same as section 53a-56b, 53a-60d, 15-132a, 15-140l or 15-140n, subdivision (1) or (2) of subsection (a) of section 14-227a, section 14-227m, subdivision (1) or (2) of subsection (a) of

section 14-227n or subsection (d) of section 15-133, and (E) notice has been given by such person, by registered or certified mail on a form prescribed by the Office of the Chief Court Administrator, to each victim who sustained a serious physical injury, as defined in section 53a-3, which was caused by such person's alleged violation, that such person has applied to participate in the pretrial alcohol education program and that such victim has an opportunity to be heard by the court on the application. (2) The court shall provide each such victim who sustained a serious physical injury an opportunity to be heard prior to granting an application under this section. Unless good cause is shown, a person shall be ineligible for participation in such pretrial alcohol education program if such person's alleged violation of section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or subsection (d) of section 15-133 caused the serious physical injury, as defined in section 53a-3, of another person. (3) The application fee imposed under this subsection shall be credited to the Criminal Injuries Compensation Fund established under section 54-215. The evaluation fee imposed under this subsection shall be credited to the pretrial account established under section 54-56k. (b) The court, after consideration of the recommendation of the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case, may, in its discretion, grant such application. If the court grants such application, the court shall refer such person to the Court Support Services Division for assessment and confirmation of the eligibility of the applicant and to the Department of Mental Health and Addiction Services for evaluation. The Court Support Services Division, in making its assessment and confirmation, may rely on the representations made by the applicant under oath in open court with respect to convictions in other states of offenses specified in subsection (a) of this section. Upon confirmation of eligibility and receipt of the evaluation report, the defendant shall be referred to the Department of Mental Health and Addiction Services by the Court Support Services Division for placement in an appropriate alcohol intervention program for one year, or be placed in a state-licensed substance abuse treatment program. The alcohol intervention program shall include a ten-session intervention program and a fifteen-session intervention program. Any person who enters the pretrial alcohol education program shall agree: (1) To the tolling of the statute of limitations with respect to such crime, (2) to a waiver of such person's right to a speedy trial, (3) to complete ten or fifteen counseling sessions in an alcohol intervention program or successfully complete a substance abuse treatment program of not less than twelve sessions pursuant to this section dependent upon the evaluation report and the court order, (4) to commence participation in an alcohol intervention program or substance abuse treatment program not later than ninety days after the date of entry of the court order unless granted a delayed entry into a program by the court, (5) upon completion of participation in the alcohol intervention program, to accept placement in a substance abuse treatment program upon the recommendation of a provider under contract with the Department of Mental Health and Addiction Services pursuant to subsection (f) of this section or placement in a state-licensed substance abuse treatment program which meets standards established by the Department of Mental Health and Addiction Services, if the Court Support Services Division deems it appropriate, and (6) if ordered by the court, to participate in at least one victim impact panel. The suspension of the motor vehicle operator's license of any such person pursuant to section 14-227b shall be effective during the period such person is participating in the pretrial alcohol education program, provided such person shall have the option of not commencing the participation in such program until the period of such suspension is completed. If the Court Support Services Division informs the court that the defendant is ineligible for such program and the court makes a determination of ineligibility or if the program provider certifies to the court that the defendant did not successfully complete the assigned program or is no longer amenable to treatment and such person does not request, or the court denies, program reinstatement under subsection (e) of this section, the court shall order the court file to be unsealed, enter a plea of not guilty for such defendant and immediately place the case on the trial list. If such defendant satisfactorily completes the assigned program, such defendant may apply for dismissal of the charges against such defendant and the court, on reviewing the record of the defendant's participation in such program submitted by the Court Support Services Division and on finding such satisfactory completion, shall dismiss the charges. If the defendant does not apply for dismissal of the charges against such defendant after satisfactorily completing the assigned program the court, upon receipt of the record of the defendant's participation in such program submitted by the Court Support Services Division, may on its own motion make a finding of such satisfactory completion and dismiss the charges. Upon motion of the defendant and a showing of good cause, the court may extend the one-year placement period for a reasonable period for the defendant to complete the assigned program. A record of participation in such program shall be retained by the Court Support Services Division for a period of ten years from the date the court grants the application for participation in such program. The Court Support Services Division shall transmit to the Department of Motor Vehicles a record of participation in such program for each person who satisfactorily completes such program. The Department of Motor Vehicles shall maintain for a period of ten years the record of a person's participation in such program as part of such person's driving record. The Court Support Services Division shall transmit to the Department of Energy and Environmental Protection the record of participation of any person who satisfactorily completes such program who has been charged with a violation of the provisions of subsection (d) of section 15-133 or section 15-140n. The Department of Energy and Environmental Protection shall maintain for a period of ten years the record of a person's participation in such program as a part of such person's boater certification record. (c) (1) At the time the court grants the application for participation in the pretrial alcohol education program, such person shall also pay to the court a nonrefundable program fee of three hundred fifty dollars if such person is ordered to participate in the ten-session intervention program and a nonrefundable program fee of five hundred dollars if such person is ordered to participate in the fifteen-session intervention program. If the court grants the application for participation in the pretrial alcohol education program and such person is ordered to participate in a substance abuse treatment program, such person shall be responsible for the costs associated with participation in such program. No person may be excluded from either program for inability to pay such fee or cost, and the court shall waive any such fee or cost for any intervention program if such person is found eligible to have such fee or cost waived under subsection (i) of this section. (2) If the court finds that a person is indigent or unable

to pay for a treatment program using the method for determining indigency described in subsection (i) of this section, the costs of such program shall be paid from the pretrial account established under section 54-56k. (3) If the court denies the application, such person shall not be required to pay the program fee. If the court grants the application and such person is later determined to be ineligible for participation in such pretrial alcohol education program or fails to complete the assigned program, the program fee shall not be refunded. All program fees shall be credited to the pretrial account established under section 54-56k. (d) If a person returns to court with certification from a program provider that such person did not successfully complete the assigned program or is no longer amenable to treatment, the provider, to the extent practicable, shall include a recommendation to the court as to whether a ten-session intervention program, a fifteen-session intervention program or placement in a state-licensed substance abuse treatment program would best serve such person's needs. The provider shall also indicate whether the current program referral was an initial referral or a reinstatement to the program. (e) When a person subsequently requests reinstatement into an alcohol intervention program or a substance abuse treatment program and the Court Support Services Division verifies that such person is eligible for reinstatement into such program and thereafter the court favorably acts on such request, such person shall pay a nonrefundable program fee of one hundred seventy-five dollars if ordered to complete a ten-session intervention program or two hundred fifty dollars if ordered to complete a fifteen-session intervention program, as the case may be, except as provided in subsection (i) of this section. If the court grants a person's request to be reinstated into a treatment program, such person shall be responsible for the costs, if any, associated with being reinstated into the treatment program. All program fees collected in connection with a reinstatement to an intervention program shall be credited to the pretrial account established under section 54-56k. No person shall be permitted more than two program reinstatements pursuant to this subsection. (f) The Department of Mental Health and Addiction Services shall contract with service providers, develop standards and oversee appropriate alcohol programs to meet the requirements of this section. Said department shall adopt regulations, in accordance with chapter 54, to establish standards for such alcohol programs. Any person ordered to participate in a treatment program shall do so at a state-licensed treatment program which meets the standards established by said department. Any defendant whose employment or residence makes it unreasonable to attend an alcohol intervention program or a substance abuse treatment program in this state may attend a program in another state which has standards substantially similar to, or higher than, those of this state, subject to the approval of the court and payment of the application, evaluation and program fees and treatment costs, as appropriate, as provided in this section. (g) The court may, as a condition of granting such application, require that such person participate in a victim impact panel program approved by the Court Support Services Division of the Judicial Department. Such victim impact panel program shall provide a nonconfrontational forum for the victims of alcohol-related or drug-related offenses and offenders to share experiences on the impact of alcohol-related or drug-related incidents in their lives. Such victim impact panel program shall be conducted by a nonprofit organization that advocates on behalf of victims of accidents caused by persons who operated a motor vehicle while under the influence of intoxicating liquor or any drug, or both. Such organization may assess a participation fee of not more than seventy-five dollars on any person required by the court to participate in such program, provided such organization shall offer a waiver when such person has been determined indigent and eligible for representation by a public defender who has been appointed on behalf of such person pursuant to section 51-296. (h) The provisions of this section shall not be applicable in the case of any person charged with a violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n (1) while operating a commercial motor vehicle, as defined in section 14-1, or (2) who holds a commercial driver's license or commercial learner's permit at the time of the violation. (i) The court shall waive any fee or cost under subsection (a), (c) or (e) of this section for any person who (1) files with the court an affidavit of indigency or inability to pay, has such indigency confirmed by the Court Support Services Division and the court enters a finding thereof, or (2) has been determined indigent and eligible for representation by a public defender who has been appointed on behalf of such person pursuant to section 51-296. The court shall not require a person to perform community service in lieu of payment of such fee or cost, if such fee or cost is waived. (j) A court may not grant an application to participate in the pretrial alcohol education program under this section on or after April 1, 2022. Anyone participating in the program on April 1, 2022, may continue such participation until successful completion of the program or termination of participation in the program after any possible reinstatements in the program. (P.A. 81-446, S. 1; P.A. 82-408, S. 1; 82-472, S. 166, 183; P.A. 83-508, S. 1, 5; 83-571, S. 1; P.A. 85-350, S. 3; 85-417; 85-529, S. 1, 4; 85-596, S. 3; P.A. 86-403, S. 91, 132; P.A. 89-110, S. 1-3; 89-219, S. 8, 10; 89-314, S. 4, 5; P.A. 91-24, S. 7; 91-243; May Sp. Sess. P.A. 92-6, S. 81, 117; P.A. 93-381, S. 9, 39; P.A. 94-135, S. 8; P.A. 95-257, S. 5, 58; P.A. 96-180, S. 129, 166; P.A. 97-309, S. 14, 23; 97-322, S. 7, 9; June 18 Sp. Sess. P.A. 97-8, S. 32, 88; P.A. 98-81, S. 11; P.A. 99-255, S. 3; P.A. 01-201, S. 2, 3; June Sp. Sess. P.A. 01-8, S. 9, 13; P.A. 02-132, S. 35; May 9 Sp. Sess. P.A. 02-1, S. 117; P.A. 03-244, S. 11, 13; June 30 Sp. Sess. P.A. 03-6, S. 177; P.A. 04-217, S. 19; 04-250, S. 2; P.A. 06-130, S. 21; P.A. 07-167, S. 42; June Sp. Sess. P.A. 07-4, S. 20; P.A. 09-140, S. 14; Sept. Sp. Sess. P.A. 09-3, S. 54; P.A. 10-18, S. 24; 10-30, S. 1; P.A. 11-80, S. 1; P.A. 13-271, S. 44; P.A. 14-110, S. 1; P.A. 15-85, S. 20; 15-211, S. 11; P.A. 16-126, S. 4, 5; P.A. 19-151, S. 4; P.A. 21-102, S. 13; June Sp. Sess. P.A. 21-1, S. 168; P.A. 24-20, S. 26.) History: P.A. 82-408 added "before or after October 1, 1982" after "14-227a" in Subsec. (a), in Subsec. (b) changed "grants" to "may, in its discretion, grant" and eliminated provision that license suspension shall be ineffective during period of participation in program and reversed upon satisfactory completion of program, in Subsec. (d) changed "office of adult probation" to "Connecticut alcohol and drug abuse commission" and "Connecticut alcohol and drug abuse commission" to "service providers" and in Subsec. (e) after "fund" added "from which all moneys except administrative costs, shall be transferred to the Connecticut alcohol and drug abuse commission"; P.A. 82-472 changed date applicable to violations of Sec. 14-227a from October 1, 1982, to October 1, 1981; P.A. 83-508 repealed provision establishing alcohol education and treatment revolving fund from which moneys shall be transferred to Connecticut alcohol and drug abuse commission for education and

treatment programs and provided that \$200 fee shall be credited to the general fund instead of being deposited in revolving fund and that any balance in the revolving fund on July 1, 1983, shall be transferred to the general fund; P.A. 83-571 amended Subsec. (b) to provide that a person who enters the system agrees to accept more intensive treatment or other forms of education or treatment or to participate in additional meetings or counseling sessions if the office of adult probation deems it appropriate, to provide that the case of a defendant “no longer amenable to treatment under such program” shall be placed on the trial list, and to replace the provision that a defendant’s “case shall be brought to trial” with provision that the court shall “enter a plea of not guilty for such defendant and immediately place the case on the trial list”, to require the office of adult probation to transmit to the department of motor vehicles a record of participation for each person who satisfactorily completes such program and to require the department of motor vehicles to maintain for 7 years a record of a person’s participation in the program, and amended Subsec. (c) to increase the fee for participation from \$200 to \$250; P.A. 85-350 amended Subsec. (a) to provide that unless good cause is shown a person is ineligible for the program if his violation caused the serious physical injury of another person, and amended Subsec. (b) to provide that if the defendant does not apply for dismissal of the charges against him after satisfactory completion of the program the court may on its own motion make a finding of satisfactory completion and dismiss the charges; P.A. 85-417 replaced references to office of adult probation with references to bail commission; P.A. 85-529 amended Subsec. (a) to establish an application fee of \$15 and provide that said fee be credited to the criminal injuries compensation fund; P.A. 85-596 amended Subsec. (a) to exclude persons convicted of a violation of “subsection (a)” of section 14-227a before or after October 1, 1981, or “a violation of subdivision (1) or (2) of subsection (a) of section 14-227a on or after October 1, 1985”; P.A. 86-403 made technical change in Subsec. (b); P.A. 89-110 amended Subsec. (a) to exclude persons convicted of a violation of Sec. 53a-56b or 53a-60d or convicted in any other state at any time of an offense the essential elements of which are substantially the same as Sec. 53a-56b, 53a-60d or 14-227a(1) or (2), amended Subsec. (b) to authorize the bail commission to rely on the representations made by the applicant re convictions in other states, and amended Subsec. (d) to authorize a defendant to attend an alcohol education and treatment program in another state under certain conditions; P.A. 89-219 amended Subsec. (a) to raise the application fee from \$15 to \$50; P.A. 89-314 amended Subsec. (b) to add proviso that a person whose license has been suspended pursuant to Sec. 14-227b shall have the option of not commencing participation in the program until the period of such suspension is completed; P.A. 91-24 amended Subsec. (a) to add provision permitting the person to make a sworn statement “before any person designated by the clerk and duly authorized to administer oaths”; P.A. 91-243 amended Subsec. (b) to make technical language changes to clarify the role of the Connecticut alcohol and drug abuse commission in the pretrial alcohol education system and repealed obsolete Subsec. (e) re transfer of moneys in alcohol education and treatment fund to general fund; May Sp. Sess. P.A. 92-6 amended Subsec. (c) to raise fee from \$250 to \$350; P.A. 93-381 replaced Connecticut alcohol and drug abuse commission and executive director with department and commissioner of public health and addiction services, respectively, effective July 1, 1993; P.A. 94-135 amended Subsec. (b) to provide referral to bail commissioner for assessment and confirmation of eligibility for program, and amended Subsec. (c) to require payment of nonrefundable program fee at time court grants application and to specify that payment of such fee is not required if court denies application, but that fee is not refundable if ineligibility is determined at a later time or applicant does not complete the program; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Mental Health and Addiction Services, effective July 1, 1995; P.A. 96-180 made technical change in Subsec. (d), substituting “department” for “commission”, effective June 3, 1996; P.A. 97-309 and June 18 Sp. Sess. P.A. 97-8 both changed eight meetings or counseling sessions to ten counseling sessions in Subsec. (b) and in Subsec. (c) increased the program fee from \$350 to \$425, effective July 1, 1997; P.A. 97-322 revised effective date of P.A. 97-309 but without affecting this section; P.A. 98-81 amended Subsecs. (a) and (b) by changing “information or complaint” to “court file”; P.A. 99-255 amended Subsec. (b) to require a person who enters the system to agree to participate in at least fifteen counseling sessions if such person was charged with a violation of Sec. 14-227a(a)(2) and had a blood alcohol ratio of 0.16% or more of alcohol, by weight, amended Subsec. (c) to establish a program fee of \$600 if the person was charged with a violation of Sec. 14-227a(a)(2) and had a blood alcohol ratio of 0.16% or more of alcohol, by weight, and made technical changes for purposes of gender neutrality (Revisor’s note: In Subsec. (b) a reference to “sixteen-hundredths of one per cent of more of alcohol” was changed editorially by the Revisors to “sixteen-hundredths of one per cent or more of alcohol” for consistency with language in Subsec. (c)); P.A. 01-201 added Subsec. (b)(5) requiring a person who enters the system to agree to participate in at least one victim impact panel if ordered by the court and added Subsec. (e) to authorize the court to require participation in a victim impact panel program as a condition of granting the application, specify the nature of the program and the organization that will conduct the program and authorize the organization to assess a participation fee; June Sp. Sess. P.A. 01-8 amended Subsec. (c) by changing “General Fund” to “pretrial account”, effective July 1, 2001; P.A. 02-132 replaced “Bail Commission” with “Court Support Services Division” in Subsecs. (b) and (c); May 9 Sp. Sess. P.A. 02-1 amended Subsec. (a) to require a pretrial alcohol education system for persons charged with a violation of Sec. 14-227g and a nonrefundable evaluation fee of \$100, to require the court to order the court file sealed provided there is a statement under oath that, if such person is charged with a violation of Sec. 14-227a, such person has not had such system invoked in his or her behalf within the preceding 10 years for a violation of said section, and, if such person is charged with a violation of Sec. 14-227g, such person has never had such system invoked in his or her behalf for a violation of Sec. 14-227a or 14-227g, and to make technical changes, amended Subsec. (b) to require the court to refer applicants to the Department of Mental Health and Addiction Services for evaluation, to require any person who enters the system to agree to complete ten or fifteen counseling sessions in an alcohol intervention program dependent upon the evaluation report and the court order and to make technical changes, amended Subsec. (c) to require payment to the court of a nonrefundable program fee of \$325 if such person is ordered to participate in the ten-session program and a nonrefundable program

fee of \$500 if such person is ordered to participate in the fifteen-session program and to make technical changes, and amended Subsec. (d) to add provision re payment of the evaluation fee, effective July 1, 2002; P.A. 03-244 amended Subsec. (a) to include reference to Secs. 15-133, 15-140l and 15-140n and amended Subsec. (b) to provide for transmittal of the record of participation to the Department of Environmental Protection for persons who violated Sec. 15-133, 15-140l or 15-140n; June 30 Sp. Sess. P.A. 03-6 amended Subsec. (a) to restore existing statutory language inadvertently omitted in the drafting of public act 03-244; P.A. 04-217 added Subsec. (f) providing section not applicable where person charged with violation of Sec. 14-227a while operating commercial motor vehicle, effective January 1, 2005; P.A. 04-250 amended Subsec. (a) to make technical changes, amended Subsec. (b) to authorize the placement of the defendant in a state-licensed substance abuse treatment program, add as an alternative in Subdiv. (3) successful completion of a substance abuse treatment program of not less than twelve sessions, add in Subdiv. (4) that the person agrees to accept placement in a treatment program “upon completion of participation in the alcohol intervention program” and replace in Subdiv. (4) “placement in a treatment program which has standards substantially similar to, or higher than, a program of a provider under contract with the Department of Mental Health and Addiction Services” with “placement in a state-licensed treatment program which meets standards established by” said department, amended Subsec. (c) to replace “application for participation in the pretrial alcohol education system” with “application for participation in the alcohol intervention program”, add provision that if the court grants participation in a treatment program the person is responsible for the costs associated with participation in such program, add provision that if the court finds a person is indigent or unable to pay for a treatment program the costs of such program shall be paid from the pretrial account established under Sec. 54-56k and make technical changes and amended Subsec. (d) to require any person ordered to participate in a treatment program to do so at a state-licensed treatment program which meets the standards established by said department and replace “an alcohol program” with “an alcohol intervention program or a treatment program”; P.A. 06-130 amended Subsec. (f) by making section inapplicable to holders of commercial driver's licenses, effective July 1, 2006; P.A. 07-167 amended Subsec. (f) by deleting provision re holder of a commercial driver's license, effective July 1, 2007; June Sp. Sess. P.A. 07-4 amended Subsec. (e) to increase fee from \$25 to \$75 and to permit a waiver where fee would pose economic hardship; P.A. 09-140 amended Subsecs. (a) and (b) by adding references to Sec. 15-132a and making a technical change, effective July 1, 2009; Sept. Sp. Sess. P.A. 09-3 amended Subsec. (a) by replacing pretrial alcohol education system with pretrial alcohol education program, increasing application fee from \$50 to \$100 and specifying that evaluation fee shall be credited to pretrial account established under Sec. 54-56k, amended Subsec. (b) by providing that alcohol intervention program shall include 10-session and 15-session intervention programs, adding new Subdiv. (4) re commencing participation in program not later than 90 days after date of entry of court order, redesignating existing Subdivs. (4) and (5) as Subdivs. (5) and (6), adding provision re entry of not guilty plea for any person who does not pursue or who is denied program reinstatement by the court under Subsec. (e), extending from 7 to 10 years the record retention requirements re program participation for Departments of Motor Vehicles and Environmental Protection and making a technical change, amended Subsec. (c) by increasing alcohol intervention program fee from \$325 to \$350 and deleting “such evaluation and” re fees credited to pretrial account, added new Subsec. (d) re recommendations from program providers re persons who do not successfully complete assigned program, added new Subsec. (e) re reinstatement into intervention or treatment program and redesignated existing Subsecs. (d) to (f) as Subsecs. (f) to (h), effective January 1, 2010; P.A. 10-18 amended Subsecs. (a) to (c) by replacing references to “system” with references to “program”; P.A. 10-30 made technical changes and substituted references to “program” for references to “system”, amended Subsec. (b) to substitute “ten years from the date the court grants the application for participation in such program” for “seven years from the date of application”, amended Subsec. (c) to allow waiver of fees if court finds person indigent or unable to pay for intervention program, and amended Subsec. (f) to reference treatment costs, effective July 1, 2010; pursuant to P.A. 11-80, “Department of Environmental Protection” was changed editorially by the Revisors to “Department of Energy and Environmental Protection” in Subsec. (b), effective July 1, 2011; P.A. 13-271 amended Subsec. (h) to add Subdiv. (1) designator re operating a commercial motor vehicle and add Subdiv. (2) re person who holds commercial driver's license or commercial driver's instruction permit at time of violation, effective January 1, 2014; P.A. 14-110 amended Subsec. (a) to add new Subdiv. (1) to (3) designators, redesignate existing Subdivs. (1) to (4) as Subparas. (A) to (D) and add Subpara. (E) re notice to victim who sustained serious physical injury caused by alleged violation in Subdiv. (1), add provision re victim's opportunity to be heard prior to granting of application in Subdiv. (2), and make technical changes; P.A. 15-85 amended Subsec. (a)(1)(E) by substituting “form prescribed by the Office of the Chief Court Administrator” for “form approved by rule of court”; P.A. 15-211 amended Subsec. (a)(1) by deleting references to Secs. 15-132a and 15-140l, adding references to Secs. 14-227g, 15-133(d) and 15-140n, deleting former Subpara. (B) re person charged with violation of Sec. 14-227g, redesignating existing Subpara. (C) as Subpara. (B) and adding reference to violation of Sec. 14-227g therein, adding new Subpara. (C) re person not convicted of violation of Sec. 15-132a, 15-133(d), 15-140l or 15-140n, and adding references to Secs. 15-132a, 15-133(d), 15-140l and 15-140n in Subpara. (D), amended Subsec. (a)(2) by adding reference to Sec. 15-133(d), and amended Subsec. (b) by replacing references to Secs. 15-132a, 15-133 and 15-140l with reference to Sec. 15-133(d); P.A. 16-126 amended Subsecs. (a) and (h) by adding references to Secs. 14-227m and 14-227n(a)(1) and (2); P.A. 19-151 amended Subsec. (a)(1) by replacing “Upon application by any such person for participation in such program and payment to the court of an application fee of one hundred dollars and a nonrefundable evaluation fee of one hundred dollars, the court shall, but only as to the public, order the court file sealed, provided such person states under oath,” with “Upon application by any such person for participation in such program, the court shall, but only as to the public, order the court file sealed, and such person shall pay to the court an application fee of one hundred dollars and a nonrefundable evaluation fee of one hundred dollars, and such person shall state under oath,” effective July 8, 2019; P.A. 21-102 amended Subsec. (c) by redesignating

existing provisions re program fee as Subdiv. (1), deleting former Subdivs. (1) to (3) re provisos, redesignating existing provision re costs paid from pretrial account as Subdiv. (2) and redesignating existing provision re denial of application as Subdiv. (3), added Subsec. (i) re fee or cost waiver and made conforming changes in Subsecs. (a), (c), (e) and (g); June Sp. Sess. P.A. 21-1 added Subsec. (i), codified by the Revisors as Subsec. (j), re application to and participation in program on or after April 1, 2022, effective June 22, 2021; P.A. 24-20 amended Subsec. (h)(2) by replacing reference to commercial driver's instruction permit with reference to commercial learner's permit. Trial court might reasonably have determined that defendant lost her eligibility to continue in the system of alcohol education when, shortly after she had been admitted, she again operated her vehicle while intoxicated. 200 C. 102. Pretrial alcohol education program cited. Id., 615. Cited. 39 CA 11; 45 CA 722. Program is a pretrial diversionary program designed to avoid trial and therefore court did not abuse its discretion in denying application for participation in program after jury selection had commenced. 86 CA 751. Trial court not required to conduct an evidentiary hearing to remove defendant from first-time offender program because he effectively conceded he was not entitled to dismissal of charge when he pleaded guilty as a triple first-time offender. 193 CA 637. Cited. 37 CS 767; 38 CS 675; Id., 689. Subsec. (a): Subdiv. (1)(D) plain and unambiguous; trial court properly denied application and related motion to dismiss because of defendant's 1997 New York conviction since statute expressly states that persons with out of state convictions, at any time, are not eligible for program. 162 CA 145. Subsec. (f): Defendant was ineligible for pretrial alcohol education program because she was the holder of a commercial driver's license at the time she was charged with violating Sec. 14-227a concerning operation of a motor vehicle while under the influence of intoxicating liquor or drugs. 110 CA 836.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-56h. - Consideration of defendant's contribution to Criminal Injuries Compensation Fund or of community service work hours. Payment of monetary contribution to fund.

(a) The court may, in the disposition of any criminal or motor vehicle case, including a dismissal or the imposition of a sentence, consider the fact that the defendant has made a monetary contribution to the Criminal Injuries Compensation Fund established under section 54-215 or a contribution of community service work hours to a private nonprofit charity or other nonprofit organization. (b) In entering a nolle prosequi, the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case may consider the fact that the defendant has made a monetary contribution to the Criminal Injuries Compensation Fund or a contribution of community service work hours to a private nonprofit charity or other nonprofit organization. (c) A monetary contribution made by a defendant to the Criminal Injuries Compensation Fund as provided in this section may be paid to either the clerk of the court or the Office of Victim Services. (P.A. 91-85; P.A. 97-257, S. 7, 13; P.A. 06-152, S. 9.) History: P.A. 97-257 added references to contributions to "Criminal Injuries Compensation Fund established under section 54-215", effective July 1, 1997; P.A. 06-152 made a technical change in Subsec. (b) and added Subsec. (c) re payment of monetary contribution to Criminal Injuries Compensation Fund, effective July 1, 2006.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-56i. - Pretrial drug education and community service program.

(a) There is established a pretrial drug education and community service program for persons charged with a violation of section 21a-257, 21a-267, 21a-279, or 21a-279a. The pretrial drug education and community service program shall include a fifteen-session drug education program and a substance abuse treatment program of not less than fifteen sessions, and the performance of community service. (b) Upon application by any such person for participation in such program, the court shall, but only as to the public, order the court file sealed, and such person shall pay to the court an application fee of one hundred dollars and a nonrefundable evaluation fee of one hundred fifty dollars, except as provided in subsection (l) of this section. A person shall be ineligible for participation in such pretrial drug education and community service program if such person has twice previously participated in (1) the pretrial drug education program established under the provisions of this section in effect prior to October 1, 2013, (2) the community service labor program established under section 53a-39c, (3) the pretrial drug education and community service program established under this section, or (4) any of such programs, except that the court may allow a person who has twice previously participated in such programs to participate in the pretrial drug education and community service program one additional time, for good cause shown. The evaluation and application fee imposed under this subsection shall be credited to the pretrial account established under section 54-56k. (c) The court, after consideration of the recommendation of the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case, may, in its discretion, grant such application. If the court grants such application, the court shall refer such person (1) to the Court Support Services Division for confirmation of the eligibility of the applicant, (2) to the Department of Mental Health and Addiction Services for evaluation and determination of an appropriate drug education or substance abuse treatment program for the first or second time such application is granted, and (3) to a state-licensed substance abuse treatment program for evaluation and determination of an appropriate substance abuse treatment program for the third time such application is granted, except that, if such person is a veteran, the court may refer such person to the Department of Veterans Affairs or the United States Department of Veterans Affairs, as applicable, for any such evaluation and determination. For the purposes of this subsection and subsection (d) of this section, "veteran" has the same meaning as provided in section 27-103. (d) (1) (A) Upon confirmation of eligibility and receipt of the evaluation and determination required under subsection (c) of this section, such person shall be placed in the pretrial drug education and community service program and referred by the Court Support Services Division for the purpose of receiving appropriate drug education services or substance abuse

treatment program services, as recommended by the evaluation conducted pursuant to subsection (c) of this section and ordered by the court, to the Department of Mental Health and Addiction Services or to a state-licensed substance abuse treatment program for placement in the appropriate drug education or substance abuse treatment program, except that, if such person is a veteran, the division may refer such person to the Department of Veterans Affairs or the United States Department of Veterans Affairs, subject to the provisions of subdivision (2) of this subsection. (B) Persons who have been granted entry into the pretrial drug education and community service program for the first time shall participate in either a fifteen-session drug education program or a substance abuse treatment program of not less than fifteen sessions, as ordered by the court on the basis of the evaluation and determination required under subsection (c) of this section. Persons who have been granted entry into the pretrial drug education and community service program for the second time shall participate in either a fifteen-session drug education program or a substance abuse treatment program of not less than fifteen sessions, as ordered by the court based on the evaluation and determination required under subsection (c) of this section. Persons who have been granted entry into the pretrial drug education and community service program for a third time shall be referred to a state-licensed substance abuse program for evaluation and participation in a course of treatment as ordered by the court based on the evaluation and determination required under subsection (c) of this section. (C) Persons who have been granted entry into the pretrial drug education and community service program shall also participate in a community service program administered by the Court Support Services Division pursuant to section 53a-39c. Persons who have been granted entry into the pretrial drug education and community service program for the first time shall participate in the community service program for a period of five days. Persons who have been granted entry into the pretrial drug education and community service program for the second time shall participate in the community service program for a period of fifteen days. Persons who have been granted entry into the pretrial drug education and community service program for a third or additional time shall participate in the community service program for a period of thirty days. (D) Placement in the pretrial drug education and community service program pursuant to this section shall not exceed one year. Persons receiving substance abuse treatment program services in accordance with the provisions of this section shall only receive such services at state-licensed substance abuse treatment program facilities that are in compliance with all state standards governing the operation of such facilities, except that, if such person is a veteran, such person may receive services from facilities under the supervision of the Department of Veterans Affairs or the United States Department of Veterans Affairs, subject to the provisions of subdivision (2) of this subsection. (E) Any person who enters the pretrial drug education and community service program shall agree: (i) To the tolling of the statute of limitations with respect to such crime; (ii) to a waiver of such person's right to a speedy trial; (iii) to complete participation in the pretrial drug education and community service program, as ordered by the court; (iv) to commence participation in the pretrial drug education and community service program not later than ninety days after the date of entry of the court order unless granted a delayed entry into the program by the court; and (v) upon completion of participation in the pretrial drug education and community service program, to accept (I) placement in a treatment program upon the recommendation of a provider under contract with the Department of Mental Health and Addiction Services or a provider under the supervision of the Department of Veterans Affairs or the United States Department of Veterans Affairs, or (II) placement in a treatment program that has standards substantially similar to, or higher than, a program of a provider under contract with the Department of Mental Health and Addiction Services, if the Court Support Services Division deems it appropriate. (2) The Court Support Services Division may only refer a veteran to the Department of Veterans Affairs or the United States Department of Veterans Affairs for the receipt of services under the program if (A) the division determines that such services will be provided in a timely manner under standards substantially similar to, or higher than, standards for services provided by the Department of Mental Health and Addiction Services under the program, and (B) the applicable department agrees to submit timely program participation and completion reports to the division in the manner required by the division. (e) If the Court Support Services Division informs the court that such person is ineligible for the program and the court makes a determination of ineligibility or if the program provider certifies to the court that such person did not successfully complete the assigned program and such person did not request, or the court denied, reinstatement in the program under subsection (i) of this section, the court shall order the court file to be unsealed, enter a plea of not guilty for such person and immediately place the case on the trial list. (f) If such person satisfactorily completes the assigned program, such person may apply for dismissal of the charges against such person and the court, on reviewing the record of such person's participation in such program submitted by the Court Support Services Division and on finding such satisfactory completion, shall dismiss the charges. If such person does not apply for dismissal of the charges against such person after satisfactorily completing the assigned program, the court, upon receipt of the record of such person's participation in such program submitted by the Court Support Services Division, may on its own motion make a finding of such satisfactory completion and dismiss the charges. Upon motion of such person and a showing of good cause, the court may extend the placement period for a reasonable period of time to allow such person to complete the assigned program. A record of participation in such program shall be retained by the Court Support Services Division for a period of ten years from the date the court grants the application for participation in the program. (g) At the time the court grants the application for participation in the pretrial drug education and community service program, any person ordered to participate in such drug education program shall pay to the court a nonrefundable program fee of six hundred dollars. If the court orders participation in a substance abuse treatment program, such person shall pay to the court a nonrefundable program fee of one hundred dollars and shall be responsible for the costs associated with such program. No person may be excluded from any such program for inability to pay such fee or cost, and the court shall waive any such fee or cost if such person is found eligible to have such fee or cost waived under subsection (l) of this section. If the court waives the costs for a substance abuse treatment program, the costs of such program shall be paid from the pretrial account established under section 54-56k. If the court denies the application, such person shall not be required to pay the

program fee. If the court grants the application, and such person is later determined to be ineligible for participation in such pretrial drug education and community service program or fails to complete the assigned program, the program fee shall not be refunded. All program fees shall be credited to the pretrial account established under section 54-56k. (h) If a person returns to court with certification from a program provider that such person did not successfully complete the assigned program or is no longer amenable to treatment, the provider, to the extent practicable, shall include a recommendation to the court as to whether placement in a drug education program or placement in a substance abuse treatment program would best serve such person's needs. The provider shall also indicate whether the current program referral was an initial referral or a reinstatement to the program. (i) When a person subsequently requests reinstatement into a drug education program or a substance abuse treatment program and the Court Support Services Division verifies that such person is eligible for reinstatement into such program and thereafter the court favorably acts on such request, any person reinstated into such drug education program shall pay a nonrefundable program fee of two hundred fifty dollars, and any person reinstated into a substance abuse treatment program shall be responsible for the costs, if any, associated with being reinstated into the treatment program, unless such person is found eligible to have such fee or costs waived under subsection (l) of this section. All program fees collected in connection with a reinstatement to a drug education program shall be credited to the pretrial account established under section 54-56k. No person shall be permitted more than two program reinstatements pursuant to this subsection. (j) The Department of Mental Health and Addiction Services shall develop standards and oversee appropriate drug education programs that it administers to meet the requirements of this section and may contract with service providers to provide such programs. The department shall adopt regulations, in accordance with chapter 54, to establish standards for such drug education programs. (k) Any person whose employment or residence or schooling makes it unreasonable to attend a drug education program or substance abuse treatment program in this state may attend a program in another state that has standards similar to, or higher than, those of this state, subject to the approval of the court and payment of the program fee or costs as provided in this section. (l) The court shall waive any fee or cost under subsection (b), (g) or (i) of this section for any person who (1) files with the court an affidavit of indigency or inability to pay, has such indigency confirmed by the Court Support Services Division and the court enters a finding thereof, or (2) has been determined indigent and eligible for representation by a public defender who has been appointed on behalf of such person pursuant to section 51-296. The court shall not require a person to perform community service in lieu of payment of such fee or cost, if such fee or cost is waived. (m) A court may not grant an application to participate in the pretrial drug education and community service program under this section on or after April 1, 2022. Anyone participating in the program on April 1, 2022, may continue such participation until successful completion of the program or termination of participation in the program after any possible reinstatements in the program. (P.A. 97-248, S. 7, 12; June 18 Sp. Sess. P.A. 97-8, S. 76, 88; P.A. 99-148, S. 1, 4; 99-215, S. 21, 29; June Sp. Sess. P.A. 01-8, S. 10, 13; P.A. 02-132, S. 36; P.A. 07-148, S. 17; Sept. Sp. Sess. P.A. 09-3, S. 55; P.A. 10-18, S. 25, 26; 10-30, S. 2; P.A. 12-42, S. 3; P.A. 13-159, S. 1; P.A. 14-56, S. 4; 14-173, S. 6-8; P.A. 15-211, S. 12; P.A. 16-167, S. 45; P.A. 19-151, S. 5; P.A. 21-40, S. 53; 21-79, S. 43; 21-102, S. 14; June Sp. Sess. P.A. 21-1, S. 169.) History: P.A. 97-248 effective July 1, 1997; June 18 Sp. Sess. P.A. 97-8 amended Subsec. (a) to change the deadline for establishing the program from October 1, 1997 to January 1, 1998, effective July 1, 1997; P.A. 99-148 amended Subsec. (a) to make program available to any person charged with a violation of Sec. 21a-279 rather than a violation of only "subsection (c)" of said section, added Subsec. (d)(4) requiring the person to accept placement in a treatment program, amended Subsec. (g) to reduce the program fee from \$600 to \$350, added new Subsec. (i) to authorize a person to attend a drug program in another state under certain circumstances, and made technical changes for purposes of gender neutrality, effective July 1, 1999; P.A. 99-215 amended Subsec. (b) by deleting "such information or complaint to be filed as a sealed information or complaint" and substituting "the court file sealed" and amended Subsec. (e) by deleting "information or complaint" and substituting "court file", effective June 29, 1999; June Sp. Sess. P.A. 01-8 amended Subsec. (g) by changing "General Fund" to "pretrial account", effective July 1, 2001; P.A. 02-132 replaced "Bail Commission" with "Court Support Services Division" in Subsecs. (c) to (g) and made technical changes in Subsec. (h); P.A. 07-148 amended Subsec. (a) by deleting reference to pilot research drug education program under Sec. 17a-715; Sept. Sp. Sess. P.A. 09-3 amended Subsec. (a) by specifying that drug education program includes a 10-session and 15-session drug intervention program and a drug treatment program and removing provision re date for establishment of program, amended Subsec. (b) by adding provision re \$100 application and evaluation fees, specifying that previous participation in 8, 10 or 15-session drug program or substance abuse treatment under section are grounds for ineligibility in pretrial drug education program and specifying that evaluation and application fees shall be credited to pretrial account, amended Subsec. (c) by adding provision re referral to Department of Mental Health and Addiction Services for evaluation, amended Subsec. (d) by adding provision re receipt of appropriate services at state licensed facilities for duration not to exceed 1 year, deleting former Subdiv. (3), adding new Subdivs. (3) and (4) re participants agreeing to complete participation in program as recommended by evaluation and to commence participation in program not later than 90 days after date of entry of court order, redesignating existing Subdiv. (4) as Subdiv. (5) and adding therein "upon completion of participation in the pretrial drug education program", and revising provision re participation in community service labor program, amended Subsec. (e) by adding "and such person did not pursue or the court denied reinstatement in the program under subsection (i) of this section", amended Subsec. (f) by extending record retention requirements at Court Support Services Division from 7 to 10 years, amended Subsec. (g) to specify \$350 fee for 10-session drug intervention program, \$500 fee for 15-session drug intervention program, that when court orders participation in a drug treatment program, participant shall be responsible for costs associated with such program and that all program fees shall not be refunded and shall be credited to pretrial account, added new Subsec. (h) re recommendations from program providers when participants do not complete assigned program, added new Subsec. (i) re reinstatement into drug intervention program or substance abuse treatment program,

redesignated existing Subsecs. (h) and (i) as Subsecs. (j) and (k) and amended the latter to change “drug program” to “drug intervention program” and add “or substance abuse treatment program”, effective January 1, 2010; P.A. 10-18 made technical changes in Subsecs. (d) and (g); P.A. 10-30 made technical changes, amended Subsec. (d) to substitute “Court Support Services Division” for “department”, amended Subsec. (f) to substitute “date the court grants the application for participation in the program” for “date of application”, amended Subsec. (g) to provide that costs of program be paid from pretrial account if court finds that person is indigent or unable to pay for treatment program, and amended Subsecs. (g) and (k) to reference costs, effective July 1, 2010; P.A. 12-42 amended Subsecs. (c) and (d) by adding provisions re referral of and services for persons who are veterans, and made technical changes; P.A. 13-159 amended Subsec. (a) to change name of program from “pretrial drug education program” to “pretrial drug education and community service program”, make persons charged with violation of Sec. 21a-279a eligible for program, change 10-session drug intervention program to 15-week drug education program, provide that substance abuse treatment program be not less than 15 sessions, and require performance of community service, amended Subsec. (b) to change nonrefundable evaluation fee from \$100 to \$150 and eliminate requirement that person state under oath that such person has never had program invoked on person's behalf, allow person to be eligible who has previously participated in same program or community service labor program, and allow person to participate one additional time for good cause shown, amended Subsecs. (c) and (d) to add provisions re referral to Department of Mental Health and Addiction Services for evaluation and determination of appropriate program for first or second application granted, and to a state-licensed substance abuse treatment program for third application granted, amended Subsec. (d)(1) to designate existing provisions as Subparas. (A), (D) and (E), add Subpara. (B) re participation requirements upon entry to the program for a first, second or third time, add Subpara. (C) re participation in community service program and, in Subpara. (E), delete condition of participation in drug education program that person also participate in community service labor program under Sec. 53a-39c, amended Subsec. (g) to replace \$350 fee for 10-session program or \$500 fee for 15-session program with \$600 fee and nonrefundable program fee of \$100, amended Subsec. (i) to substitute “drug education program” for “drug intervention program” and add provision re any person reinstated into a substance abuse treatment program to be responsible for costs associated with being reinstated, and made technical and conforming changes; P.A. 14-56 amended Subsec. (c) to redefine “veteran”, effective May 23, 2014; P.A. 14-173 amended Subsec. (a) to delete reference to 15-session drug intervention program, amended Subsec. (c) to add “and determination” re referral of veteran, and amended Subsec. (d)(1) to substitute “drug education” for “drug intervention” re services in Subpara. (A) and add provision re substance abuse treatment program of not less than 15 sessions in Subpara. (B); P.A. 15-211 amended Subsecs. (a), (b) and (d) by replacing references to drug education and community service program with references to pretrial drug education and community service program, amended Subsecs. (a) and (d) by substituting “fifteen-session” for “fifteen-week”, and made technical changes in Subsecs. (g) and (i); P.A. 16-167 amended Subsecs. (c) and (d) to replace “Department of Veterans' Affairs” with “Department of Veterans Affairs”, effective July 1, 2016; P.A. 19-151 amended Subsec. (b) by replacing “Upon application by any such person for participation in such program and payment to the court of an application fee of one hundred dollars and a nonrefundable evaluation fee of one hundred fifty dollars, the court shall, but only as to the public, order the court file sealed.” with “Upon application by any such person for participation in such program, the court shall, but only as to the public, order the court file sealed, and such person shall pay to the court of an application fee of one hundred dollars and a nonrefundable evaluation fee of one hundred fifty dollars.”, effective July 8, 2019; P.A. 21-40 made a technical change in Subsec. (b); P.A. 21-79 amended Subsec. (c) by redefining “veteran”; P.A. 21-102 amended Subsec. (a) by adding reference to Sec. 21a-257 and replacing former Subdivs. (1) to (3) re provisos with provision re waiver of fee or cost, added Subsec. (l) re fee or cost waiver and made conforming changes in Subsecs. (b), (g) and (i); June Sp. Sess. P.A. 21-1 added Subsec. (l), codified by the Revisors as Subsec. (m), re application to and participation in program on or after April 1, 2022, effective June 22, 2021.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-56j. - Pretrial school violence prevention program.

(a) There shall be a school violence prevention program for students of a public or private secondary school charged with an offense involving the use or threatened use of physical violence in or on the real property comprising a public or private elementary or secondary school or at a school-sponsored activity as defined in subsection (h) of section 10-233a. Upon application by any such person for participation in such program, the court shall, but only as to the public, order the court file sealed, and such person shall state under oath, in open court or before any person designated by the clerk and duly authorized to administer oaths, under penalties of perjury that such person has never had such system invoked in such person's behalf and that such person has not been convicted of an offense involving the threatened use of physical violence in or on the real property comprising a public or private elementary or secondary school or at a school-sponsored activity as defined in subsection (h) of section 10-233a, and that such person has not been convicted in any other state at any time of an offense the essential elements of which are substantially the same as such an offense. (b) The court, after consideration of the recommendation of the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case, may, in its discretion, grant such application. If the court grants such application, it shall refer such person to the Court Support Services Division for assessment and confirmation of the eligibility of the applicant. The Court Support Services Division, in making its assessment and confirmation, may rely on the representations made by the applicant under oath in open court with respect to convictions in other states of offenses specified in subsection (a) of this section. As a condition of eligibility for participation in such program, the student and the parents or guardian of such student shall certify under penalty of false statement that, to the best of such person's knowledge and belief, such person does not possess any firearms, dangerous weapons, controlled substances or other property or materials the possession of which is prohibited by law or in violation of the law.

Upon confirmation of eligibility, the defendant shall be referred to the Court Support Services Division for evaluation and placement in an appropriate school violence prevention program for one year. (c) Any person who enters the program shall agree: (1) To the tolling of the statute of limitations with respect to such crime, (2) to a waiver of the right to a speedy trial, (3) to participate in a school violence prevention program offered by a provider under contract with the Court Support Services Division pursuant to subsection (g) of this section, and (4) to successfully complete the assigned program. If the Court Support Services Division informs the court that the defendant is ineligible for the program and the court makes a determination of ineligibility or if the program provider certifies to the court that the defendant did not successfully complete the assigned program, the court shall order the court file to be unsealed, enter a plea of not guilty for such defendant and immediately place the case on the trial list. (d) The Court Support Services Division shall monitor the defendant's participation in the assigned program and the defendant's compliance with the orders of the court including, but not limited to, maintaining contact with the student and officials of the student's school. (e) If such defendant satisfactorily completes the assigned program and one year has elapsed since the defendant was placed in the program, such defendant may apply for dismissal of the charges against such defendant and the court, on reviewing the record of such defendant's participation in such program submitted by the Court Support Services Division and on finding such satisfactory completion, shall dismiss the charges. If the defendant does not apply for dismissal of the charges against the defendant after satisfactorily completing the assigned program and one year has elapsed since the defendant was placed in the program, the court, upon receipt of the record of the defendant's participation in such program submitted by the Court Support Services Division, may on its own motion make a finding of such satisfactory completion and dismiss the charges. (f) The cost of participation in such program shall be paid by the parent or guardian of such student, except that no student shall be excluded from such program for inability to pay such cost provided (1) the parent or guardian of such student files with the court an affidavit of indigency or inability to pay and the court enters a finding thereof, or (2) the parent or guardian of such student has been determined indigent and such student is eligible for representation by a public defender who has been appointed on behalf of such student pursuant to section 51-296. The court shall not require a person to perform community service in lieu of payment of such cost, if such cost is waived. (g) The Court Support Services Division shall contract with service providers, develop standards and oversee appropriate school violence prevention programs to meet the requirements of this section. (h) The school violence prevention program shall consist of group counseling sessions in anger management and nonviolent conflict resolution. (P.A. 99-259, S. 2, 3; P.A. 10-43, S. 23; P.A. 17-99, S. 20; P.A. 19-151, S. 6; P.A. 21-102, S. 15.) History: P.A. 99-259 effective January 1, 2000; P.A. 10-43 replaced "Bail Commission" and "Office of Alternative Sanctions" with "Court Support Services Division", effective May 18, 2010; P.A. 17-99 amended Subsec. (h) by deleting "at least eight" re group counseling sessions; P.A. 19-151 amended Subsec. (a) by replacing "provided such person states" with "and such person shall state", effective July 8, 2019; P.A. 21-102 amended Subsec. (f) by redesignating existing Subdiv. (2) re entering of court finding as part of Subdiv. (1) and adding new Subdiv. (2) re finding of indigency based on eligibility for a public defender and prohibition on requiring a person to perform community service. See Sec. 46b-133e re suspension of delinquency proceedings for participation in school violence prevention program.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-56k. - Pretrial account.

(a) There is established an account to be known as the pretrial account. The account shall contain any moneys required by law to be deposited in the account and shall be a separate, nonlapsing account of the General Fund. Investment earnings credited to the account shall become part of the assets of the account. Any balance remaining in said account at the end of any fiscal year shall be carried forward in the account for the next fiscal year. (b) There shall be deposited in the pretrial account (1) all evaluation fees collected pursuant to subsection (a) of section 54-56g and subsection (b) of section 54-56i, (2) all program fees collected pursuant to subsections (c) and (e) of section 54-56g and subsections (g) and (i) of section 54-56i funds appropriated in subsection (a) of section 47 of special act 01-1 of the June special session, (3) fees collected pursuant to subdivision (2) of subsection (b), subdivision (1) of subsection (e) and subparagraph (A) of subdivision (2) of subsection (k) of section 54-56q, and (4) the evaluation fee collected pursuant to subdivision (2) of subsection (b), and fees collected pursuant to subdivision (1) of subsection (f) and subparagraph (A) of subdivision (2) of subsection (m) of section 54-56r. (c) Amounts in the pretrial account shall be available to fund the cost of operating the pretrial alcohol and drug education programs established under sections 54-56g and 54-56i, the pretrial drug intervention and community service program established under section 54-56q and the pretrial impaired driving intervention program established under section 54-56r. (June Sp. Sess. P.A. 01-8, S. 8, 13; P.A. 10-30, S. 6; June Sp. Sess. P.A. 21-1, S. 172; P.A. 22-37, S. 33.) History: June Sp. Sess. P.A. 01-8 effective July 1, 2001; P.A. 10-30 amended Subsec. (b) to reference evaluation fees collected pursuant to Secs. 54-56g(a) and 54-56i(b) and program fees collected pursuant to Secs. 54-56g(e) and 54-56i(i), effective July 1, 2010; June Sp. Sess. P.A. 21-1 amended Subsec. (b) by inserting Subdiv. designators (1) and (2) and adding Subdivs. (3) and (4) re fees collected pursuant to Secs. 54-56q and 54-56r and amended Subsec. (c) by adding references to pretrial drug intervention and community service program and pretrial impaired driving intervention program, effective April 1, 2022; P.A. 22-37 made a technical change in Subsec. (b)(1).

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-56l. - Pretrial supervised diversionary program for persons with psychiatric disabilities and veterans.

(a) There shall be a supervised diversionary program for persons with psychiatric disabilities, or persons who are veterans, who are accused of a crime or crimes or a motor vehicle violation or violations for which a sentence to a term of imprisonment may be

imposed, which crimes or violations are not of a serious nature. For the purposes of this section, (1) "psychiatric disability" means a mental or emotional condition, other than solely substance abuse, that (A) has substantial adverse effects on the defendant's ability to function, and (B) requires care and treatment, and (2) "veteran" means a veteran, as defined in section 27-103, who is found, pursuant to subsection (d) of this section, to have a mental health condition that is amenable to treatment. (b) A person shall be ineligible to participate in such supervised diversionary program if such person (1) is ineligible to participate in the pretrial program for accelerated rehabilitation under subsection (c) of section 54-56e, except if a person's ineligibility is based on the person's being eligible for the pretrial family violence education program established under section 46b-38c, the court may permit such person to participate in the supervised diversionary program if it finds that the supervised diversionary program is the more appropriate program under the circumstances of the case, or (2) has twice previously participated in such supervised diversionary program. (c) Upon application by any such person for participation in such program, the court shall, but only as to the public, order the court file sealed, provided such person states under oath, in open court or before any person designated by the clerk and duly authorized to administer oaths, under penalties of perjury, that such person has not had such program invoked in such person's behalf more than once. Court personnel shall provide notice, on a form prescribed by the Office of the Chief Court Administrator, to any victim of such crime or motor vehicle violation, by registered or certified mail, that such person has applied to participate in the program and that such victim has an opportunity to be heard by the court on the matter. (d) The court shall refer such person to the Court Support Services Division for confirmation of eligibility and assessment of the person's mental health condition. The prosecuting attorney shall provide the division with a copy of the police report in the case to assist the division in its assessment. The division shall determine if the person is amenable to treatment and if appropriate community supervision, treatment and services are available. If the division determines that the person is amenable to treatment and that appropriate community supervision, treatment and services are available, the division shall develop a treatment plan tailored to the person and shall present the treatment plan to the court. (e) Upon confirmation of eligibility and consideration of the treatment plan presented by the Court Support Services Division, the court may grant the application for participation in the program. If the court grants the application, such person shall be referred to the division. The division may collaborate with the Department of Mental Health and Addiction Services, the Department of Veterans Affairs or the United States Department of Veterans Affairs, as applicable, to place such person in a program that provides appropriate community supervision, treatment and services. The person shall be subject to the supervision of a probation officer who has a reduced caseload and specialized training in working with persons with psychiatric disabilities. (f) The Court Support Services Division shall establish policies and procedures to require division employees to notify any victim of the person admitted to the program of any conditions ordered by the court that directly affect the victim and of such person's scheduled court appearances with respect to the case. (g) Any person who enters the program shall agree: (1) To the tolling of the statute of limitations with respect to such crime or violation; (2) to a waiver of such person's right to a speedy trial; and (3) to any conditions that may be established by the division concerning participation in the supervised diversionary program including conditions concerning participation in meetings or sessions of the program. (h) If the Court Support Services Division informs the court that such person is ineligible for the program and the court makes a determination of ineligibility or if the division certifies to the court that such person did not successfully complete the assigned program, the court shall order the court file to be unsealed, enter a plea of not guilty for such person and immediately place the case on the trial list. (i) If such person satisfactorily completes the assigned program, such person may apply for dismissal of the charges against such person and the court, on reviewing the record of such person's participation in such program submitted by the Court Support Services Division and on finding such satisfactory completion, shall dismiss the charges. If such person does not apply for dismissal of the charges against such person after satisfactorily completing the assigned program, the court, upon receipt of the record of such person's participation in such program submitted by the Court Support Services Division, may on its own motion make a finding of such satisfactory completion and dismiss the charges. Except as provided in subsection (j) of this section, upon dismissal, all records of such charges shall be erased pursuant to section 54-142a. An order of the court denying a motion to dismiss the charges against a person who has completed such person's period of probation or supervision or terminating the participation of a person in such program shall be a final judgment for purposes of appeal. (j) The Court Support Services Division shall develop and maintain a database of information concerning persons admitted to the supervised diversionary program that shall be available to the state police and organized local police departments for use by sworn police officers when responding to incidents involving such persons. Such information shall include the person's name, date of birth, Social Security number, the violation or violations with which the person was charged, the dates of program participation and whether a deadly weapon or dangerous instrument was involved in the violation or violations for which the program was granted. The division shall enter such information in the database upon such person's entry into the program, update such information as necessary and retain such information for a period of five years after the date of such person's entry into the program. (k) The Court Support Services Division, in consultation with the Department of Mental Health and Addiction Services, shall develop standards and oversee appropriate treatment programs to meet the requirements of this section and may contract with service providers to provide such programs. (l) The Court Support Services Division shall retain the police report provided to it by the prosecuting attorney and the record of supervision including the dates of supervision and shall provide such information to the court, prosecuting attorney and defense counsel whenever a court is considering whether to grant an application by such person for participation in the supervised diversionary program for a second time. (Jan. Sp. Sess. P.A. 08-1, S. 41; P.A. 12-42, S. 1; P.A. 14-56, S. 5; P.A. 15-85, S. 21; 15-211, S. 13; P.A. 16-167, S. 46; P.A. 21-79, S. 44.) History: P.A. 12-42 amended Subsec. (a) by adding provisions re program for persons who are veterans, amended Subsec. (d) by adding references to community supervision and treatment, amended Subsec. (e) by replacing "shall" with "may" re division collaborating with departments and adding "the Department of Veterans'

Affairs or the United States Department of Veterans Affairs, as applicable”, amended Subsec. (k) by replacing “collaboration” with “consultation”, and made technical changes; P.A. 14-56 amended Subsec. (a)(2) to redefine “veteran”, effective May 23, 2014; P.A. 15-85 amended Subsec. (c) by substituting “form prescribed by the Office of the Chief Court Administrator” for “form approved by rule of court”; P.A. 15-211 amended Subsec. (b)(1) by adding provision re court may permit participation in supervised diversionary program when person's ineligibility is based on being eligible for pretrial family violence education program; P.A. 16-167 amended Subsec. (e) to replace “Department of Veterans' Affairs” with “Department of Veterans Affairs”, effective July 1, 2016; P.A. 21-79 amended Subsec. (a) to redefine “veteran”.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-56m. - Mediation programs.

(a) There shall be established, in the geographical area of the Superior Court for the towns of Berlin, New Britain, Newington, Rocky Hill and Wethersfield, the geographical area of the Superior Court for the towns of Bethlehem, Middlebury, Naugatuck, Prospect, Southbury, Watertown, Wolcott, Woodbury and Waterbury, and such other geographical areas of the Superior Court as the Chief Court Administrator may designate, programs of mediation wherein the court may refer a criminal prosecution to mediation for resolution. For the purposes of this section, “mediation” means the process where two or more persons to a dispute agree to meet with an impartial third party to work toward a resolution of the dispute which is satisfactory to all parties in accordance with principles of mediation commonly used in labor management disputes. (b) If mediation is successful, the prosecuting authority, upon recommendation of the family relations counselor or mediation officer, shall enter a nolle prosequi and the prosecution shall be terminated and the defendant released from custody. (c) If mediation is unsuccessful or the defendant fails to comply with the terms of any mediation agreement, the family relations counselor or mediation officer shall notify the prosecuting authority and prosecution of the defendant may be initiated. (d) There shall be established, in the two geographical areas of the Superior Court enumerated in subsection (a) of this section and in such other geographical areas of the Superior Court as the Chief Court Administrator may designate, units to provide mediation services in cases referred by the court to mediation. In addition, mediation services in cases referred by the court to mediation may also be provided by private agencies under contract with the Judicial Department. (P.A. 82-383, S. 1; P.A. 85-344; P.A. 95-225, S. 48, 52; P.A. 02-132, S. 37.) History: P.A. 85-344 made mediation programs permanent rather than “pilot” programs and authorized instituting programs in geographical areas beyond those initially involved in pilot programs; P.A. 95-225 amended Subsec. (d) to add provision authorizing mediation services to also be provided by private agencies under contract with the Judicial Department, effective June 28, 1995; P.A. 02-132 made technical changes in Subsec. (a), changed family relations officer to family relations counselor in Subsecs. (b) and (c) and deleted reference to the Family Division of the Superior Court, added provision re other geographical areas designated by the Chief Court Administrator and made technical changes in Subsec. (d).

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-56n. - Pretrial and diversionary program data collection and reporting.

(a) The Judicial Branch shall collect data on the number of members of the armed forces, veterans and nonveterans who, on and after January 1, 2016, apply for and are granted admission or are denied entry into (1) the pretrial program for accelerated rehabilitation established pursuant to section 54-56e, (2) the supervised diversionary program established pursuant to section 54-56l, (3) the pretrial drug education and community service program established pursuant to section 54-56i, (4) the pretrial drug intervention and community service program established under section 54-56q, and (5) the pretrial impaired driving intervention program established under section 54-56r. Data compiled pursuant to this section shall be based on information provided by applicants at the time of application to any such program. For the purposes of this section, “veteran” and “armed forces” have the same meanings as provided in section 27-103. (b) Not later than January 15, 2017, and annually thereafter, the Judicial Branch shall submit a report detailing the data compiled for the previous calendar year pursuant to subsection (a) of this section to the joint standing committees of the General Assembly having cognizance of matters relating to veterans' and military affairs and the judiciary, in accordance with the provisions of section 11-4a. (P.A. 15-246, S. 3; P.A. 21-79, S. 45; June Sp. Sess. P.A. 21-1, S. 85.) History: P.A. 15-246 effective January 1, 2016; P.A. 21-79 amended Subsec. (a) by redefining “veteran” and making technical changes; June Sp. Sess. P.A. 21-1 amended Subsec. (a) by adding Subdiv. (4) re pretrial drug intervention and community service program and adding Subdiv. (5) re pretrial impaired driving intervention program, effective April 1, 2022; (Revisor's note: In 2023, the changes made by P.A. 21-79, S. 45, were incorporated editorially by the Revisors in the version of this section, as amended by June Sp. Sess. P.A. 21-1, S. 85, that became effective on April 1, 2022).

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-56o. - Nolle prosequi in certain family violence cases.

For any family violence case initiated on or after July 1, 2016, that is not referred to the local family violence intervention unit as provided in subsection (g) of section 46b-38c, the prosecuting authority shall not enter a nolle prosequi as to any charge of a family violence crime, as defined in section 46b-38a, unless the prosecuting authority states in open court his or her reasons for the nolle prosequi and, if the reasons include consideration of the defendant's participation in a counseling or treatment program, a representation that such counseling or treatment program complies with the program standards promulgated under section 46b-38l. (P.A. 15-211, S. 22.) History: P.A. 15-211 effective January 1, 2016.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-56p. - Program for young persons charged with a motor vehicle violation or alcohol-related offense.

(a) The court may, in its discretion, invoke a program on motion of a defendant or on motion of a state's attorney or prosecuting attorney with respect to a defendant who (1) was under twenty-one years of age at the time of the offense, (2) is charged with a motor vehicle violation, or a violation of section 30-88a, subsection (a) or (b) of section 30-89 or section 30-89a, and (3) has not previously had such program invoked on such person's behalf. (b) This section shall not be applicable to any person (1) who, at the time of the motor vehicle violation, holds a commercial driver's license or commercial learner's permit or is operating a commercial motor vehicle, as defined in section 14-1, or (2) charged with a motor vehicle violation causing serious injury or death, a motor vehicle violation classified as a felony unless good cause is shown, or a violation of section 14-227a, 14-227g or 14-296aa. (c) The court shall refer such person to the Court Support Services Division of the Judicial Branch for confirmation of eligibility of such person. Such program shall provide a nonconfrontational forum for such defendants to hear from victims who have been affected by underage drinking, drunk driving, distracted driving or other motor vehicle violations. Such program shall be approved by the Court Support Services Division conducted by a nonprofit organization that advocates on behalf of victims of accidents caused by persons who operated a motor vehicle while under the influence of intoxicating liquor or drugs or both. Such organization may assess a participation fee of not more than fifty dollars on any defendant required by the court to participate in such program. (d) Such organization shall report whether the defendant satisfactorily completed the program to the Court Support Services Division. If the defendant satisfactorily completed the program, not later than nine months after the date on which the program was invoked pursuant to subsection (a) of this section, the charges against the defendant shall be dismissed. If the defendant does not satisfactorily complete the program not later than nine months after the invocation of such program, the charges against the defendant shall be reinstated. (P.A. 16-182, S. 1; P.A. 17-48, S. 17; 17-79, S. 15; 17-99, S. 39; P.A. 24-20, S. 27.) History: P.A. 17-48 made a technical change in Subsec. (a)(3); P.A. 17-79 amended Subsec. (b) by designating existing provisions re motor vehicle violation causing serious injury or death or classified as a felony as Subdiv. (2) and amending same by adding reference to Sec. 14-296aa, and adding Subdiv. (1) re person with commercial driver's license or commercial driver's instruction permit or who is operating a commercial motor vehicle; P.A. 17-99 amended Subsec. (a)(1) by replacing "is under twenty-one years of age" with "was under twenty-one years of age at the time of the offense"; P.A. 24-20 amended Subsec. (b)(1) by replacing reference to commercial driver's instruction permit with reference to commercial learner's permit.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-56q. - Pretrial drug intervention and community service program.

(a)(1) There is established a pretrial drug intervention and community service program for persons charged with a violation of section 21a-257, 21a-267, 21a-279 or 21a-279a. The program shall consist of a twelve-session drug education component or a substance use treatment program of not less than fifteen sessions, and the performance of community service as ordered by the court pursuant to subsection (c) of this section. (2) The provisions of this section shall not apply to any person who has twice previously participated in: (A) The pretrial drug education program established under the provisions of section 54-56i; (B) the community service labor program established under section 53a-39c; (C) the pretrial drug intervention and community service program established under this section; or (D) any of such programs, except that the court may allow a person who has twice previously participated in such programs to participate in the program established under this section one additional time, for good cause shown. (b) Upon application for participation in the program: (1) The court shall, but only as to the public, order the court file sealed; (2) The applicant shall pay to the court a nonrefundable application fee of one hundred dollars and a nonrefundable evaluation fee of one hundred fifty dollars, both of which shall be credited to the pretrial account established under section 54-56k; (3) The applicant shall agree that, if the court grants the application and places the applicant in the program: (A) The statute of limitations for any alleged violations for which the court grants the application for the program shall be tolled; (B) The applicant waives the right to a speedy trial; (C) The applicant will begin participation in the components of the program ordered by the court not later than ninety days after the date that the Court Support Services Division directs the applicant to attend such components pursuant to subsection (d) of this section, unless the applicant requests a later start date, and the division determines that a later start date is appropriate; (D) The applicant will successfully complete any components of the program ordered by the court; (E) The applicant will not engage in any conduct that would constitute a violation of section 21a-257, 21a-267, 21a-279 or 21a-279a; and (F) To satisfactorily complete the program, the applicant may be required to participate in additional substance use treatment after completing the drug education or substance use treatment component of the program that the Court Support Services Division directs the applicant to attend pursuant to subsection (d) of this section, if a program component provider recommends such additional treatment and the division deems it appropriate, pursuant to subdivision (3) of subsection (h) of this section, or the court orders the additional treatment. (c) (1) The court, after consideration of the recommendation of the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case, may grant the application for, and place the applicant in, the pretrial drug intervention and community service program for a period of one year, subject to confirmation of the applicant's eligibility to participate in the program. (2) If the court grants the application and places the applicant in the program, the court shall refer the person placed in the program to the Court Support Services Division for confirmation of eligibility to participate in the program, and: (A) If the division confirms that such person is eligible for the program: (i) Direct the division to refer the applicant to the Department of Mental Health and Addiction Services for evaluation and determination of the appropriate drug education or substance use treatment component of the

program, if the court has granted the applicant's participation in the program established under the provisions of this section or the community service labor program established under section 53a-39c for the first or second time; (ii) Direct the division to refer the applicant to a state-licensed substance use treatment provider for evaluation and determination of the appropriate substance use treatment component of the program, if the court has granted the applicant's participation in the program established under the provisions of this section or the community service labor program established under section 53a-39c for the third time; or (iii) If the applicant is a veteran, may direct the division to refer the applicant to the Department of Veterans Affairs or the United States Department of Veterans Affairs for evaluation and determination of the appropriate drug education or substance use treatment component of the program; or (B) If the division determines that such person is not eligible for the program, to inform the court of such determination and return such person's case to court for further proceedings. (3) When granting an application and placing an applicant in the program: (A) For the first time, the court shall order the applicant to participate in (i) either the drug education or substance use treatment component of the program recommended by the evaluation conducted pursuant to subparagraph (A)(i) of subdivision (2) of this subsection; and (ii) the community service component of the program for a period of five days; (B) For the second time, the court shall order the applicant to participate in (i) either the drug education or substance use treatment component of the program recommended by the evaluation conducted pursuant to subparagraph (A) of subdivision (2) of this subsection; and (ii) the community service component of the program for a period of fifteen days; or (C) For the third time, the court shall order the applicant to participate in (i) the substance use treatment component recommended by the evaluation conducted pursuant to subparagraph (A) of subdivision (2) of this subsection; and (ii) the community service component of the program for a period of thirty days. (d) (1) Except as provided in subdivisions (2) and (4) of this subsection, upon receipt of the evaluation of any person placed in the program conducted pursuant to subparagraph (A) of subdivision (2) of subsection (c) of this section, the Court Support Services Division shall (A) refer such person to the Department of Mental Health and Addiction Services or to a state-licensed substance use treatment provider with facilities that are in compliance with all state standards governing the operation of such facilities, as appropriate, for the purpose of receiving the drug education or substance use treatment component services recommended by such evaluation; and (B) direct such person to attend the recommended drug education or substance use treatment component within ninety days after referral unless the division determines that a later start date is appropriate. (2) If any person placed in the program is a veteran, the division (A) may refer such person to the Department of Veterans Affairs or the United States Department of Veterans Affairs for the applicable drug education or substance use treatment component recommended by the evaluation conducted pursuant to subparagraph (A) of subdivision (2) of subsection (c) of this section if: (i) the division determines that services for such component will be provided in a timely manner under standards substantially similar to, or higher than, the standards for services provided by the Department of Mental Health and Addiction Services or a state-licensed substance use treatment provider, and (ii) the applicable department agrees to submit timely component participation and completion reports to the division in the manner required by the division; and (B) shall direct such person to attend the recommended drug education or substance use treatment component within ninety days unless the division determines that a later start date is appropriate. (3) The division shall direct such person to attend the applicable community service component ordered by the court, and shall supervise such person's participation in such community service component. (4) The division may allow any person placed in the program whose employment, residence or education makes it unreasonable to participate in any component of the program ordered by the court in this state to participate in the applicable program components in another state if: (A) The out-of-state program component provider has standards substantially similar to, or higher than, those of this state; (B) For any substance use treatment component, the out-of-state substance use treatment provider is licensed by the state in which treatment will be provided; and (C) The person allowed to participate in any of the components of the program in another state pays the applicable program fee and participation costs required by the applicable out-of-state program component provider. (5) If the division determines that any person placed in the program has either failed to comply with the requirements of any component of the program in which the court has ordered such person to participate, or engaged in any conduct that constitutes a violation of section 21a-257, 21a-267, 21a-279 or 21a-279a, the division shall inform the court and return such person's case to court for further proceedings. (e) (1) At the time that the Court Support Services Division directs any person to attend any component of the program, such person shall (A) if directed to attend the drug education component, pay to the court a nonrefundable program fee of four hundred dollars, or (B) if directed to attend the substance use treatment component, pay to the court a nonrefundable program fee of one hundred dollars and pay to the treatment provider any costs associated with such treatment unless the division allows such person to participate in the applicable program component in another state pursuant to subdivision (4) of subsection (d) of this section, in which case such person shall pay the program fee and participation costs required by the out-of-state program component provider. All program fees shall be credited to the pretrial account established under section 54-56k. (2) (A) No person may be excluded from any component of the program because such person is indigent and unable to pay the associated fee or costs, provided (i) such person files with the court an affidavit of indigency and the court enters a finding of such indigency, or (ii) such person has been determined indigent and eligible for representation by a public defender who has been appointed on behalf of such person pursuant to section 51-296. The court shall not require a person to perform community service in lieu of payment of any fee or cost, if such fee or cost is waived. (B) If the court finds that a person is indigent and unable to pay for the program application or the evaluation fee for the program, the court may waive all or any portion of these fees. (C) If the court finds that a person is indigent and unable to pay for the drug education component of the program, the court may waive all or any portion of the program fee for that component, provided that such person participates in such drug education services offered by a provider located in this state. (D) If the court finds that a person is indigent and unable to pay for the substance use treatment component of the program, the court may waive all or any portion of the program

fee for that component and the costs of such treatment, provided that such person participates in such treatment at a substance use treatment provider licensed by and located in this state. Any costs waived under this subparagraph shall be paid by the Department of Mental Health and Addiction Services. (E) Notwithstanding any provision of this section, the court shall not waive any fee or cost required by any out-of-state program component provider, and the Department of Mental Health and Addiction Services shall not pay any costs associated with education or substance use treatment provided outside of this state. (f) (1) If the Court Support Services Division returns to court the case of any person placed in the program whom the division has determined is not eligible for the program, and the court finds that such person is not eligible to participate in the program, the court shall revoke such person's placement in the program. (2) If the Court Support Services Division returns to court the case of any person placed in the program whom the division has learned has failed to comply with requirements of any component of the program in which the court has ordered such person to participate, or engaged in any conduct that constitutes a violation of section 21a-257, 21a-267, 21a-279 or 21a-279a, and the court finds that such person is no longer eligible to continue participating in the program, the court shall terminate such person's participation in the program. (3) If the court revokes any person's placement in the program or terminates any person's participation in the program, the court shall order the court file to be unsealed, enter a plea of not guilty for such person, and immediately place the case on the trial list, unless such person is eligible for, such person requests and the court grants such person reinstatement into the program pursuant to subsection (k) of this section. (4) (A) If the court revokes any person's placement in the program, such person shall not be required to pay any program fee or participation costs specified in subsection (e) of this section. (B) If the court terminates any person's participation in the program, no program fees or substance use treatment costs imposed pursuant to subsection (e) of this section shall be refunded. (g) The Department of Mental Health and Addiction Services shall administer the drug education component of the program and shall adopt regulations, in accordance with the provisions of chapter 54, to establish standards for such drug education component. The department may contract with service providers to provide the appropriate drug education component in accordance with the provisions of this section. The department may combine the services for the drug education component of the program under the provisions of this section with the services for the alcohol education component of the impaired driving intervention program under the provisions of section 54-56r, if necessary to ensure the appropriate and timely access to court ordered education components. Participation by a person in any combined drug and alcohol education services provided by the department for the drug education component of the program under the provisions of this section shall not be deemed participation in, nor shall affect such person's eligibility for, the impaired driving intervention program under the provisions of section 54-56r. (h) (1) All program component providers shall provide the Court Support Services Division with a certification regarding the participation of each person referred to such provider pursuant to this section in the manner required by the division. (A) If such person has successfully completed the applicable program component, the certification shall indicate such successful completion and state whether additional substance use treatment is recommended. (B) If such person has failed to successfully complete the applicable program component, the certification shall indicate the reasons for such failure, whether the person is no longer amenable to education or treatment, and whether the current referral was an initial referral under subsection (d) of this section or a reinstatement under subsection (k) of this section for the program component. The certification of failure shall also, to the extent practicable, include a recommendation as to whether an alternative drug education or substance use treatment component would best serve such person's needs. (2) Except as provided in subdivision (3) of this subsection, upon receipt of a participation certification from any program component provider pursuant to this subsection, the Court Support Services Division shall provide the court with a final progress report indicating whether such person has successfully completed any components of the program ordered by the court, whether the division required such person to participate in any additional substance use treatment in accordance with subdivision (3) of this subsection and whether such person successfully completed any such additional substance use treatment. The final progress report shall also include any other information the division obtained during the supervision of such person relevant to such person's participation in the program, including whether the results of a criminal history record check, which the division shall complete prior to the submission of the final progress report, reveals that such person has engaged in any conduct that constitutes a violation of section 21a-257, 21a-267, 21a-279 or 21a-279a, during such person's period of participation in the program. (3) If a participation certification indicates that a person who was placed in the program successfully completed the drug education or substance use treatment component ordered by the court, but the program component provider recommends additional substance use treatment for such person, the Court Support Services Division may, if it deems such additional treatment appropriate, require such person to participate in the recommended additional substance use treatment in order to satisfactorily complete the pretrial drug intervention and community service program. If the division requires such additional substance use treatment, the division shall provide the court with a final progress report in accordance with subdivision (2) of this subsection upon receipt of the participation certification from the substance use treatment provider for such additional treatment. (i) (1) If any person successfully completes all components of the program ordered by the court and any additional substance use treatment required by the Court Support Services Division, such person may apply for dismissal of the charges against such person at the conclusion of such person's period of participation in the program. Upon application, the court shall review the final progress report submitted by the division regarding such person and any other relevant information. If the court finds that such person has satisfactorily completed the pretrial drug intervention and community service program, the court shall dismiss the charges. (2) If any person who has successfully completed all components of the program ordered by the court and any additional substance use treatment required by the Court Support Services Division does not apply for dismissal of the charges against such person at the conclusion of such person's period of participation in the program, the court may, upon its own motion, review the final progress report regarding such person submitted by the division and any other relevant information. If the court finds that such person has satisfactorily completed

the pretrial drug intervention and community service program, the court shall dismiss the charges. (3) Upon the motion of any person placed in the program and a showing of good cause, the court may extend the program placement period for a reasonable period of time to allow such person to complete the applicable program components. (j) If, upon review of the final progress report submitted by the Court Support Services Division or any other relevant information, the court finds that any person placed in the program has failed to successfully complete any component of the program ordered by the court, is no longer amenable to treatment or is otherwise ineligible to continue participating in the program, the court shall terminate such person's participation in the program. No program fees or substance use treatment costs imposed pursuant to subsection (e) of this section shall be refunded to any person whose participation in the program is terminated. Unless such person requests, and the court grants, reinstatement into the program pursuant to subsection (k) of this section, the court shall order the court file of any person whose participation in the program is terminated to be unsealed, enter a plea of not guilty for such person and immediately place the case on the trial list. (k) (1) Any person whose participation in the program is terminated may ask the court to reinstate such person into the program up to two times. If a person requests reinstatement into the program, the Court Support Services Division shall verify that such person is eligible for such reinstatement. If a person requesting reinstatement into the program is eligible for reinstatement, the court may, in its discretion, grant such person reinstatement into the program. When granting such reinstatement, the court shall order the person to participate in an appropriate drug education, substance use treatment or community service component of the program. (2) Any person reinstated into the program shall (A) if ordered to participate in the drug education component of the program, pay to the court a nonrefundable program fee of two hundred fifty dollars, which shall be credited to the pretrial account established under section 54-56k, or (B) if ordered to participate in the substance use treatment component of the program, pay the costs of any substance use treatment. The court shall not waive the program fee or the costs of substance use treatment associated with reinstatement into the program unless such person is found eligible to have such fee or costs waived under subdivision (2) of subsection (e) of this section and such person participates in the applicable drug education at a service provider located in this state or substance use treatment at a substance use treatment provider licensed by and located in this state. (l) (1) If any person applies for both the pretrial drug intervention and community service program under the provisions of this section and the pretrial impaired driving intervention program pursuant to section 54-56r, for charges arising from the same arrest, and the Department of Mental Health and Addiction Services has already completed the required evaluation and determination of the appropriate alcohol education or substance use treatment component pursuant to section 54-56r, the court and the Court Support Services Division may rely on such evaluation and determination for the purposes of ordering participation and directing attendance in the drug education or substance use treatment component of the program under the provisions of this section. If the court and the division rely on such evaluation and determination, such person shall not be required to pay the evaluation fee under the provisions of subdivision (2) of subsection (b) of this section, provided that such person has paid, or the court has waived, the evaluation fee pursuant to section 54-56r. (2) If any person is placed in both the pretrial drug intervention and community service program under the provisions of this section and the pretrial impaired driving intervention program under section 54-56r, for charges arising from the same arrest, the court may find that: (A) Such person's successful completion of the alcohol education component of the pretrial impaired driving intervention program pursuant to section 54-56r, satisfies such person's required participation in the drug education component of the pretrial drug intervention and community service program under the provisions of this section; or (B) Such person's successful completion of the substance use treatment component of the pretrial impaired driving intervention program under section 54-56r, satisfies such person's required participation in the substance use treatment component of the pretrial drug intervention and community service program under the provisions of this section. (3) Nothing in this subsection shall relieve any person placed in both the pretrial drug intervention and community service program pursuant to this section and the pretrial impaired driving intervention program pursuant to section 54-56r, for charges arising from the same arrest, from the requirement to participate in the: (A) Community service component of the pretrial drug intervention and community service program under the provisions of this section, in order to satisfactorily complete the pretrial drug intervention and community service program, or (B) Victim impact component of the pretrial impaired driving intervention program, if ordered by the court pursuant to section 54-56r, in order to satisfactorily complete the pretrial impaired driving intervention program. (m) The Court Support Services Division shall retain a record of participation in the pretrial drug intervention and community service program for a period of ten years from the date the court grants the application for, and places the applicant in, the program pursuant to the provisions of this section. (n) For purposes of this section, "veteran" has the same meaning as provided in subdivision (2) of subsection (a) of section 27-103. (June Sp. Sess. P.A. 21-1, S. 166; P.A. 22-26, S. 39, 40; 22-37, S. 34; P.A. 23-38, S. 5.) History: June Sp. Sess. P.A. 21-1 effective April 1, 2022; P.A. 22-26 amended Subsec. (d)(4) by replacing "participation costs provided in this section" with "participation costs required by the applicable out-of-state component provider", amended Subsec. (e)(1) requiring person to pay any program fees and costs required by an out-of-state component program provider and amended Subsec. (e)(2)(E) providing that court shall not waive any fee or cost required by out-of-state component program provider and making technical changes; P.A. 22-37 made a technical change in Subsec. (c)(1); P.A. 23-38 made technical changes in Subsec. (d)(4)(A) and (d)(4)(C).

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-56r. - Pretrial impaired driving intervention program.

(a)(1) There is established a pretrial impaired driving intervention program for persons charged with a violation of section 14-227a, 14-227g, 14-227m, 14-227n, subsection (d) of section 15-133 or section 15-140n. The program shall consist of a twelve-session alcohol education component or a substance use treatment component of not less than fifteen sessions, and may also include a victim

impact component, as ordered by the court pursuant to subsection (d) of this section. (2) The provisions of this section shall not apply to any person: (A) Who has been placed in the pretrial impaired driving intervention program under this section or the pretrial alcohol education program established under section 54-56g, within ten years immediately preceding the application; (B) Who has been convicted of a violation of section 14-227a, 14-227g, 14-227m, 14-227n, 15-132a, subsection (d) of section 15-133 or section 15-140l, 15-140n, 53a-56b or 53a-60d; (C) Who has been convicted in any other state at any time of an offense the essential elements of which are substantially the same as any statutory provision set forth in subparagraph (B) of this subdivision; (D) Who is charged with a violation of section 14-227a, 14-227g, 14-227m or 14-227n (i) and held a commercial driver's license or commercial driver's instruction permit at the time of the violation; or (ii) while operating a commercial motor vehicle, as defined in section 14-1-1; or (3) Whose alleged violation caused the serious physical injury, as defined in section 53a-3, of another person, unless good cause is shown. (b) Upon application for participation in the program: (1) The court shall, but only as to the public, order the court file sealed; (2) The applicant shall pay to the court a nonrefundable application fee of one hundred dollars, which shall be credited to the Criminal Injuries Compensation Fund established under section 54-215, and a nonrefundable evaluation fee of one hundred fifty dollars, which shall be credited to the pretrial account established under section 54-56k; (3) The applicant shall agree that, if the court grants the application and places the applicant in the program: (A) The statute of limitations for any alleged violations for which the court grants the application for the program shall be tolled; (B) The applicant waives the right to a speedy trial; (C) The applicant will begin participation in the components of the program ordered by the court not later than ninety days after the date that the Court Support Services Division directs the applicant to attend such components pursuant to subsection (e) of this section, unless the applicant requests a later start date and the division determines that a later start date is appropriate; (D) The applicant will successfully complete any components of the program ordered by the court; (E) The applicant will not engage in any conduct that would constitute a violation of (i) any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section; or (ii) any statutory provision in any other state the essential elements of which are substantially the same as any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section; (F) To satisfactorily complete the program, the applicant may be required to participate in additional substance use treatment after completing the alcohol education or substance use treatment component of the program that the Court Support Services Division directs the applicant to attend pursuant to subsection (e) of this section, if a program component provider recommends such additional treatment and the division deems it appropriate pursuant to subdivision (3) of subsection (j) of this section, or the court orders the additional treatment. (c) (1) Immediately following application, the applicant shall send notice, by registered or certified mail on a form prescribed by the Office of the Chief Court Administrator, to any victim who sustained a serious physical injury, as defined in section 53a-3, as a result of the applicant's alleged violation. The notice shall inform each such victim that the applicant has applied to participate in the pretrial impaired driving intervention program and that the victim has an opportunity to be heard by the court on the application. The court shall provide each such victim an opportunity to be heard prior to granting an application under this section. (2) If the court determines that any person not entitled to notice pursuant to subdivision (1) of this subsection should be provided an opportunity to be heard on the application, the court may also require the defendant or the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case to send notice of the application to any such person. (d) (1) The court, after consideration of the recommendation of the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case, and the statement of any victim and any other person required to be notified pursuant to subsection (c) of this section, may, in its discretion, grant the application for, and place the applicant in, the pretrial impaired driving intervention program for a period of one year, subject to confirmation of the applicant's eligibility to participate in the program. (2) If the court grants the application and places the applicant in the program, the court shall: (A) Refer the person placed in the program to the Court Support Services Division for confirmation of eligibility to participate in the program; and (B) direct the division, (i) if it confirms that such person is eligible for the program, to refer such person to the Department of Mental Health and Addiction Services for evaluation and determination of the appropriate alcohol education or substance use treatment component of the program; or (ii) if it determines that such person is not eligible for the program, to inform the court of such determination and return such person's case to the court for further proceedings. (3) When granting an application and placing an applicant in the program, the court (A) shall order the applicant to participate in the alcohol education or substance use treatment component of the program recommended by the evaluation conducted pursuant to subparagraph (B)(i) of subdivision (2) of this subsection, and (B) may also order the applicant to participate in a victim impact component for which the applicant must attend a victim impact panel provided by an organization approved by the Court Support Services Division pursuant to subsection (h) of this section. (e) (1) Except as provided in subdivision (3) of this subsection, upon receipt of the evaluation of any person placed in the program conducted pursuant to subparagraph (B)(i) of subdivision (2) of subsection (d) of this section, the Court Support Services Division shall (A) refer such person to the Department of Mental Health and Addiction Services or to a state-licensed substance use treatment provider with facilities that are in compliance with all state standards governing the operation of such facilities, as appropriate, for the purpose of receiving the alcohol education or substance use treatment component services recommended by such evaluation; and (B) direct such person to attend the recommended alcohol education or substance use treatment component within ninety days unless the division determines that a later start date is appropriate. In making the determination of whether a later start date is appropriate, the division may consider any relevant factors, including, but not limited to, the date upon which the suspension of such person's motor vehicle operator's license pursuant to section 14-227b will expire. (2) If the court has ordered any person placed in the program to participate in a victim impact component, the division shall (A) refer such person to an organization approved to conduct victim impact panels in accordance with subsection (h) of this section; and (B) direct such person to attend an appropriate victim impact

panel. (3) The division may allow any person placed in the program whose employment, residence, or education makes it unreasonable to participate in any component of the program ordered by the court in this state to participate in the applicable program components in another state if: (A) The out-of-state program component provider has standards substantially similar to, or higher than, those of this state; (B) For any substance use treatment component, the out-of-state substance use treatment provider is licensed by the state in which treatment will be provided; and (C) The person allowed to participate in any components of the program in another state pays the applicable program fee and participation costs required by the applicable out-of-state program component provider. (4) If the division determines that any person placed in the program has either failed to comply with requirements of any component of the program in which the court has ordered such person to participate, or engaged in any conduct that constitutes a violation of (A) any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section; or (B) any statutory provision in any other state the essential elements of which are substantially the same as any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section, the division shall inform the court and return such person's case to court for further proceedings. (f) (1) At the time that the Court Support Services Division directs any person to attend any component of the program, such person shall (A) if directed to attend the alcohol education component, pay to the court a nonrefundable program fee of four hundred dollars, or (B) if directed to attend the substance use treatment component, pay to the court a nonrefundable program fee of one hundred dollars and pay to the treatment provider any costs associated with such treatment, unless the division allows such person to participate in the applicable program component in another state pursuant to subdivision (3) of subsection (e) of this section, in which case such person shall pay the program fee and participation costs required by the out-of-state program component provider. All program fees shall be credited to the pretrial account established under section 54-56k. (2) Any person directed to attend the victim impact component shall, at the time such person attends the victim impact panel, pay the organization conducting the victim impact panel the participation fee required by such organization. (3) (A) No person may be excluded from any component of the program because such person is indigent and unable to pay the associated fee or costs, provided (i) such person files with the court an affidavit of indigency and the court enters a finding of such indigency, or (ii) such person has been determined indigent and eligible for representation by a public defender who has been appointed on behalf of such person pursuant to section 51-296. The court shall not require a person to perform community service in lieu of payment of any fee or cost, if such fee or cost is waived. (B) If the court finds that a person is indigent and unable to pay for the program application or evaluation fee for the program, the court may waive all or any portion of these fees. (C) If the court finds that a person is indigent and unable to pay for the alcohol education component of the program, the court may waive all or any portion of the program fee for that component, provided that such person participates in alcohol education services offered by a provider located in this state. (D) If the court finds that a person is indigent and unable to pay for the substance use treatment component of the program, the court may waive all or any portion of the program fee for that component and the costs of such treatment, provided that such person participates in such treatment at a substance use treatment provider licensed by and located in this state. Any costs waived under this subparagraph shall be paid by the Department of Mental Health and Addiction Services. (E) Notwithstanding any provision of this section, the court shall not waive any fee or cost required by any out-of-state program component provider, and the Department of Mental Health and Addiction Services shall not pay any fees or costs associated with education or substance use treatment provided outside of this state. (g) (1) If the Court Support Services Division returns to court the case of any person placed in the program whom the division has determined is not eligible for the program, and the court finds that such person is not eligible to participate in the program, the court shall revoke such person's placement in the program. (2) If the Court Support Services Division returns to court the case of any person placed in the program whom the division has learned has failed to comply with requirements of any component of the program in which the court has ordered such person to participate, or engaged in any conduct that constitutes a violation of (A) any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section; or (B) any statutory provision in any other state the essential elements of which are substantially the same as any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section, and the court finds that such person is no longer eligible to continue participating in the program, the court shall terminate such person's participation in the program. (3) If the court revokes any person's placement in the program or terminates any person's participation in the program, the court shall order the court file to be unsealed, enter a plea of not guilty for such person, and immediately place the case on the trial list unless such person is eligible for, such person requests and the court grants such person reinstatement into the program pursuant to subsection (m) of this section. (4) (A) If the court revokes any person's placement in the program, such person shall not be required to pay any program fee or participation costs specified in subsection (f) of this section. (B) If the court terminates any person's participation in the program, no program fees or substance use treatment costs imposed pursuant to subsection (f) of this section shall be refunded. (h) The Court Support Services Division shall approve a nonprofit organization that advocates on behalf of victims of accidents caused by persons who operated a motor vehicle while under the influence of intoxicating liquor or drugs, or both, to provide victim impact panels for the victim impact component of the program. Victim impact panels shall provide a non-confrontational forum for the victims of alcohol-related or drug-related offenses and offenders to share experiences of the impact of alcohol-related or drug-related incidents in their lives. Such organization may assess a participation fee of not more than seventy-five dollars per panel on any person ordered to participate in the victim impact component of the program, provided that such organization offers a hardship waiver of the participation fee when it determines that the imposition of the fee would pose an economic hardship for such person. (i) The Department of Mental Health and Addiction Services shall administer the alcohol education component of the program and shall adopt regulations, in accordance with chapter 54, to establish standards for such alcohol education component. The department may contract with service providers to provide the appropriate alcohol education

component in accordance with the provisions of this section. The department may combine the services for the alcohol education component of the program under the provisions of this section with the services for the drug education component of the drug intervention and community service program under section 54-56q, if necessary to ensure the appropriate and timely access to court ordered education components. Participation by a person in any combined alcohol and drug education services provided by the department for the alcohol education component of the program under the provisions of this section shall not be deemed participation in, nor shall affect such person's eligibility for, the drug intervention and community service program under the provisions of section 54-56q. (j) (1) All program component providers shall provide the Court Support Services Division with a certification regarding the participation of each person referred to such provider pursuant to this section in the manner required by the division. (A) If such person has successfully completed the applicable program component, the certification shall indicate such successful completion and state whether additional substance use treatment is recommended. (B) If such person has failed to successfully complete the applicable program component, the certification shall indicate the reasons for such failure, whether the person is no longer amenable to education or treatment and whether the current referral was an initial referral under subsection (e) of this section or a reinstatement under subsection (m) of this section for the program component. The certification of failure shall also, to the extent practicable, include a recommendation as to whether an alternative alcohol education or substance use treatment component would best serve such person's needs. (2) Except as provided in subdivision (3) of this subsection, upon receipt of a participation certification from any program component provider pursuant to this subsection, the Court Support Services Division shall provide the court with a final progress report indicating whether such person has successfully completed any components of the program ordered by the court, whether the division required such person to participate in any additional substance use treatment in accordance with subdivision (3) of this subsection and whether such person successfully completed any such additional substance use treatment. The final progress report shall also include any other information the division obtained during the supervision of such person relevant to such person's participation in the program, including whether the results of a criminal history record check, which the division shall complete prior to the submission of the final progress report, reveals that such person has engaged in any conduct that constitutes a violation of (A) any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section; or (B) any statutory provision in any other state the essential elements of which are substantially the same as any statutory provision set forth in subparagraph (B) of subdivision (2) of subsection (a) of this section, during such person's period of participation in the program. (3) If a participation certification indicates that a person who was placed in the program successfully completed the alcohol education or substance use treatment component ordered by the court, but the program component provider recommends additional substance use treatment for such person, the Court Support Services Division may, if it deems such additional treatment appropriate, require such person to participate in the recommended additional substance use treatment in order to satisfactorily complete the pretrial impaired driving intervention program. If the division requires such additional substance use treatment, the division shall provide the court with a final progress report in accordance with subdivision (2) of this subsection upon receipt of the participation certification from the substance use treatment provider for such additional treatment. (k) (1) If any person successfully completes all components of the program ordered by the court and any additional substance use treatment required by the Court Support Services Division, such person may apply for dismissal of the charges against such person at the conclusion of such person's period of participation in the program. Upon application, the court shall review the final progress report submitted by the division regarding such person and any other relevant information. If the court finds that such person has satisfactorily completed the pretrial impaired driving intervention program, the court shall dismiss the charges. (2) If any person who has successfully completed all components of the program ordered by the court and any additional substance use treatment required by the Court Support Services Division does not apply for dismissal of the charges against such person at the conclusion of such person's period of participation in the program, the court may, upon its own motion, review the final progress report regarding such person submitted by the division and any other relevant information. If the court finds that such person has satisfactorily completed the pretrial impaired driving intervention program, the court shall dismiss the charges. (3) Upon the motion of any person placed in the program and a showing of good cause, the court may extend the program placement period for a reasonable period of time to allow such person to complete the applicable program components. (l) If, upon review of the final progress report submitted by the Court Support Services Division or any other relevant information, the court finds that any person placed in the program has failed to successfully complete any component of the program ordered by the court, is no longer amenable to treatment or is otherwise ineligible to continue participating in the program, the court shall terminate such person's participation in the program. No program fees or substance use treatment costs imposed pursuant to subsection (f) of this section shall be refunded to any person whose participation in the program is terminated. Unless such person requests, and the court grants, reinstatement into the program pursuant to subsection (m) of this section, the court shall order the court file of any person whose participation in the program is terminated to be unsealed, enter a plea of not guilty for such person and immediately place the case on the trial list. (m) (1) Any person whose participation in the program is terminated may ask the court to reinstate such person into the program up to two times. If a person requests reinstatement into the program, the Court Support Services Division shall verify that such person is eligible for such reinstatement. If a person requesting reinstatement into the program is eligible for reinstatement, the court may grant such person reinstatement into the program. When granting such reinstatement, the court shall order the defendant to participate in an appropriate alcohol education, substance use treatment or victim impact component of the program. (2) Any person reinstated into the program shall: (A) If ordered to participate in the alcohol education component of the program, pay to the court a nonrefundable program fee of two hundred fifty dollars, which shall be credited to the pretrial account established under section 54-56k, or (B) if ordered to participate in the substance use treatment component of the program, pay the costs of any substance use treatment. The

court shall not waive the program fee or the costs of substance use treatment associated with reinstatement into the program unless such person is found eligible to have such fee or cost waived under subdivision (3) of subsection (f) of this section and such person participates in the applicable alcohol education at a service provider located in this state or substance use treatment at a substance use treatment provider licensed by and located in this state. (n) (1) If any person applies for both the pretrial impaired driving intervention program under the provisions of this section and the pretrial drug intervention and community service program pursuant to section 54-56q, for charges arising from the same arrest, and the Department of Mental Health and Addiction Services, a licensed substance use treatment provider, the Department of Veterans Affairs or the United States Department of Veterans Affairs has already completed the required evaluation and determination of the appropriate drug education or substance use treatment component pursuant to section 54-56q, the court and the Court Support Services Division may rely on such evaluation and determination for the purposes of ordering participation and directing attendance in the alcohol education or substance use treatment component of the program under the provisions of this section. If the court and the division rely on such evaluation and determination, such person shall not be required to pay the evaluation fee under the provisions of subdivision (2) of subsection (b) of this section, provided that such person has paid, or the court has waived, the evaluation fee pursuant to section 54-56q. (2) If any person is placed in both the pretrial impaired driving intervention program under the provisions of this section and the pretrial drug intervention and community service program pursuant to section 54-56q, for charges arising from the same arrest, the court may find that (A) such person's successful completion of the drug education component of the pretrial drug intervention and community service program pursuant to section 54-56q, satisfies such person's required participation in the alcohol education component of the pretrial impaired driving intervention program under the provisions of this section; or (B) such person's successful completion of the substance use treatment component of the pretrial drug intervention and community service program pursuant to section 54-56q, satisfies such person's required participation in the substance use treatment component of the pretrial impaired driving intervention program under the provisions of this section. (3) Nothing in this subsection shall relieve any person placed in both the pretrial impaired driving intervention program pursuant to this section and the pretrial drug intervention and community service program pursuant to section 54-56q, for charges arising from the same arrest, from the requirement to participate in the: (A) Victim impact component of the pretrial impaired driving intervention program, if ordered by the court under the provisions of this section, in order to satisfactorily complete the pretrial impaired driving intervention program, or (B) Community service component of the pretrial drug intervention and community service program pursuant to section 54-56q, in order to satisfactorily complete the pretrial drug intervention and community service program. (o) (1) The Court Support Services Division shall retain a record of participation in the pretrial impaired driving intervention program for a period of ten years from the date the court grants the application for, and places the applicant in, the program pursuant to the provisions of this section. (2) For any person charged with a violation of section 14-227a, 14-227g, 14-227m or 14-227n whose charges were dismissed pursuant to the provisions of this section, the division shall transmit to the Department of Motor Vehicles the record of such person's participation in the program. The Department of Motor Vehicles shall maintain the record of any person's participation in such program as part of such person's driving record for a period of ten years. (3) For any person charged with a violation of subsection (d) of section 15-133 or section 15-140n whose charges were dismissed pursuant to the provisions of this section, the division shall transmit to the Department of Energy and Environmental Protection the record of such person's participation in the program. The Department of Energy and Environmental Protection shall maintain the record of any person's participation in such program as a part of such person's boater certification record for a period of ten years. (June Sp. Sess. P.A. 21-1, S. 167; P.A. 22-26, S. 41, 42; 22-37, S. 35-37; P.A. 23-38, S. 6.) History: June Sp. Sess. P.A. 21-1 effective April 1, 2022; P.A. 22-26 amended Subsec. (e)(3) by replacing "participation costs provided in this section" with "participation costs required by the applicable out-of-state program component provider", amended Subsec. (f)(1) requiring person to pay any program fees and costs required by an out-of-state component program provider and amended Subsec. (f)(3)(E) providing that court shall not waive any fee or cost required by out-of-state component program provider and making technical changes; P.A. 22-37 made technical changes in Subsecs. (a)(1), (a)(2), (m)(1) and (o)(2); P.A. 23-38 made a technical change in Subsec. (e)(3)(A).

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-57. - Joinder of offenses of the same character.

Whenever two or more cases are pending at the same time against the same party in the same court for offenses of the same character, counts for such offenses may be joined in one information unless the court orders otherwise. (1949 Rev., S. 8770.) Court may compel state to elect between counts; 75 C. 201; 81 C. 1; or direct jury to find separately on each count. 34 C. 299. Effect of general verdict. 34 C. 299; 70 C. 73. Where same offense is charged in different counts. 74 C. 525. Where one count only is good. 66 C. 255. Right of accused to call for separate verdicts. 83 C. 298. Relation of counts to each other. 96 C. 427. One count charging two accused as principals may properly be joined with a second count charging one as principal and the other as accessory. 98 C. 460. Refusal to compel state to elect between counts held proper. *Id.*, 461. Cited. 126 C. 84. Whether there shall be separate trials on different counts joined in indictment or information lies within trial court's discretion. 134 C. 109. Whenever two or more cases are pending at the same time against the same party in the same court for offenses of the same character, counts for such offenses may be joined in one information. 169 C. 566. Whether joinder of indictments and informations is controlled by statute or Sec. 829 of the 1978 Practice Book discussed; since rule regulates court procedure and does not infringe on any substantive right, rule controlled and court did not abuse its discretion by ordering joinder of two informations not of the same character. 187 C. 292; judgment reversed, see 303 C. 538. Cited. 204 C. 714; 205 C. 61; 209 C. 458; 210 C. 78; 215 C. 538; 216 C. 647; 234 C. 324; 235 C. 748; 236

C. 112. Joinder of manslaughter count and risk of injury to minor count permissible when factors weighed. 243 C. 523. Defendant did not suffer substantial prejudice by consolidation of charges against him because the evidence in both cases would have been cross admissible at separate trials to show a common scheme or plan on the part of the defendant. 287 C. 608. Under section, there is no blanket presumption in favor of joinder; section is directed at prosecutors and governs whether they may join multiple charges in a single information, while Practice Book is directed at trial courts; trial court abused its discretion in finding defendant's alleged conduct in felony murder case not so brutal or shocking to require separate trials, but error was harmless. 303 C. 538. Cited. 10 CA 503; Id., 624; Id., 709; 14 CA 526; Id., 710; 15 CA 161; 18 CA 406; Id., 482; 19 CA 48; 24 CA 502; 25 CA 181; Id., 503; 28 CA 645; 33 CA 133; 35 CA 781; 36 CA 805; 37 CA 437; 41 CA 584; 42 CA 382; 43 CA 527; Id., 680; 45 CA 207. Joinder permitted where defendant holding knife injured victim while attacking her because physical harm not brutal or shocking; consolidation of three informations for trial ameliorated by court's explicit instruction to jury that offenses should be considered separately. 59 CA 529. Trial court is authorized by statute and rule to order a joint trial of charges against the same defendant. 70 CA 462. Joinder was proper because evidence relating to each crime would have been admissible in each separate trial to prove a common plan or scheme. 87 CA 150. Defendant was not subject to substantial injustice or deprived of due process when trial court granted state's motion for joinder because the matters were not so complex as to confuse a jury. 112 CA 711. Court did not abuse its discretion by joining charges of violating a protective order and threatening in the second degree because evidence from incidents on the relevant date for which defendant was charged for both crimes was admissible in both cases. 132 CA 414. Where defendants were put to plea on a single information charging similar offenses concerning different complainants, court did not abuse its discretion in making such joinder. 2 Conn. Cir. Ct. 514. Cited. Id., 585.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-58. - Description of money in complaint or information.

When it is necessary to describe any bill issued by the United States or by any national banking association or to describe any United States coin issued as money, it shall be a sufficient description to set forth in the complaint or information that the same is lawful money of the United States, and the value thereof, which value need not be proved as alleged. (1949 Rev., S. 8771.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-59. - Statement of ownership, partnership or joint tenancy in indictment, information or complaint.

When in any indictment, information or complaint it is necessary to state the ownership of any property owned or possessed by more persons than one, it shall be sufficient to name one of them, and to state such property to belong to him and another or others, as the case may be; or, if it is necessary to mention for any purpose any partners, joint tenants, coparceners, tenants in common or trustees of joint stock companies, not incorporated by the laws of this state, it shall be sufficient to describe them in like manner. (1949 Rev., S. 8772.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-60. - Allegations in criminal cases.

Whenever any indictment, information or complaint is pending before any court, a conviction may be had for any offense sufficiently alleged therein or for an attempt to commit such offense, and the accused may be convicted or such court may accept a plea of guilty for any of such offenses. (1949 Rev., S. 8774.) Cited. 94 C. 706. State may designate an accused by an alias; motion to expunge "The Cowboy" as such an alias from indictment held properly denied. 98 C. 460. A plea of guilty to a specific criminal charge, which is relevant to the circumstances in a civil action, may be admissible as a verbal admission in such civil action. 147 C. 625. Cited. Id., 704. Section is constitutionally sufficient to put a criminal defendant on notice he can be convicted of attempt to commit crime charged as well as any included lesser offenses. 39 CA 267. Court will not allow party to enter a plea of guilty until satisfied that it is freely made and that the party making it understands its import and effect; if accused did not understand the charge against him, judgment should be opened and defendant allowed to withdraw plea of guilty. 23 CS 176.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-61. - Complaints for offenses specified in special acts, ordinances and bylaws.

In any complaint or other process for an offense against the provisions of a special act or of an ordinance or bylaw of any town, city or borough, it shall be sufficient to set forth the offense in the same manner as in the case of an offense against the provisions of a public act. (1949 Rev., S. 8786.) If an offense is created by statute, it is sufficient to set it forth in the words of the statute. 60 C. 106; 88 C. 715.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-62. - Allegation of previous conviction.

When, in any criminal complaint or information, it is necessary to set out a previous conviction for a similar offense, such previous conviction shall be held to be sufficiently alleged by naming the date when, the town or city where, the crime for which and the court wherein such conviction was had. (1949 Rev., S. 8785.) Defects may be cured by verdict. 68 C. 512. Former convictions should be set up in information or complaint. Id.; 94 C. 703; 96 C. 172. Information should be in two parts, each signed by the

prosecutor, and the offense charged set out in one part and the prior conviction in another; the plea of accused to entire information should be taken in absence of the jury, and the trial should proceed on the first part only of the information; if a verdict of guilty is rendered, the trial should then proceed on the second part of the information. Id., 171. Cited. 147 C. 296. To prove prior conviction it is necessary to show it by record of valid subsisting final judgment of rendering court. 151 C. 213. Cited. 45 CA 369. Cited. 24 CS 362.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-63. - Mode of informing against larceny by embezzlement.

In any complaint or information for the crime of larceny by embezzlement, when it is unknown to the informing officer whether the total sum taken and appropriated was taken and appropriated at one or different times, it shall be sufficient to charge the total sum taken by the accused as having been taken at one and the same time. (1949 Rev., S. 8788; P.A. 80-313, S. 57.) History: P.A. 80-313 applied provisions to complaints or informations for crime of "larceny by" embezzlement, reflecting change in official term for the offense.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-63a. - Definitions.

As used in sections 54-63a to 54-63g, inclusive, and section 54-64a, "arrested person" means a person taken into custody for violation of any law, ordinance, regulation or bylaw of the state or of any town, city, borough, district or municipal corporation or authority, and "Court Support Services Division" means the division of the Judicial Department established pursuant to section 51-1d. (1967, P.A. 549, S. 1; P.A. 02-132, S. 38.) History: P.A. 02-132 replaced definition of "Bail Commission" with definition of "Court Support Services Division" and made technical changes.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-63b. - Pretrial release of arrested persons. Duties of Court Support Services Division. Uniform weighted release criteria.

(a) The duties of the Court Support Services Division shall include: (1) To promptly interview, prior to arraignment, any person referred by the police pursuant to section 54-63c or by a judge. Such interview shall include, but not be limited to, information concerning the accused person, his or her family, community ties, prior criminal record and physical and mental condition. Any interview may be conducted by remote technology; (2) to seek independent verification of information obtained during the interview, if practicable; (3) to determine, as provided in section 54-63d, or to make recommendations on request of any judge, concerning the terms and conditions of the release of arrested persons from custody pending final disposition of their cases; (4) to prepare a written report on all persons interviewed and, upon request and pursuant to the procedures established under subsection (f) of section 54-63d, provide copies of the report to the court, defense counsel and state's attorney. Such report shall contain the information obtained during the interview and verification process, the person's prior criminal record, where possible, and the determination or recommendation of the commissioner pursuant to section 54-63d concerning the terms and conditions of the release of the persons so interviewed; (5) to give prior notice of each required court appearance to each person released following an interview by a bail commissioner or an intake, assessment and referral specialist employed by the Judicial Branch; (6) to supervise pursuant to the direction of the court those persons released on nonfinancial conditions; (7) to inform the court and the state's attorney of any failure to comply with terms and conditions of release, including the arrest of persons released under its supervision; (8) to monitor, evaluate and provide information concerning terms and conditions of release and the release criteria established under subsection (b) of this section, to prepare periodic reports on its activities, and to provide such other information as is needed to assist in the improvement of the pretrial release process; and (9) to perform such other functions as the Chief Court Administrator may, from time to time, assign. (b) The Court Support Services Division shall establish written uniform weighted release criteria based upon the premise that the least restrictive condition or conditions of release necessary to ensure the appearance in court of the defendant and sufficient to reasonably ensure the safety of any other person will not be endangered is the pretrial release alternative of choice. Such criteria shall be based on, but not be limited to, the following considerations: (1) The nature and circumstances of the offense insofar as they are relevant to the risk of nonappearance; (2) the defendant's record of previous convictions; (3) the defendant's past record of appearance in court after being admitted to bail; (4) the defendant's family ties; (5) the defendant's employment record; (6) the defendant's financial resources, character and mental condition; and (7) the defendant's community ties. (1967, P.A. 549, S. 2; 1969, P.A. 826, S. 1; P.A. 74-183, S. 141, 291; P.A. 76-436, S. 541, 681; P.A. 78-280, S. 118, 127; P.A. 80-313, S. 58; P.A. 81-437, S. 3, 12; P.A. 99-186, S. 11; P.A. 02-132, S. 39; P.A. 12-114, S. 5; 12-133, S. 35; P.A. 22-26, S. 28.) History: 1969 act amended Subsec. (b) to authorize appointment of assistant chief bail commissioners and assistant bail commissioners and added provision empowering chief judge of circuit court to appoint additional bail commissioners; P.A. 74-183 revised provisions to reflect transfer of circuit court functions to court of common pleas, adding Subsec. (d) continuing bail commissioners for the balance of their terms, effective December 31, 1974; P.A. 76-436 amended section to reflect transfer of all trial jurisdiction to superior court, replacing references to former circuits with references to geographical areas, replacing chief judge of common pleas court with chief court administrator or his designee, etc., effective July 1, 1978; P.A. 78-280 added provision in Subsec. (b) authorizing judges to fill vacancies in bail commissioners' offices; P.A. 80-313 substituted reference to Sec. 54-63d for reference to Sec. 54-63c in Subsec. (a); P.A. 81-437 replaced previous provisions concerning the bail commission and chief bail commissioner, expanding duties and placing office of the bail commission within the judicial department; P.A. 99-186 amended

Subsec. (a) to make a technical change in a statutory reference; P.A. 02-132 amended Subsec. (a) by deleting provision re Office of the Bail Commission within the Judicial Department, adding provision re duties of the Court Support Services Division and, in Subdiv. (5), replacing “the Bail Commission” with “a bail commissioner”, deleted former Subsecs. (b), (c) and (d) re Chief Bail Commissioner, Assistant Chief Bail Commissioner and appointment of bail commissioners and other personnel and added new Subsec. (b) re uniform weighted release criteria; P.A. 12-114 amended Subsec. (b) to add provision re release criteria sufficient to reasonably ensure the safety of any other person will not be endangered, and made technical changes; P.A. 12-133 amended Subsec. (a) by adding provision re interview of person held at police station conducted by videoconference in Subdiv. (1) and adding “or an intake, assessment and referral specialist employed by the Judicial Branch” in Subdiv. (5); P.A. 22-26 amended Subsec. (a)(1) by replacing “interview of a person held at a police station may be conducted by video conference” with “interview may be conducted by remote technology” and amended Subsec. (a)(8) by making a technical change, effective May 10, 2022.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-63c. - Duties of law enforcement officer or probation officer serving warrant re arrested person. Interview and release of arrested person.

(a) Except in cases of arrest pursuant to a bench warrant of arrest in which the court or a judge thereof has indicated that bail should be denied or ordered that the officer or indifferent person making such arrest shall, without undue delay, bring such person before the clerk or assistant clerk of the superior court for the geographical area under section 54-2a, when any person is arrested for a bailable offense, the chief of police, or the chief's authorized designee, of the police department having custody of the arrested person or any probation officer serving a violation of probation warrant shall promptly advise such person of the person's rights under section 54-1b, and of the person's right to be interviewed concerning the terms and conditions of release. Unless the arrested person waives or refuses such interview, the police officer or probation officer shall promptly interview the arrested person to obtain information relevant to the terms and conditions of the person's release from custody, and shall seek independent verification of such information where necessary. At the request of the arrested person, the person's counsel may be present during the interview. No statement made by the arrested person in response to any question during the interview related to the terms and conditions of release shall be admissible as evidence against the arrested person in any proceeding arising from the incident for which the conditions of release were set. After such a waiver, refusal or interview, the police officer or probation officer shall promptly order release of the arrested person upon the execution of a written promise to appear or the posting of such bond as may be set by the police officer or probation officer, except that no condition of release set by the court or a judge thereof may be modified by such officers and no person shall be released upon the execution of a written promise to appear or the posting of a bond without surety if the person is charged with the commission of a family violence crime, as defined in section 46b-38a, and in the commission of such crime the person used or threatened the use of a firearm. (b) If the person is charged with the commission of a family violence crime, as defined in section 46b-38a, and the police officer does not intend to impose nonfinancial conditions of release pursuant to this subsection, the police officer shall, pursuant to the procedure set forth in subsection (a) of this section, promptly order the release of such person upon the execution of a written promise to appear or the posting of such bond as may be set by the police officer. If such person is not so released, the police officer shall make reasonable efforts to immediately contact a bail commissioner or an intake, assessment and referral specialist employed by the Judicial Branch to set the conditions of such person's release pursuant to section 54-63d. If, after making such reasonable efforts, the police officer is unable to contact a bail commissioner or an intake, assessment and referral specialist or contacts a bail commissioner or an intake, assessment and referral specialist but such bail commissioner or intake, assessment and referral specialist is unavailable to promptly perform such bail commissioner's or intake, assessment and referral specialist's duties pursuant to section 54-63d, the police officer shall, pursuant to the procedure set forth in subsection (a) of this section, order the release of such person upon the execution of a written promise to appear or the posting of such bond as may be set by the police officer and may impose nonfinancial conditions of release which may require that the arrested person do one or more of the following: (1) Avoid all contact with the alleged victim of the crime, (2) comply with specified restrictions on the person's travel, association or place of abode that are directly related to the protection of the alleged victim of the crime, or (3) not use or possess a dangerous weapon, intoxicant or controlled substance. Any such nonfinancial conditions of release shall be indicated on a form prescribed by the Judicial Branch and sworn to by the police officer. Such form shall articulate (A) the efforts that were made to contact a bail commissioner or an intake, assessment and referral specialist, (B) the specific factual basis relied upon by the police officer to impose the nonfinancial conditions of release, and (C) if the arrested person was non-English-speaking, that the services of a translation service or interpreter were used. A copy of that portion of the form that indicates the nonfinancial conditions of release shall immediately be provided to the arrested person. A copy of the entire form shall be provided to counsel for the arrested person at arraignment. Any nonfinancial conditions of release imposed pursuant to this subsection shall remain in effect until the arrested person is presented before the Superior Court pursuant to subsection (a) of section 54-1g. On such date, the court shall conduct a hearing pursuant to section 46b-38c at which the defendant is entitled to be heard with respect to the issuance of a protective order. (c) Notwithstanding the provisions of chapter 14 and this chapter, the police officer shall provide to the bail commissioner or the intake assessment and referral specialist identifying information about the victim of the crime or crimes with which the arrested person is charged, including, but not limited to, the victim's name, address and phone number, if available, for the purpose of carrying out such bail commissioner's or intake assessment and referral specialist's duties. (d) When cash bail in excess of ten thousand dollars is received for a detained person accused of a felony, where the underlying facts and circumstances of the felony involve the use, attempted use or threatened use of physical force against another person, the

police officer shall prepare a report that contains (1) the name, address and taxpayer identification number of the accused person, (2) the name, address and taxpayer identification number of each person offering the cash bail, other than a person licensed as a professional bondsman under chapter 533 or a surety bail bond agent under chapter 700f, (3) the amount of cash received, and (4) the date the cash was received. Not later than fifteen days after receipt of such cash bail, the police officer shall file the report with the Department of Revenue Services and mail a copy of the report to the state's attorney for the judicial district in which the alleged offense was committed and to each person offering the cash bail. (e) No police officer or probation officer serving a violation of probation warrant shall set the terms and conditions of a person's release, set a bond for a person or release a person from custody under this section unless the police officer or probation officer has first checked the National Crime Information Center computerized index of criminal justice information to determine if such person is listed in such index. (f) If the arrested person has not posted bail, the police officer or probation officer serving a violation of probation warrant shall immediately notify a bail commissioner or an intake, assessment and referral specialist. (g) The chief, acting chief, superintendent of police, the Commissioner of Emergency Services and Public Protection, any captain or lieutenant of any local police department or the Division of State Police within the Department of Emergency Services and Public Protection or any person lawfully exercising the powers of any such officer may take a written promise to appear or a bond with or without surety from an arrested person as provided in subsection (a) of this section, or as fixed by the court or any judge thereof, may administer such oaths as are necessary in the taking of promises or bonds and shall file any report required under subsection (d) of this section. (1967, P.A. 549, S. 3; 1969, P.A. 826, S. 2; P.A. 74-183, S. 142, 291; P.A. 76-336, S. 3; 76-436, S. 542, 681; P.A. 79-216, S. 2; P.A. 80-313, S. 14; P.A. 99-186, S. 8; 99-240, S. 16; P.A. 00-196, S. 41; P.A. 03-173, S. 1; P.A. 07-123, S. 1; P.A. 11-51, S. 134; P.A. 12-133, S. 36; P.A. 14-233, S. 3; P.A. 24-108, S. 20.) History: 1969 act transferred duty to notify arrested person of his rights, etc. from bail commissioner to chief of police or his designee and added provisions re bail commissioner's investigation and decision re release on bail in Subsec. (a); P.A. 74-183 amended section to reflect transfer of circuit court functions to court of common pleas, effective December 1, 1974; P.A. 76-336 deleted provisions which implied officer's or bail commissioner's right to deny release on bail if he "finds custody to be necessary to provide reasonable assurance of such person's appearance in court"; P.A. 76-436 reworded exception in Subsec. (a) to clearly distinguish between bench warrants and arrest warrants in which court or judge has set conditions of release, replaced references to prosecuting attorneys with references to various categories of state's attorneys and deleted references to court of common pleas, reflecting transfer of all trial jurisdiction to superior court, effective July 1, 1978; P.A. 79-216 rephrased exception in Subsec. (a) to replace reference to condition of release with specific orders of judge or court re denial of bail, etc. and further amended subsection to specify that officer or bail commissioner may not modify condition of release set by court or judge; P.A. 80-313 deleted detailed provisions re bail procedure formerly comprising latter part of Subsec. (a) and Subsecs. (b) to (f), restated remaining provisions of Subsec. (a) and added new Subsec. (b) containing general statement of police officers' powers; P.A. 99-186 amended Subsec. (a) to prohibit the release of a person on the execution of a written promise to appear or the posting of a bond without surety if such person is charged with the commission of a family violence crime in which such person used or threatened the use of a firearm and to make technical changes for purposes of gender neutrality; P.A. 99-240 amended Subsec. (a) to add provisions requiring the police officer to prepare a report when cash bail in excess of \$10,000 is received for a person accused of a felony involving the use, attempted use or threatened use of physical force against another person, specifying the contents of such report and requiring such police officer not later than 15 days after receipt of such cash bail to file such report with the Department of Revenue Services and mail a copy of such report to the state's attorney and each person offering the cash bail and amended Subsec. (b) to require any of the specified officials authorized to take action under said Subsec. to file any report required under Subsec. (a); P.A. 00-196 made technical changes in Subsec. (a); P.A. 03-173 amended Subsec. (a) to add provision prohibiting a police officer setting the terms and conditions of a person's release, setting a bond for a person or releasing a person from custody unless the officer first checks the National Crime Information Center computerized index of criminal justice information to determine if such person is listed in such index; P.A. 07-123 amended Subsec. (a) to provide that no statement made by arrested person in response to any question during the interview related to terms and conditions of release shall be admissible as evidence against arrested person in any proceeding arising from the incident for which conditions of release were set, added new Subsec. (b) specifying procedure for release of a person charged with a family violence crime, authorizing police officer to impose nonfinancial conditions of release for such person and specifying types of nonfinancial conditions that may be imposed, procedure for their imposition and their duration, designated existing provisions re procedure when cash bail in excess of \$10,000 is received as Subsec. (c), designated existing provision requiring police officer to first check National Crime Information Center computerized index of criminal justice information as Subsec. (d) and amended same to make a technical change, designated existing provision requiring police officer to immediately notify a bail commissioner if arrested person has not posted bail as Subsec. (e), and redesignated existing Subsec. (b) re authority and duties of police personnel as Subsec. (f) and amended same to make a technical change; pursuant to P.A. 11-51, "Commissioner of Public Safety" and "Department of Public Safety" were changed editorially by the Revisors to "Commissioner of Emergency Services and Public Protection" and "Department of Emergency Services and Public Protection", respectively, in Subsec. (f), effective July 1, 2011; P.A. 12-133 amended Subsecs. (b) and (e) by adding references to intake, assessment and referral specialist; P.A. 14-233 amended Subsecs. (a), (d) and (e) to add provisions re probation officer serving a violation of probation warrant; P.A. 24-108 added new Subsec. (c) re police officer providing certain identifying information about victim to bail commissioner or intake assessment and referral specialist to assist in the performance of their duties, redesignated existing Subsecs. (c) to (f) as Subsecs. (d) to (g), amended redesignated Subsec. (e) to delete "(NCIC)" and amended redesignated Subsec. (g) by substituting "subsection (d)" for "subsection (c)", effective July 1, 2024. See Sec. 54-1g re

time for arraignment. See Sec. 54-64c re notice of required appearance after release on bond or promise to appear. See Sec. 54-69b re court's authority to modify conditions of release. See Sec. 54-71a re lack of liability of bail commissioners, police department employees and others in action for damages on account of a person's release. Exclusionary effects of Sec. 54-1c do not apply to violations of this section. 195 C. 505. Trial court may issue a criminal protective order at defendant's arraignment after consideration of oral argument and family violence intervention unit's report; trial court is required to hold, at defendant's request at arraignment, a subsequent hearing within a reasonable period of time at which the state will be required to prove the continued necessity of the order by a fair preponderance of the evidence, which may include reliable hearsay testimony, and defendant will have an opportunity to proffer relevant evidence; legislature did not intend for Subsec. (b) and Sec. 46b-38c to entitle defendant to an evidentiary hearing beyond consideration of parties' arguments and unit's report prior to the initial issuance of a criminal protective order at arraignment, which may occur within hours of the alleged incident of family violence. 294 C. 1. Cited. 28 CS 313.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-63d. - Release by bail commissioner or intake, assessment and referral specialist. Information, files and reports held by Court Support Services Division.

(a) Upon notification by a police officer pursuant to section 54-63c that an arrested person has not posted bail, a bail commissioner or an intake, assessment and referral specialist employed by the Judicial Branch shall promptly conduct an interview and investigation as specified in subdivisions (1) and (2) of subsection (a) of section 54-63b and, based upon the criteria established pursuant to subsection (b) of section 54-63b and except as provided in subsection (b) of this section, the bail commissioner or intake, assessment and referral specialist shall promptly order release of such person on the first of the following conditions of release found sufficient to provide reasonable assurance of the person's appearance in court: (1) Upon the execution of a written promise to appear without special conditions; (2) upon the execution of a written promise to appear with any of the nonfinancial conditions as specified in subsection (c) of this section; (3) upon the execution of a bond without surety in no greater amount than necessary; or (4) upon the execution of a bond with surety in no greater amount than necessary. If the person is unable to meet the conditions of release ordered by the bail commissioner or intake, assessment and referral specialist, the bail commissioner or intake, assessment and referral specialist shall so inform the court in a report prepared pursuant to subdivision (4) of subsection (a) of section 54-63b.

(b) No person shall be released upon the execution of a written promise to appear or the execution of a bond without surety if the person is charged with the commission of a family violence crime, as defined in section 46b-38a, and in the commission of such crime the person used or threatened the use of a firearm.

(c) In addition to or in conjunction with any of the conditions enumerated in subdivisions (1) to (4), inclusive, of subsection (a) of this section, the bail commissioner or intake, assessment and referral specialist may impose nonfinancial conditions of release, which may require that the arrested person do any of the following: (1) Remain under the supervision of a designated person or organization; (2) comply with specified restrictions on the person's travel, association or place of abode; (3) not engage in specified activities, including the use or possession of a dangerous weapon, or the unlawful use or possession of an intoxicant or controlled substance; (4) not use classes of intoxicants or controlled substances, if such bail commissioner makes a finding that use of such classes of intoxicants or controlled substances would pose a danger to the arrested person or to the public and includes individualized reasons supporting such finding. Such finding shall not consider any prior arrests or convictions for use or possession of cannabis; (5) avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense; or (6) satisfy any other condition that is reasonably necessary to ensure the appearance of the person in court. Any of the conditions imposed under subsection (a) of this section and this subsection by the bail commissioner or intake, assessment and referral specialist shall be effective until the appearance of such person in court.

(d) The police department shall promptly comply with the order of release of the bail commissioner or intake, assessment and referral specialist, except that if the department objects to the order or any of its conditions, the department shall promptly so advise a state's attorney or assistant state's attorney, the bail commissioner or intake, assessment and referral specialist and the arrested person. The state's attorney or assistant state's attorney may authorize the police department to delay release, until a hearing can be had before the court then sitting for the geographical area which includes the municipality in which the arrested person is being detained or, if the court is not then sitting, until the next sitting of said court. When cash bail in excess of ten thousand dollars is received for a detained person accused of a felony, where the underlying facts and circumstances of the felony involve the use, attempted use or threatened use of physical force against another person, the police department shall prepare a report that contains (1) the name, address and taxpayer identification number of the accused person, (2) the name, address and taxpayer identification number of each person offering the cash bail, other than a person licensed as a professional bondsman under chapter 533 or a surety bail bond agent under chapter 700f, (3) the amount of cash received, and (4) the date the cash was received. Not later than fifteen days after receipt of such cash bail, the police department shall file the report with the Department of Revenue Services and mail a copy of the report to the state's attorney for the judicial district in which the alleged offense was committed and to each person offering the cash bail.

(e) Except as provided in subsections (f) and (g) of this section, all information provided to the Court Support Services Division shall be for the sole purpose of determining and recommending the conditions of release, and shall otherwise be confidential and retained in the files of the Court Support Services Division, and not be subject to subpoena or other court process for use in any other proceeding or for any other purpose.

(f) The Court Support Services Division shall establish written procedures for the release of information contained in reports and files of the Court Support Services Division, such procedures to be approved by the Chief Court Administrator, or the Chief Court Administrator's designee. Such procedures shall allow access to (1) nonidentifying information by qualified persons for purposes of research related to the administration of criminal justice; (2) all information

provided to the Court Support Services Division by probation officers for the purposes of compiling presentence reports; and (3) all information provided to the Court Support Services Division concerning any person convicted of a crime and held in custody by the Department of Correction. (g) Any files and reports held by the Court Support Services Division may be accessed and disclosed by employees of the division in accordance with policies and procedures adopted by the Chief Court Administrator. (1967, P.A. 549, S. 4; P.A. 80-313, S. 15; P.A. 81-437, S. 4, 12; P.A. 82-383, S. 3; P.A. 95-225, S. 32; 95-261, S. 2; P.A. 97-53; P.A. 98-90, S. 3; P.A. 99-186, S. 9; 99-187, S. 1; 99-240, S. 17; P.A. 00-196, S. 42; P.A. 02-132, S. 40; P.A. 10-43, S. 24; P.A. 12-133, S. 37; P.A. 14-122, S. 59; June Sp. Sess. P.A. 21-1, S. 17; P.A. 22-26, S. 29.) History: P.A. 80-313 designated previous provisions as Subsec. (c), inserting new Subsecs. (a) and (b) containing provisions formerly found in Subsecs. (a) and (b) of Sec. 54-63b; P.A. 81-437 amended provisions concerning investigation by bail commissioner and criteria for release and added provisions re financial conditions of release and added new Subsec. (d) re written procedures for release of information in reports and files of office of the bail commission; P.A. 82-383 amended Subsec. (a) to provide that a term or condition of release recommended by a bail commissioner may include a term of supervision; P.A. 95-225 and 95-261 both amended Subsec. (c) to add exception for Subsec. (e) and added nearly identical provisions as new Subsec. (e) authorizing the Office of the Bail Commission to disclose reports and files to the Office of Adult Probation for the purposes of conducting investigations and supervising persons placed on probation; P.A. 97-53 amended Subsec. (a)(1) by adding “without special conditions” after “appear”, added Subsec. (a)(2) re nonfinancial conditions as specified in Subsec. (b), renumbering existing Subdivs. (2) and (3) as Subdivs. (3) and (4), changing “financial” conditions of release to “the” conditions of release, and deleting provisions re bail commissioner's recommendation to the court, added Subsec. (b) re nonfinancial conditions and redesignated existing Subsecs. (b) to (e), inclusive, as Subsecs. (c) to (f), inclusive; P.A. 98-90 added Subsec. (f)(2) and (3) authorizing the Office of the Bail Commission to disclose files and reports to the Family Division of the Superior Court for the purpose of preparing written or oral reports and to agencies and organizations under contract with the Office of Alternative Sanctions for the purpose of monitoring arrested persons, respectively; P.A. 99-186 amended Subsec. (a) to add provision that the release of a person by the bail commissioner is subject to the exception in Subsec. (b), added new Subsec. (b) to prohibit the release of a person on the execution of a written promise to appear or the execution of a bond without surety if such person is charged with the commission of a family violence crime in which such person used or threatened the use of a firearm, relettering former Subdivs. (b) to (f) as Subdivs. (c) to (g), respectively, and made technical changes to revise statutory references and make provisions gender neutral; P.A. 99-187 amended former Subsec. (b) to add new Subdiv. (4) providing that the arrested person may be required as a condition of release to participate in the zero-tolerance drug supervision program established under Sec. 53a-39d, renumbering existing Subdivs. (4) and (5) as Subdivs. (5) and (6), respectively, and to make a technical change for purposes of gender neutrality; P.A. 99-240 amended former Subsec. (c) to add provisions requiring the police department to prepare a report when cash bail in excess of \$10,000 is received for a detained person accused of a felony involving the use, attempted use or threatened use of physical force against another person, specifying the contents of such report and requiring such police department not later than 15 days after receipt of such cash bail to file such report with the Department of Revenue Services and mail a copy of such report to the state's attorney and each person offering the cash bail; P.A. 00-196 made technical changes in Subsec. (b); P.A. 02-132 amended Subsec. (a) by making technical and conforming changes, amended Subsecs. (e) and (f) by replacing “Office of the Bail Commission” and “Chief Bail Commissioner” with “Court Support Services Division” and deleted former Subsec. (g)(1), (2) and (3) re disclosure of files and reports held by Office of the Bail Commission, replacing “Office of the Bail Commission” with “Court Support Services Division” and adding provision re access and disclosure in accordance with policies and procedures adopted by the Chief Court Administrator; P.A. 10-43 amended Subsec. (c) to delete former Subdiv. (4) re participation in zero-tolerance drug supervision program and redesignate existing Subdivs. (5) and (6) as Subdivs. (4) and (5); P.A. 12-133 amended Subsecs. (a), (c) and (d) by adding references to intake, assessment and referral specialist; P.A. 14-122 made a technical change in Subsec. (c)(5); June Sp. Sess. P.A. 21-1 amended Subsec. (c) by adding “or the unlawful use or possession of” in Subdiv. (3), adding new Subdiv. (4) re prohibition on use of classes of intoxicants or controlled substances, and redesignating existing Subdivs. (4) and (5) as Subdivs. (5) and (6), effective July 1, 2021; P.A. 22-26 amended Subsec. (f) by replacing “executive committee of the judges of the Superior Court” with “Chief Court Administrator, or the Chief Court Administrator's designee”, effective May 10, 2022. See Secs. 53a-222, 53a-222a re criminal penalties for violation of certain conditions of release.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-63e. - Bond or promise conditioned on appearance.

Whenever any arrested person is released upon his written promise to appear or upon bond without or with surety, such promise or bond shall be conditioned that he shall appear before the Superior Court. Any promise or bond without or with surety, and any fee paid for a bond with surety, shall also cover any appearance of such person, unless modified, and if modified any such fee which has been paid shall be credited toward the fee of any increased or new bond with surety. (1967, P.A. 549, S. 5; P.A. 74-183, S. 143, 291; P.A. 76-106, S. 2; 76-436, S. 543, 681; P.A. 77-452, S. 37, 72.) History: P.A. 74-183 replaced circuit court with court of common pleas, reflecting reorganization of judicial system, effective December 31, 1974; P.A. 76-106 added provisions re acceptance or modification of release conditions by superior court where accused previously entered into bond set by common pleas court in connection with same offense or offenses; P.A. 76-436 amended section to reflect transfer of all trial jurisdiction to superior court, omitting provisions added by P.A. 76-106 rendered obsolete by the change, effective July 1, 1978; P.A. 77-452 confirmed omission of P.A. 76-106 provisions.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-63f. - Release after conviction and pending sentence or appeal.

A person who has been convicted of any offense, except a violation of section 53a-54a, 53a-54b, 53a-54c or 53a-54d, and is either awaiting sentence or has given oral or written notice of such person's intention to appeal or file a petition for certification or a writ of certiorari may be released pending final disposition of the case, unless the court finds custody to be necessary to provide reasonable assurance of such person's appearance in court, upon the first of the following conditions of release found sufficient by the court to provide such assurance: (1) Upon such person's execution of a written promise to appear, (2) upon such person's execution of a bond without surety in no greater amount than necessary, (3) upon such person's execution of a bond with surety in no greater amount than necessary, (4) upon such person's deposit, with the clerk of the court having jurisdiction of the offense with which such person stands convicted or any assistant clerk of such court who is bonded in the same manner as the clerk or any person or officer authorized to accept bail, a sum of money equal to the amount called for by the bond required by the court, or (5) upon such person's pledge of real property, the equity of which is equal to the amount called for by the bond required by the court, provided the person pledging such property is the owner of such property. When cash bail is offered, such bond shall be executed and the money shall be received in lieu of a surety or sureties upon such bond. Such cash bail shall be retained by the clerk of such court until a final order of the court disposing of the same is passed, provided, if such bond is forfeited, the clerk of such court shall pay the money to the payee named therein, according to the terms and conditions of the bond. (1967, P.A. 549, S. 14; P.A. 89-47; P.A. 98-51; P.A. 00-200, S. 5; P.A. 18-127, S. 1.) History: P.A. 89-47 added Subdivs. (4) and (5) authorizing release upon the deposit of a sum of money or upon the pledge of real property, respectively, and added provisions re the execution of the bond when cash bail is offered and the retention and disposition of such cash bail; P.A. 98-51 prohibited the release of a person convicted of violating Sec. 53a-54a, 53a-54b, 53a-54c or 53a-54d; P.A. 00-200 prohibited the release of a person convicted of "any offense involving the use, attempted use or threatened use of physical force against another person" and made technical changes; P.A. 18-127 deleted "or any offense involving the use, attempted use or threatened use of physical force against another person" re exceptions to granting release, effective June 11, 2018. Bail under section is entirely disconnected from preconviction bail and presumption of innocence and should be granted with great caution. 159 C. 264. Section violates separation of powers provision contained in Art. II of the Connecticut Constitution, as amended by Art. XVIII of the amendments, insofar as it prohibits trial court from releasing on bail any person who has been convicted of an offense "involving the use, attempted use or threatened use of physical force against another person" because it presents significant interference with the orderly functioning of Superior Court's judicial role. 261 C. 492. The right to bail under the Connecticut constitution is extinguished upon conviction, i.e., a finding of guilt, accepted by the court. 327 C. 932. Supreme Court's determination of unconstitutionality in 261 C. 492 should be applied retroactively, as it could have impact on defendant's sentence. 89 CA 729. Cited. 29 CS 339.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-63g. - Appeal from court order re release.

Any accused person or the state, aggrieved by an order of the Superior Court concerning release, may petition the Appellate Court for review of such order. Any such petition shall have precedence over any other matter before said Appellate Court and any hearing shall be heard expeditiously with reasonable notice. (1967, P.A. 549, S. 17; 1972, P.A. 108, S. 13; P.A. 74-183, S. 144, 291; P.A. 76-436, S. 544, 681; June Sp. Sess. P.A. 83-29, S. 17, 82.) History: 1972 act replaced circuit court with court of common pleas, effective September 1, 1972, except that courts with cases pending retain jurisdiction; P.A. 74-183 replaced circuit court with court of common pleas, replaced appellate division of common pleas court with superior court and required hearing be "heard expeditiously with reasonable notice" rather than "held on one-day notice to the parties concerned", effective December 31, 1974; P.A. 76-436 replaced court of common pleas with superior court and deleted provisions re superior court's power to review common pleas court orders, leaving supreme court with sole power of review, reflecting transfer of all trial jurisdiction to superior court, effective July 1, 1978; June Sp. Sess. P.A. 83-29 deleted reference to supreme court and substituted appellate court in lieu thereof. Appeal from refusal of bail in capital case allowed and new hearing ordered to determine whether case falls in constitutional exception to bail in capital case where proof is evident or presumption great. 159 C. 264. Cited. 222 C. 331; 230 C. 441; 233 C. 44; 237 C. 339; 240 C. 623. Cited. 9 CA 74; 34 CA 46; 43 CA 851. Existence of statute, a legislatively created remedy, precludes the use of a writ of error to review an order concerning release. 110 CA 653. Petition to Appellate Court under section is exclusive method to challenge order pertaining to bail. 125 CA 775. Cited. 6 Conn. Cir. Ct. 21, 167, 536, 549.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-64. - Police officials and clerks of court to take promise to appear or bond.

Section 54-64 is repealed. (1949 Rev., S. 8779; 1959, P.A. 28, S. 151; 1961, P.A. 203, S. 1; 1967, P.A. 549, S. 11; P.A. 74-183, S. 145, 291; P.A. 76-436, S. 545, 681; P.A. 77-614, S. 486, 610; P.A. 79-216, S. 3; P.A. 80-313, S. 61.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-64a. - Release by judicial authority.

(a)(1) Except as provided in subdivision (2) of this subsection and subsection (b) or (c) of this section, when any arrested person is presented before the Superior Court, said court shall, in bailable offenses, promptly order the release of such person upon the first of

the following conditions of release found sufficient to reasonably ensure the appearance of the arrested person in court: (A) Upon execution of a written promise to appear without special conditions, (B) upon execution of a written promise to appear with nonfinancial conditions, (C) upon execution of a bond without surety in no greater amount than necessary, or (D) upon execution of a bond with surety in no greater amount than necessary, but in no event shall a judge prohibit a bond from being posted by surety. In addition to or in conjunction with any of the conditions enumerated in subparagraphs (A) to (D), inclusive, of this subdivision the court may, when it has reason to believe that the person is drug-dependent and where necessary, reasonable and appropriate, order the person to submit to a urinalysis drug test and to participate in a program of periodic drug testing and treatment. The results of any such drug test shall not be admissible in any criminal proceeding concerning such person. (2) If the arrested person is charged with no offense other than a misdemeanor, the court shall not impose financial conditions of release on the person unless (A) the person is charged with a family violence crime, as defined in section 46b-38a, or (B) the person requests such financial conditions, or (C) the court makes a finding on the record that there is a likely risk that (i) the arrested person will fail to appear in court, as required, or (ii) the arrested person will obstruct or attempt to obstruct justice, or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or juror, or (iii) the arrested person will engage in conduct that threatens the safety of himself or herself or another person. In making a finding described in this subsection, the court may consider past criminal history, including any prior record of failing to appear as required in court that resulted in any conviction for a violation of section 53a-172 or any conviction during the previous ten years for a violation of section 53a-173 and any other pending criminal cases of the person charged with a misdemeanor. (3) The court may, in determining what conditions of release will reasonably ensure the appearance of the arrested person in court, consider the following factors: (A) The nature and circumstances of the offense, (B) such person's record of previous convictions, (C) such person's past record of appearance in court, (D) such person's family ties, (E) such person's employment record, (F) such person's financial resources, character and mental condition, (G) such person's community ties, and (H) in the case of a violation of section 53a-222a when the condition of release was issued for a family violence crime, as defined in section 46b-38a, the heightened risk posed to victims of family violence by violations of conditions of release. (b) (1) Except as provided in subsection (c) of this section, any arrested person charged with the commission of a class A felony, a class B felony, except a violation of section 53a-86 or 53a-122, a class C felony, except a violation of section 53a-87, 53a-152 or 53a-153, or a class D felony under sections 53a-60 to 53a-60c, inclusive, section 53a-72a, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, or a family violence crime, as defined in section 46b-38a, is presented before the Superior Court, said court shall, in bailable offenses, promptly order the release of such person upon the first of the following conditions of release found sufficient to reasonably ensure the appearance of the arrested person in court and that the safety of any other person will not be endangered: (A) Upon such person's execution of a written promise to appear without special conditions, (B) upon such person's execution of a written promise to appear with nonfinancial conditions, (C) upon such person's execution of a bond without surety in no greater amount than necessary, or (D) upon such person's execution of a bond with surety in no greater amount than necessary, but in no event shall a judge prohibit a bond from being posted by surety. In addition to or in conjunction with any of the conditions enumerated in subparagraphs (A) to (D), inclusive, of this subdivision, the court may, when it has reason to believe that the person is drug-dependent and where necessary, reasonable and appropriate, order the person to submit to a urinalysis drug test and to participate in a program of periodic drug testing and treatment. The results of any such drug test shall not be admissible in any criminal proceeding concerning such person. (2) The court may, in determining what conditions of release will reasonably ensure the appearance of the arrested person in court and that the safety of any other person will not be endangered, consider the following factors: (A) The nature and circumstances of the offense, (B) such person's record of previous convictions, (C) such person's past record of appearance in court after being admitted to bail, (D) such person's family ties, (E) such person's employment record, (F) such person's financial resources, character and mental condition, (G) such person's community ties, (H) the number and seriousness of charges pending against the arrested person, (I) the weight of the evidence against the arrested person, (J) the arrested person's history of violence, (K) whether the arrested person has previously been convicted of similar offenses while released on bond, (L) the likelihood based upon the expressed intention of the arrested person that such person will commit another crime while released, and (M) the heightened risk posed to victims of family violence by violations of conditions of release and court orders of protection. (3) When imposing conditions of release under this subsection, the court shall state for the record any factors under subdivision (2) of this subsection that it considered and the findings that it made as to the danger, if any, that the arrested person might pose to the safety of any other person upon the arrested person's release that caused the court to impose the specific conditions of release that it imposed. (c) (1) When any arrested person charged with the commission of a serious firearm offense, as defined in section 53a-3, is (A) a serious firearm offender, (B) has two previous convictions for a violation of section 29-36, 29-36a, 53-202, 53-202a, 53-202b, 53-202c, 53-202w, 53-202aa, 53-206i, 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-59, 53a-60, 53a-60a, 53a-134, 53a-212, 53a-216, 53a-217, 53a-217b or 53a-217c, (C) a previous conviction for a violation of section 29-35, in addition to a prior conviction for a violation of section 29-36, 29-36a, 53-202, 53-202a, 53-202b, 53-202c, 53-202w, 53-202aa, 53-206i, 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-59, 53a-60, 53a-60a, 53a-134, 53a-212, 53a-216, 53a-217, 53a-217b or 53a-217c, or (D) two or more convictions during the five-year period immediately prior to the current arrest for a violation of section 21a-277, 21a-278, 53a-122 or 53a-123, is presented before the Superior Court, the court shall, in bailable offenses, promptly order the release of such person after establishing a bond amount found sufficient to reasonably ensure the appearance of the arrested person in court, and that the safety of any other person will not be endangered and upon such person's execution of a bond with or without surety in no greater amount than necessary. The prosecutorial official shall petition for the arrested person to deposit at least thirty per cent of the bond amount directly with the court, and there shall be a rebuttable

presumption that the safety of other persons will be endangered without the granting of such petition. Additionally, the court may, when it has reason to believe that the person is drug-dependent and where necessary, reasonable and appropriate, order the person to submit to a urinalysis drug test and to participate in a program of periodic drug testing and treatment. The results of any such drug test shall not be admissible in any criminal proceeding concerning such person. (2) When any arrested person charged with the commission of a serious firearm offense, as defined in section 53a-3, other than a person described in subdivision (1) of this subsection, is presented before the Superior Court, the court shall, in bailable offenses, promptly order the release of such person upon the first of the following conditions of release found sufficient to reasonably ensure the appearance of the arrested person in court and that the safety of any other person will not be endangered: (A) Upon such person's execution of a written promise to appear without special conditions, (B) upon such person's execution of a written promise to appear with nonfinancial conditions, (C) upon such person's execution of a bond without surety in no greater amount than necessary, or (D) upon such person's execution of a bond with surety in no greater amount than necessary, but in no event shall a judge prohibit a bond from being posted by surety. The prosecutorial official may petition the court to deem such person a serious risk to the safety of another person or persons. The prosecutorial official may present any information developed by federal, state and local law enforcement agencies in the course of a criminal investigation or enforcement action, including, but not limited to, social media posts, pictures or videos threatening violence, claiming responsibility for violence or suggesting possession of a firearm. If the court finds that the arrested person poses a serious risk to the safety of another person or persons, the arrested person may only be released pursuant to subparagraph (C) or (D) of this subdivision and the arrested person shall be required to deposit at least thirty per cent of any bond amount directly with the court. Additionally, the court may, when it has reason to believe that the person is drug-dependent and where necessary, reasonable and appropriate, order the person to submit to a urinalysis drug test and to participate in a program of periodic drug testing and treatment. The results of any such drug test shall not be admissible in any criminal proceeding concerning such person. (3) The court may, in determining what conditions of release will reasonably ensure the appearance of the arrested person in court and that the safety of any other person will not be endangered, consider the following factors: (A) The nature and circumstances of the offense, (B) such person's record of previous convictions, (C) such person's past record of appearances in court after being admitted to bail, (D) such person's family ties, (E) such person's employment record, (F) such person's financial resources, character and mental condition, (G) such person's community ties, (H) the number and seriousness of charges pending against the arrested person, (I) the weight of the evidence against the arrested person, (J) the arrested person's history of violence, (K) whether the arrested person has previously been convicted of similar offenses while released on bond, and (L) the likelihood based upon the expressed intention of the arrested person that such person will commit another crime while released. (4) When imposing conditions of release under this subsection, the court shall state for the record any factors under subdivision (3) of this subsection that it considered and the findings that it made as to the danger, if any, that the arrested person might pose to the safety of any other person upon the arrested person's release that caused the court to impose the specific conditions of release that the court imposed. (d) If the court determines that a nonfinancial condition of release should be imposed pursuant to subparagraph (B) of subdivision (1) of subsection (a) or (b) of this section, the court shall order the pretrial release of the person subject to the least restrictive condition or combination of conditions that the court determines will reasonably ensure the appearance of the arrested person in court and, with respect to the release of the person pursuant to subsection (b) or (c) of this section, that the safety of any other person will not be endangered, which conditions may include an order that the arrested person do one or more of the following: (1) Remain under the supervision of a designated person or organization; (2) comply with specified restrictions on such person's travel, association or place of abode; (3) not engage in specified activities, including the use or possession of a dangerous weapon, an intoxicant or a controlled substance; (4) provide sureties of the peace pursuant to section 54-56f under supervision of a designated bail commissioner or intake, assessment and referral specialist employed by the Judicial Branch; (5) avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense; (6) maintain employment or, if unemployed, actively seek employment; (7) maintain or commence an educational program; (8) be subject to electronic monitoring; or (9) satisfy any other condition that is reasonably necessary to ensure the appearance of the person in court and that the safety of any other person will not be endangered. The court shall state on the record its reasons for imposing any such nonfinancial condition. (e) If the arrested person is not released, the court shall order him committed to the custody of the Commissioner of Correction until he is released or discharged in due course of law. (f) The court may require that the person subject to electronic monitoring pursuant to subsection (d) of this section pay directly to the electronic monitoring service provider a fee for the cost of such electronic monitoring services. If the court finds that the person subject to electronic monitoring is indigent and unable to pay the costs of electronic monitoring services, the court shall waive such costs. Any contract entered into by the Judicial Branch and the electronic monitoring service provider shall include a provision stating that the total cost for electronic monitoring services shall not exceed five dollars per day. Such amount shall be indexed annually to reflect the rate of inflation. (1961, P.A. 38; 1963, P.A. 11; 1967, P.A. 549, S. 12; P.A. 74-183, S. 146, 291; P.A. 76-436, S. 546, 681; P.A. 77-452, S. 39, 72; P.A. 80-313, S. 16; P.A. 81-437, S. 9, 12; P.A. 89-390, S. 13, 37; P.A. 90-213, S. 51; 90-261, S. 9; P.A. 91-406, S. 13, 29; P.A. 99-186, S. 5; 99-187, S. 2; P.A. 00-141, S. 2, 3; P.A. 01-84, S. 25, 26; P.A. 03-278, S. 107; Jan. Sp. Sess. P.A. 08-1, S. 25; P.A. 10-43, S. 25; P.A. 12-133, S. 38; June 12 Sp. Sess. P.A. 12-2, S. 94; P.A. 14-122, S. 60; P.A. 17-145, S. 1; June Sp. Sess. P.A. 17-2, S. 205; P.A. 21-78, S. 16; P.A. 22-37, S. 38; P.A. 23-53, S. 38.) History: 1963 act added authority for taking a bond when court was not in criminal session by any one authorized under Sec. 54-64; 1967 act, effective October 1, 1968, provided for alternatives to bond with surety and provided for making release arrangements when accused is presented before court; P.A. 74-183 replaced circuit court with court of common pleas, effective December 31, 1974; P.A. 76-436 replaced court of common pleas with superior court, effective July 1, 1978; P.A. 77-452 deleted wording which implies power to

refuse accused bail if “custody is found to be necessary to provide reasonable assurance of his appearance”, effective July 1, 1978; P.A. 80-313 restated existing provisions and required that arrested person who is not released be committed to custody of commissioner of correction until released or discharged in due course of law; P.A. 81-437 added provision distinguishing between two types of release upon execution of written promise to appear without special conditions and with nonfinancial conditions; P.A. 89-390 added provisions authorizing the court to order a drug-dependent person to submit to a urinalysis drug test and participate in a program of periodic drug testing and treatment and specifying that the results of any such drug test shall be inadmissible in a criminal proceeding concerning such person; P.A. 90-213 designated former provisions re conditions of release and drug testing as Subsec. (a) and amended said Subsec. to provide that the court find the condition of release sufficient to reasonably assure “that the safety of any other person will not be endangered”, added Subsec. (b) authorizing the court to consider certain enumerated factors in determining the conditions of release that will reasonably assure the appearance of the arrested person in court and that the safety of any other person will not be endangered, added Subsec. (c) specifying conditions the court is authorized to order the arrested person to satisfy when a nonfinancial condition of release is imposed, and designated former provisions re the commitment to the custody of the commissioner of correction of an arrested person who is not released as Subsec. (d); P.A. 90-261 designated former provisions of Subsec. (a) Subsec. (a)(1) and amended said Subdiv. to delete provision requiring court to find the condition of release sufficient to reasonably assure that the safety of any other person will not be endangered and to redesignate Subdivs. (1) to (4) as Subparas. (A) to (D), respectively, redesignated former Subsec. (b) as Subsec. (a)(2) and amended said Subdiv. to redesignate Subdivs. (1) to (7) as Subparas. (A) to (G), respectively, and to delete former Subdiv. (8) re number and seriousness of pending charges, Subdiv. (9) re weight of the evidence, Subdiv. (10) re history of violence, Subdiv. (11) re previous convictions of similar offenses committed while released on bond and Subdiv. (12) re likelihood of commission of another crime while released, added new Subsec. (b) consisting of Subdivs. (1) and (2) being identical to former Subsecs. (a) and (b), respectively, as enacted by P.A. 90-213, but made provisions applicable to persons charged with certain serious specified felonies, and amended Subsec. (c) to revise internal references and provide that the requirement that the condition of release reasonably assure that the safety of any other person will not be endangered is applicable “with respect to the release of the person pursuant to subsection (b) of this section”; P.A. 91-406 substituted “Except as provided in subsection (b) of this section, when” for “when” at the beginning of Subsec. (a)(1); P.A. 99-186 amended Subsec. (b) to make provisions applicable to a person charged with the commission of a family violence crime as defined in Sec. 46b-38a; P.A. 99-187 added new Subsec. (c)(4) providing that the arrested person may be ordered as a condition of release to participate in the zero-tolerance drug supervision program established under Sec. 53a-39d, renumbering Subdivs. (4) to (8) as Subdivs. (5) to (9), respectively, and making technical changes for purposes of gender neutrality; P.A. 00-141 added new Subsec. (c)(9) re electronic monitoring, redesignating former Subdiv. (9) as Subdiv. (10), and added Subsec. (e) re electronic monitoring services; P.A. 01-84 amended Subsec. (b)(1) to delete reference to Sec. 53a-72b as a class D felony since violation of said section was reclassified as a class C felony by June Sp. Sess. P.A. 99-2, and to make technical changes for purposes of gender neutrality, effective July 1, 2001; P.A. 03-278 made technical changes in Subsec. (e), effective July 9, 2003; Jan. Sp. Sess. P.A. 08-1 amended Subsec. (b) to add Subdiv. (3) requiring court to state for the record any factors under Subdiv. (2) that it considered and the findings that it made re danger, if any, that arrested person might pose to safety of any other person upon release that caused the court to impose the specific conditions of release that it imposed, effective January 25, 2008; P.A. 10-43 amended Subsec. (c) to delete former Subdiv. (4) re participation in zero-tolerance drug supervision program and redesignate existing Subdivs. (5) to (10) as Subdivs. (4) to (9); P.A. 12-133 amended Subsec. (c)(4) by adding “or intake, assessment and referral specialist employed by the Judicial Branch”; June 12 Sp. Sess. P.A. 12-2 made a technical change in Subsec. (b)(1); P.A. 14-122 made technical changes; P.A. 17-145 amended Subsec. (a) by adding provision re in no event is judge to prohibit bond from being posted by surety in Subdiv. (1)(D), adding new Subdiv. (2) re person charged with no offense other than misdemeanor, redesignating existing Subdiv. (2) as Subdiv. (3) and amending same by deleting “after being admitted to bail” in Subpara. (C), and making technical and conforming changes, effective July 1, 2017; June Sp. Sess. P.A. 17-2 amended Subsec. (b)(1)(D) by adding “but in no event shall a judge prohibit a bond from being posted by surety”, effective October 31, 2017; P.A. 21-78 amended Subsec. (a)(3) to add Subpara. (H) re heightened risk posed to victims of family violence and amended Subsec. (b)(2) to add Subpara. (M) re heightened risk posed to victims of family violence; P.A. 22-37 made technical changes in Subsecs. (a)(1)(C), (a)(3)(H) and (b)(1)(C); P.A. 23-53 added exception for Subsec. (c) in Subsecs. (a)(1) and (b)(1), added new Subsec. (c) re an arrested person charged with a serious firearm offense or a serious firearm offender, redesignated existing Subsecs. (c) to (e) as Subsecs. (d) to (f), added exception for Subsec. (c) in re designated Subsec. (d) and made a conforming change in re designated Subsec. (f).

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-64b. - Release following arrest on court warrant.

(a) When any person is arrested on a bench warrant of arrest issued by order of the Superior Court or, when said court is not in session, by a judge thereof, in which the court or judge issuing the warrant indicated that bail should be denied or ordered that the person to be arrested should be brought before a clerk or assistant clerk of the Superior Court, the officer or indifferent person making the arrest shall without undue delay bring the arrested person before the clerk or assistant clerk of the superior court for the geographical area where the offense is alleged to have been committed during the office hours of the clerk and if the clerk's office is not open, the officer or indifferent person shall, without undue delay, bring the arrested person to a community correctional center within the geographical area where the offense is alleged to have been committed or, if there is no such correctional center within such geographical area, to the nearest community correctional center, or the York Correctional Institution, as the case may be. The

clerk or assistant clerk or a person designated by the Commissioner of Correction shall thereupon advise the arrested person of his rights under section 54-1b, and, when the court or judge has not indicated that bail should be denied, shall order the arrested person to enter into the condition of release pursuant to the condition fixed by the judge or court conditioned that the arrested person shall appear before the superior court having criminal jurisdiction in and for the geographical area to answer to the bench warrant of arrest and information filed in the case. Upon the failure of the arrested person to enter into the condition of release fixed by the court or judge or if the person has been arrested for an offense which is not bailable, the clerk or assistant clerk or the person designated by the Commissioner of Correction shall issue a mittimus committing the arrested person to a community correctional center, or the York Correctional Institution, as the case may be, until he is discharged by due course of law. (b) When any person is arrested on a bench warrant of arrest issued by order of the Superior Court or by a judge thereof, in which the court or judge has not indicated that bail should be denied or has not ordered that the officer or indifferent person making such arrest shall without undue delay bring such person before the clerk or assistant clerk of the superior court for the geographical area, the officer or indifferent person making the arrest shall without undue delay, comply with the provisions of sections 54-63c and 54-63d in setting the conditions of release for the person or persons arrested under the warrant. (c) The clerk or assistant clerk and the person designated by the Commissioner of Correction may take a written promise to appear on a bond without or with surety from an arrested person in accordance with the conditions of release fixed by the court or judge and may administer such oaths as are necessary in the taking of promises or bonds. (P.A. 80-313, S. 13; P.A. 85-309; P.A. 15-14, S. 36.) History: P.A. 85-309 amended Subsec. (a) to authorize commitment of person under arrest to Connecticut Correctional Institution, Niantic; P.A. 15-14 made technical changes in Subsec. (a). Cited. 187 C. 6; 195 C. 505; 201 C. 115; 236 C. 388.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-64c. - Notice of appearance after release.

The person taking any promise or bond shall give the person released a copy of the promise or bond, which shall notify the person of the time when and the place where he is next to appear and of the penalty for failure so to appear. (P.A. 80-313, S. 18.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-64d. - Release of person taken into custody on a capias.

(a) When any person is taken into custody on a capias issued by order of the Superior Court, the proper officer or state police officer taking the person into custody shall, without undue delay, bring such person before the court that issued the capias. (b) If a courthouse lockup operated by the Judicial Branch is available at the court that issued the capias and is operational at the time the proper officer or state police officer brings the person taken into custody to the court, the proper officer or state police officer shall transfer the custody of such person to a judicial marshal at the court unless such person requires medical attention or there is insufficient space for such person at such lockup. (1) If the court is in session, the judicial marshal shall present such person before the court. If the court is not in session but the clerk's office is open, the judicial marshal shall present such person before the clerk or assistant clerk or a person designated by the Chief Court Administrator. (2) If the court is not in session and the clerk's office is closed, and such person indicates to the judicial marshal that he or she can meet the conditions of release fixed by the court, the judicial marshal shall, without undue delay, either (A) transport such person to a community correctional center within the judicial district or, if there is no community correctional center within the judicial district, to the nearest community correctional center, for the purpose of entering into the condition of release fixed by the court, or (B) if more expedient, hold the person in custody until the clerk's office is open or the next session of the court, for the purpose of entering into the condition of release fixed by the court. If such person does not indicate to the judicial marshal that he or she can meet the conditions of release fixed by the court, the judicial marshal shall hold the person in custody until the clerk's office is open or the next session of the court, for the purpose of entering into the condition of release fixed by the court. (c) If a courthouse lockup operated by the Judicial Branch is not available at the court that issued the capias, or is available but is not operational or has insufficient space, the proper officer or state police officer taking the person into custody shall, without undue delay, transport such person to a community correctional center within the judicial district or, if there is no community correctional center within the judicial district, to the nearest community correctional center for the purpose of entering into the condition of release fixed by the court. (d) The clerk or assistant clerk or a person designated by the Commissioner of Correction or by the Chief Court Administrator shall order the person taken into custody on the capias to enter into the condition of release fixed by the court on the condition that such person shall appear before the next session of the superior court that issued the capias. Upon the failure of such person to enter into the condition of release fixed by the court, the person shall be held in the correctional center pursuant to the capias until the next session of the court. (P.A. 87-102; P.A. 03-224, S. 15; P.A. 05-152, S. 8.) History: P.A. 03-224 added provisions re transfer of custody to judicial marshal if courthouse lockup is available and operational and added provision re designation by Chief Court Administrator, effective July 2, 2003; P.A. 05-152 divided section into Subsecs. (a), (b) and (d), amended Subsec. (a) by adding provision re person taken into custody by a state police officer and making a technical change, amended Subsec. (b) by adding provisions re transfer of custody by state police officer, making technical changes and replacing provisions re duties of proper officer with Subdivs. (1) and (2) re duties of judicial marshal, added Subsec. (c) re duties of proper officer or state police officer if courthouse lockup is not available, is not operational or has insufficient space, and made technical changes in Subsec. (d).

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section

54-64e. - Noncriminal behavior as condition of release. Notice of conditions of release and sanctions for violation.

(a) When any person is released pursuant to the provisions of sections 54-63a to 54-63g, inclusive, or sections 54-64a to 54-64c, inclusive, it shall be a condition of such release that the person released not commit a federal, state or local crime during the period of release. (b) When any person is released pursuant to the provisions of sections 54-63a to 54-63g, inclusive, or sections 54-64a to 54-64c, inclusive, such person shall be notified in writing at the time of release: (1) Of the condition specified in subsection (a) of this section and any additional conditions of release; (2) that violation of any condition of release may result in the imposition of different or additional conditions of release; (3) that if he is released with respect to an offense for which a term of imprisonment of ten or more years may be imposed and the court finds that he has violated any condition of release and the safety of any other person is endangered while he is on release, his release may be revoked; and (4) that any crime committed while on release may subject him to enhanced penalties pursuant to section 53a-40b. (P.A. 90-213, S. 52, 56.) Cited. 222 C. 331.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-64f. - Violation of conditions of release. Imposition of different or additional conditions. Revocation of release.

(a) Upon application by the prosecuting authority alleging that a defendant has violated the conditions of the defendant's release, the court may, if probable cause is found, order that the defendant appear in court for an evidentiary hearing upon such allegations. An order to appear shall be served upon the defendant by any law enforcement officer delivering a copy to the defendant personally, or by leaving it at the defendant's usual place of abode with a person of suitable age and discretion then residing therein, or mailing it by registered or certified mail to the last-known address of the defendant. (b) Except as provided in subsection (d) of this section, if the court, after an evidentiary hearing at which hearsay or secondary evidence shall be admissible, finds by clear and convincing evidence that the defendant has violated reasonable conditions imposed on the defendant's release it may impose different or additional conditions upon the defendant's release. If the defendant is on release with respect to an offense for which a term of imprisonment of ten or more years may be imposed and the court, after an evidentiary hearing at which hearsay or secondary evidence shall be admissible, finds by clear and convincing evidence that the defendant has violated reasonable conditions of the defendant's release and that the safety of any other person is endangered while the defendant is on release, it may revoke such release. The revocation of a defendant's release pursuant to this subsection shall cause any bond posted in the criminal proceeding to be automatically terminated and the surety to be released. (c) Except as provided in subsection (d) of this section, if the defendant is a serious firearm offender or is on release with respect to a serious firearm offense as defined in section 53a-3 or the defendant is on release with respect to an offense for which a term of imprisonment of ten or more years may be imposed and the court, after an evidentiary hearing at which hearsay or secondary evidence shall be admissible, finds by clear and convincing evidence that the safety of any other person is endangered while the defendant is on release and that there is probable cause to believe that the defendant has committed a federal, state or local crime while on release, there shall be a rebuttable presumption that the defendant's release should be revoked. (d) If the defendant is a serious firearm offender as defined in section 53a-3, and is on release with respect to any offense and the court, after an evidentiary hearing at which hearsay or secondary evidence shall be admissible, finds by the preponderance of the evidence that there is probable cause to believe that the defendant has committed a serious firearm offense, as defined in section 53a-3, while on release, or if the defendant is on release with respect to any offense referenced in subsection (c) of section 54-64a and the court, after an evidentiary hearing at which hearsay or secondary evidence shall be admissible, finds by the preponderance of evidence that there is probable cause to believe that the defendant has committed a serious firearm offense, the defendant's release shall be revoked. (e) The revocation of a defendant's release pursuant to this section shall cause any bond posted in the criminal proceeding to be automatically terminated and the surety to be released. (f) If the defendant commits a serious firearm offense while on pretrial release and is subsequently convicted of any offense for which the defendant was on pretrial release and a serious firearm offense committed while on pretrial release, any bond posted in the criminal proceeding for the offense for which the defendant was on pretrial release shall be forfeited. (P.A. 90-213, S. 53; P.A. 99-240, S. 11; P.A. 23-53, S. 39.) History: P.A. 99-240 made hearsay or secondary evidence admissible at an evidentiary hearing and made technical changes for purposes of gender neutrality; P.A. 23-53 added exception for Subsec. (d) in Subsecs. (b) and (c), added provision re automatic termination of bond and release of surety in Subsec. (b), added new Subsec. (d) re serious firearm offender or finding that there is probable cause to believe that defendant has committed serious firearm offense, redesignated existing Subsec. (d) as Subsec. (e), and added Subsec. (f) re defendant who commits serious firearm offense while on pretrial release and is subsequently convicted of any offense for which defendant was on release and serious firearm offense committed while on release.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-64g. - Surveillance of serious felony offenders released on bond.

The office of the Chief State's Attorney shall, in consultation with the Commissioner of Emergency Services and Public Protection and the Connecticut Police Chiefs Association, develop protocols for the surveillance by state police officers or municipal police officers, or both, of persons charged with the commission of a serious felony offense, as defined in section 54-82t, who are released on bond. (P.A. 99-240, S. 10; P.A. 11-51, S. 172.) History: P.A. 11-51 replaced "Commissioner of Public Safety" with "Commissioner of Emergency Services and Public Protection" and deleted reference to January 1, 2000, effective July 1, 2011.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-65. - Procedure when surety believes principal intends to abscond. Application for release of surety from bond if

principal absconds.

(a) Any surety in a recognizance in criminal proceedings, who believes that such surety's principal intends to abscond, shall apply to a judge of the Superior Court, produce such surety's bail bond or evidence of being a surety, and verify the reason of such surety's application by oath or otherwise. Thereupon, the judge shall immediately grant a mittimus, directed to a proper officer or indifferent person, commanding such officer or indifferent person immediately to arrest the principal and commit the principal to a community correctional center. The Community Correctional Center Administrator shall receive the principal and retain the principal in a community correctional center until discharged by due order of law. The surrender of the principal shall be a full discharge of the surety upon such surety's bond or recognizance. (b) If the principal of a surety in a recognizance in criminal proceedings absconds, such surety may apply, prior to six months after the date the bond is ordered forfeited, to a judge of the Superior Court to be released from such bond. The judge may release such surety from such bond for good cause shown. (1949 Rev., S. 8780; P.A. 81-410, S. 12; P.A. 90-288, S. 1; P.A. 14-184, S. 1.) History: P.A. 81-410 replaced previous provision re rights of surety with the language of former Sec. 52-319; P.A. 90-288 made provision re application to a judge by a surety who believes his principal intends to abscond mandatory rather than discretionary; P.A. 14-184 designated existing provisions as Subsec. (a) and amended same to make technical changes, and added Subsec. (b) re application for release of surety from bond for good cause shown when principal of surety absconds. Right of person giving bail to retake prisoner; arrest of prisoner in another state no defense to action on hand. 16 Wall. 371; 160 U.S. 246. Cited. 140 C. 326; 175 C. 149. Has no application to facts of case. 199 C. 537.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-65a. - Forfeiture of bond for failure to appear. Issuance of rearrest warrant or capias. Termination or reinstatement of bond. Rebate to surety.

(a)(1) Whenever an arrested person is released upon the execution of a bond with surety in an amount of five hundred dollars or more and such bond is ordered forfeited because the principal failed to appear in court as conditioned in such bond, the court shall, at the time of ordering the bond forfeited: (A) Issue a rearrest warrant or a capias directing a proper officer to take the defendant into custody, (B) provide written notice to the surety on the bond that the principal has failed to appear in court as conditioned in such bond, except that if the surety on the bond is an insurer, as defined in section 38a-660, the court shall provide such notice to such insurer and not to the surety bail bond agent, as defined in section 38a-660, and (C) order a stay of execution upon the forfeiture for six months. The court may, in its discretion and for good cause shown, extend such stay of execution. A stay of execution shall not prevent the issuance of a rearrest warrant or a capias. (2) When the principal whose bond has been forfeited is returned to custody pursuant to the rearrest warrant or a capias within six months after the date such bond was ordered forfeited or, if a stay of execution was extended, within the time period inclusive of such extension of the date such bond was ordered forfeited, the bond shall be automatically terminated and the surety released and the court shall order new conditions of release for the defendant in accordance with section 54-64a. (3) When the principal whose bond has been forfeited returns to court voluntarily within five business days after the date such bond was ordered forfeited, the court may, in its discretion, and after finding that the defendant's failure to appear was not wilful, vacate the forfeiture order and reinstate the bond. (b) Whenever an arrested person, whose bond has been forfeited, is returned to the jurisdiction of the court within one year after the date such bond was ordered forfeited, the surety on such bond shall be entitled to a rebate of that portion of the forfeited amount as may be fixed by the court or as may be established by a schedule adopted by rule of the judges of the court. (P.A. 77-455; P.A. 79-461; P.A. 84-123, S. 3; P.A. 87-343, S. 1; P.A. 96-96; 96-164, S. 2; P.A. 99-62; P.A. 03-202, S. 21; P.A. 14-184, S. 2.) History: P.A. 79-461 amended Subsec. (a) to specify applicability where bond is \$500 or more and to add provisions re stay of execution on forfeiture; P.A. 84-123 amended Subsec. (a) to authorize a court to issue a capias for a defendant who fails to appear in court and to delete reference to issuance of a mittimus; P.A. 87-343 amended Subsec. (a) to provide automatic reinstatement of the bond and release of the surety when the arrested person is returned to custody within six months of the bond forfeiture; P.A. 96-96 amended Subsec. (a) to provide that when the "principal", rather than the "arrested person", is returned to custody "pursuant to the rearrest warrant or a capias" within six months of the forfeiture the bond shall be automatically "terminated", rather than "reinstated", and "the court shall order new conditions of release for the defendant in accordance with section 54-64a" and to add provision that when the principal returns to court voluntarily within two business days of the forfeiture, the court may vacate the forfeiture order and reinstate the bond if it finds the failure to appear was not wilful; P.A. 96-164 amended Subsec. (a) to extend from two to five business days the period after the date of forfeiture within which if the principal returns to court voluntarily the court may vacate the forfeiture order and reinstate the bond; P.A. 99-62 added new Subsec. (a)(2) requiring the court to provide written notice to the surety on the bond that the principal has failed to appear in court as conditioned in such bond, renumbering former Subdiv. (2) as Subdiv. (3); P.A. 03-202 amended Subsec. (a)(2) by adding provision re notice to insurer that is the surety on the bond, effective April 1, 2004; P.A. 14-184 amended Subsec. (a) to insert new Subdiv. (1), (2) and (3) designators, add provision allowing court to extend stay of execution for good cause shown and make conforming changes in Subdiv. (1), and add provision re time period inclusive of extension of date bond was ordered forfeited in Subdiv. (2), and made technical changes. Statute can coexist with common law right of bail bondsman to apprehend and surrender his principal; nothing in wording of statute abrogates that right. 199 C. 537. The proper legal standard for determining whether a surety may be relieved of its obligation on a bail bond continues to be the common law rule set forth in *Taylor v. Taintor*, 83 U.S. 366, i.e. that a surety will be released only when the appearance of the principal at trial is made impossible by an act of God, an act of the state or pursuant to law. 301 C. 617. This section and Sec. 54-66 do not expressly provide for, or preclude, the granting of rebate to a

depositor of cash bail when defendant has been returned to the jurisdiction more than 6 months after the bond is called, but it is within the power of Connecticut courts to ensure defendant's appearance and thus trial court's award of such a rebate was proper. 68 CA 849.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-65b. - Verification of rearrest warrant or capias upon request.

Upon the request during regular business hours of a person licensed as (1) a professional bondsman under chapter 533, (2) a surety bail bond agent under section 38a-660, or (3) a bail enforcement agent under sections 29-152f to 29-152i, inclusive, the Judicial Branch shall verify in the central computer system set forth in subsection (e) of section 54-2a whether a rearrest warrant or capias issued pursuant to section 54-65a is still outstanding. (P.A. 11-45, S. 23.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-65c. - Vacating forfeiture of bond.

A court shall vacate an order forfeiting a bail bond and release the professional bondsman, as defined in section 29-144, or the surety bail bond agent and the insurer, as both terms are defined in section 38a-660, if (1) the principal on the bail bond (A) is detained or incarcerated (i) in another state, territory or country, or (ii) by a federal agency, or (B) has been removed by United States Immigration and Customs Enforcement, and (2) the professional bondsman, the surety bail bond agent or the insurer provides satisfactory proof of such detention, incarceration or removal to the court and the state's attorney prosecuting the case, and (3) the state's attorney prosecuting the case declines to seek extradition of the principal. (P.A. 11-45, S. 24; P.A. 14-184, S. 4.) History: P.A. 14-184 amended Subdiv. (1) by designating existing provision re principal detained or incarcerated as Subpara. (A), adding "or (ii) by a federal agency" therein, and adding Subpara. (B) re removal by United States Immigration and Customs Enforcement, amended Subdiv. (2) to add "satisfactory" re proof and add reference to removal, and made technical changes. Plain language of section, as read in connection with other statutes, demonstrates that legislature intended "detained" to require governmental action, i.e., custody by a governmental entity. 323 C. 629.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-66. - Acceptance and disposition of bail. Pledge of real property as lien. Forfeiture of bond for failure to appear. Issuance of rearrest warrant or capias. Termination or reinstatement of bond.

(a)(1) In any criminal case in which a bond is allowable or required and the amount of such bond has been determined, the accused person, or any person on the accused person's behalf, (A) may deposit, with the clerk of the court having jurisdiction of the offense with which the accused person stands charged or any assistant clerk of such court who is bonded in the same manner as the clerk or any person or officer authorized to accept bail, a sum of money equal to the amount called for by such bond, or (B) may pledge real property, the equity of which is equal to the amount called for by such bond, provided the person pledging such property is the owner of such real property, and such accused person shall thereupon be admitted to bail. (2) When cash bail is offered, such bond shall be executed and the money shall be received in lieu of a surety or sureties upon such bond. Such cash bail shall be retained by the clerk of such court until a final order of the court disposing of the same is passed, except that if such bond is forfeited, the clerk of such court shall pay the money to the payee named therein, according to the terms and conditions of the bond. When cash bail in excess of ten thousand dollars is received for a person accused of a felony, where the underlying facts and circumstances of the felony involve the use, attempted use or threatened use of physical force against another person, the clerk of such court shall prepare a report that contains (A) the name, address and taxpayer identification number of the accused person, (B) the name, address and taxpayer identification number of each person offering the cash bail, other than a person licensed as a professional bondsman under chapter 533 or a surety bail bond agent under chapter 700f, (C) the amount of cash received, and (D) the date the cash was received. Not later than fifteen days after receipt of such cash bail, the clerk of such court shall file the report with the Department of Revenue Services and mail a copy of the report to the state's attorney for the judicial district in which the court is located and to each person offering the cash bail. (3) When real property is pledged, the pledge shall constitute a lien on the real property upon the filing of a notice of lien in the office of the town clerk of the town in which the real property is located. The lien shall be in an amount equal to the bond set by the court. The notice of lien shall be on a form prescribed by the Office of the Chief Court Administrator. Upon order of forfeiture of the underlying bond, the state's attorney for the judicial district in which the forfeiture is ordered shall refer the matter to the Attorney General and the Attorney General may, on behalf of the state, foreclose such lien in the same manner as a mortgage. The lien created by this subsection shall expire six years after the forfeiture is ordered unless the Attorney General commences an action to foreclose it within that period of time and records a notice of lis pendens in evidence thereof on the land records of the town in which the real property is located. If the bond has not been ordered forfeited, the clerk of the court shall authorize the recording of a release of such lien upon final disposition of the criminal matter or upon order of the court. The release shall be on a form prescribed by the Office of the Chief Court Administrator. (b) (1) Whenever an accused person is released upon the deposit by a person on behalf of the accused person of a sum of money equal to the amount called for by such bond or upon the pledge by a person on behalf of the accused person of real property, the equity of which is equal to the amount called for by such bond, and such bond is ordered forfeited because the accused person failed to appear in court as conditioned in such bond, the court shall, at the time of ordering the bond forfeited: (A) Issue a rearrest warrant or a capias directing a proper officer to take the accused person into custody, (B) provide written notice to the person who offered cash bail or pledged real property on behalf of the accused

person that the accused person has failed to appear in court as conditioned in such bond, and (C) order a stay of execution upon the forfeiture for six months. The court may, in its discretion and for good cause shown, extend such stay of execution. A stay of execution shall not prevent the issuance of a rearrest warrant or a capias. (2) When the accused person whose bond has been forfeited is returned to custody pursuant to the rearrest warrant or a capias within six months of the date such bond was ordered forfeited or, if a stay of execution was extended, within the time period inclusive of such extension of the date such bond was ordered forfeited, the bond shall be automatically terminated and the person who offered cash bail or pledged real property on behalf of the accused person shall be released from such obligation and the court shall order new conditions of release for the accused person in accordance with section 54-64a. (3) When the accused person whose bond has been forfeited returns to court voluntarily within five business days of the date such bond was ordered forfeited, the court may, in its discretion, and after finding that the accused person's failure to appear was not wilful, vacate the forfeiture order and reinstate the bond. (1949 Rev., S. 8781; 1959, P.A. 28, S. 152; P.A. 81-246; P.A. 93-265, S. 1; P.A. 99-240, S. 14; P.A. 01-186, S. 18; P.A. 14-184, S. 3.) History: 1959 act deleted references to trial justices and included assistant court clerk; P.A. 81-246 permitted the accused person to pledge real property in order to be admitted to bail; P.A. 93-265 added Subsec. (b) to provide that the pledge of real property constitutes a lien on the property when a notice of lien is filed and to specify the procedure for the foreclosure or release of such lien; P.A. 99-240 amended Subsec. (a) to add provisions requiring the clerk of the court to prepare a report when cash bail in excess of \$10,000 is received for a person accused of a felony involving the use, attempted use or threatened use of physical force against another person, specifying the contents of such report and requiring said clerk not later than 15 days after receipt of such cash bail to file such report with the Department of Revenue Services and mail a copy of such report to the state's attorney and each person offering the cash bail; P.A. 01-186 added Subsec. (c) re forfeiture of bond for failure to appear, issuance of rearrest warrant or capias, stay of execution upon forfeiture of bond for six months from date bond ordered forfeited, automatic termination of bond if accused is returned to custody as result of rearrest warrant or capias and reinstatement of bond if accused returns to court voluntarily within 5 business days of order of forfeiture; P.A. 14-184 amended Subsec. (a) to designate existing provisions as Subdivs. (1) and (2) and redesignate existing Subdivs. (1) and (2) as Subparas. (A) and (B), redesignated existing Subsec. (b) as Subsec. (a)(3), redesignated existing Subsec. (c) as Subsec. (b)(1), (2) and (3), amended redesignated Subsec. (b)(1) to add provision allowing court, for good cause shown, to extend stay of execution, amended redesignated Subsec. (b)(2) to add provision re extension of stay of execution within time period inclusive of extension of date bond was ordered forfeited, amended redesignated Subsec. (b)(3) to delete provision re prevention of issuance of rearrest warrant or capias, and made technical changes. Cash bail remains in custody of court until order for return is made, even though accused has appeared and been discharged; garnishment of such a fund. 96 C. 358. Cited. 119 C. 25. Cited. 25 CA 643. This section and Sec. 54-65a do not expressly provide for, or preclude, granting of rebate to a depositor of cash bail when defendant has been returned to the jurisdiction more than 6 months after the bond is called, but it is within the power of Connecticut courts to ensure defendant's appearance and thus trial court's award of such a rebate was proper. 68 CA 849.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-66a. - Automatic termination of bail bonds.

Any bail bond posted in any criminal proceeding in this state shall be automatically terminated and released whenever the defendant: (1) Is granted accelerated rehabilitation pursuant to section 54-56e; (2) is granted admission to the pretrial alcohol education program pursuant to section 54-56g; (3) is granted admission to the pretrial family violence education program pursuant to section 46b-38c; (4) is granted admission to the pretrial drug education and community service program pursuant to section 54-56i; (5) has the complaint or information filed against such defendant dismissed; (6) has the prosecution of the complaint or information filed against such defendant terminated by entry of a nolle prosequi; (7) is acquitted; (8) is sentenced by the court and a stay of such sentence, if any, is lifted; (9) is granted admission to the pretrial school violence prevention program pursuant to section 54-56j; (10) is charged with a violation of section 29-33, 53-202l or 53-202w, and prosecution has been suspended pursuant to subsection (i) of section 29-33; (11) is charged with a violation of section 29-37a and prosecution has been suspended pursuant to subsection (i) of section 29-37a; (12) is granted admission to the supervised diversionary program for persons with psychiatric disabilities, or persons who are veterans, pursuant to section 54-56l; (13) is granted admission to a diversionary program for young persons charged with a motor vehicle violation or an alcohol-related offense pursuant to section 54-56p; (14) is granted admission to the pretrial drug intervention and community service program pursuant to section 54-56q; or (15) is granted admission to the pretrial impaired driving intervention program pursuant to section 54-56r. (P.A. 79-469; P.A. 86-118; P.A. 90-288, S. 2; P.A. 91-218; P.A. 92-139; 92-256, S. 5; May Sp. Sess. P.A. 92-11, S. 50, 70; P.A. 97-287, S. 14; P.A. 98-21, S. 1; 98-59, S. 2, 3; P.A. 01-186, S. 9; P.A. 10-18, S. 27; 10-30, S. 5; P.A. 12-133, S. 22; P.A. 13-159, S. 4; P.A. 14-184, S. 5; 14-207, S. 8; P.A. 18-75, S. 14; June Sp. Sess. P.A. 21-1, S. 171; P.A. 23-53, S. 21.) History: P.A. 86-118 added provision re the termination and release of a bail bond upon defendant's admission to the pretrial alcohol education system; P.A. 90-288 added provision re the termination and release of a bail bond upon defendant's admission to the pretrial family violence education program; P.A. 91-218 replaced provisions requiring the automatic termination and release of a bail bond whenever a defendant has a fine imposed by the court, whether or not a stay is had or the fine is vacated by the court, or is sentenced by the court but a stay of execution or other delay of imposition of sentence is granted with provisions requiring such automatic termination and release whenever a defendant has the complaint or information filed against him dismissed, is acquitted or is convicted; P.A. 92-139 amended Subdiv. (6) by deleting "is convicted" and inserting "is sentenced by the court"; P.A. 92-256 and May Sp. Sess. P.A. 92-11 changed effective date of P.A. 92-139 from October 1, 1992, to May 27, 1992; P.A. 97-287 added new Subdiv. (4) re automatic termination and release of a bail bond when the defendant is

granted admission to the community service labor program pursuant to Sec. 53a-39c, renumbering the remaining Subdivs. accordingly; P.A. 98-21 added new Subdiv. (5) re automatic termination and release of a bail bond when the defendant is granted admission to the pretrial drug education program pursuant to Sec. 54-56i, renumbering the remaining Subdivs. accordingly; P.A. 98-59 revised effective date of P.A. 98-21, but without affecting this section; P.A. 01-186 made a technical change for purposes of gender neutrality in Subsec. (6) and added Subdivs. (9) and (10) re automatic termination of bail bond when defendant is granted admission into pretrial school violence prevention program or is charged with violation of Sec. 29-33 and prosecution is suspended; P.A. 10-18 amended Subdiv. (2) by replacing “system” with “program”; P.A. 10-30 made identical change as P.A. 10-18, effective July 1, 2010; P.A. 12-133 added Subdiv. (11) re automatic termination of bail bond when defendant is granted admission to supervised diversionary program for persons with psychiatric disabilities; P.A. 13-159 substituted “pretrial drug education and community service program” for “pretrial drug education program” in Subdiv. (5); P.A. 14-184 amended Subdiv. (11) to add reference to persons who are veterans; P.A. 14-207 deleted former Subdiv. (4) re admission to the community service labor program pursuant to Sec. 53a-39c, redesignated existing Subdivs. (5) and (6) as Subdivs. (4) and (5), added new Subdiv. (6) re prosecution of complaint or information terminated by entry of nolle prosequi, amended Subdiv. (8) by adding “and a stay of such sentence, if any, is lifted”, amended Subdiv. (10) by adding references to Secs. 53-202land 53-202w, added new Subdiv. (11) re defendant charged with violation of Sec. 29-37a and prosecution suspended pursuant to Sec. 29-37a(i), and redesignated existing Subdiv. (11) as Subdiv. (12); P.A. 18-75 added Subdiv. (13) re defendant granted admission to diversionary program for young persons charged with motor vehicle violation or alcohol-related offense pursuant to Sec. 54-56p, effective June 4, 2018; June Sp. Sess. P.A. 21-1 added Subdiv. (14) re pretrial drug intervention and community service program and added Subdiv. (15) re pretrial impaired driving intervention program, effective April 1, 2022; P.A. 23-53 amended Subdiv. (10) by changing reference to Sec. 29-33(h) to Sec. 29-33(i).

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-67. - When attorneys not allowed to give bonds.

No attorney-at-law may give any bond or recognizance in any criminal action or proceeding in which he is interested as attorney. (1949 Rev., S. 8782; P.A. 80-313, S. 19.) History: P.A. 80-313 substituted “may” for “shall”. Bond for costs on an appeal, given by appellant’s attorney, not within prohibition of statute. 61 C. 500.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-68. - Persons charged with gaming to give bonds.

Section 54-68 is repealed. (1949 Rev., S. 8789.; P.A. 76-336, S. 10.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-69. - Motion of parties to modify conditions of release.

(a) Whenever in any criminal prosecution the state's attorney for any judicial district or the assistant state's attorney is of the opinion that the bond without or with surety given by any accused person is excessive or insufficient in amount or security, or that the written promise of such person to appear is inadequate, or whenever any accused person alleges that the amount or security of the bond given by such accused person is excessive, such state's attorney or assistant state's attorney or the accused person may bring an application to the court in which the prosecution is pending or to any judge thereof, alleging such excess, insufficiency, or inadequacy, and, after notice as hereinafter provided and hearing, such judge shall in bailable offenses continue, modify or set conditions of release upon the first of the following conditions of release found sufficient to provide reasonable assurance of the appearance of the accused in court: (1) Upon such person's execution of a written promise to appear, (2) upon such person's execution of a bond without surety in no greater amount than necessary, (3) upon such person's execution of a bond with surety in no greater amount than necessary. (b) No hearing upon any such application shall be had until a copy of such application, together with a notice of the time and place of hearing thereon, has been served upon the surety or sureties upon such bond, if any, and upon the appropriate bail commissioner or intake, assessment and referral specialist employed by the Judicial Branch and, in the case of an application by an accused person, upon any such state's attorney, or, in the case of the application by any such state's attorney, upon the accused person. (c) Notwithstanding the provisions of subsection (b) of this section, a hearing may be had on an application by any such state's attorney without a copy of such application and notice of the hearing being served upon the surety or sureties upon such bond, if any, the appropriate bail commissioner or intake, assessment and referral specialist and the accused person if the accused person is charged with the commission of a family violence crime, as defined in section 46b-38a, or a violation of section 53a-181c, 53a-181d, 53a-181e, 53a-223, 53a-223a or 53a-223b and is being presented at the next sitting of the Superior Court as required by section 54-1g. (1949 Rev., S. 8790; 1961, P.A. 517, S. 72; 1967, P.A. 549, S. 13; 656, S. 61; P.A. 74-183, S. 147, 291; P.A. 76-436, S. 548, 681; P.A. 78-280, S. 1, 127; P.A. 80-313, S. 23; P.A. 99-186, S. 6; P.A. 02-127, S. 5; P.A. 12-114, S. 22; 12-133, S. 39.) History: 1961 act substituted circuit court for court of common pleas; 1967 acts included bond without surety or written promise as alternative to bond with surety, effective October 1, 1968, and allowed presentation of application to judge at any time rather than only when court is not in session; P.A. 74-183 replaced circuit court with court of common pleas and added reference to judicial districts, effective December 31, 1974; P.A. 76-436 deleted specific mention of common pleas court and replaced references to prosecuting attorneys with references to state's attorneys and assistant state's attorneys, reflecting transfer of all trial jurisdiction to superior court, effective July 1, 1978; P.A. 78-280 deleted reference to counties; P.A. 80-313 restated

provision to delete implication that judge has power to deny bail for bailable offenses if “he finds custody to be necessary to provide reasonable assurance of the appearance of the accused in court”; P.A. 99-186 inserted Subsec. indicators, added new Subsec. (c) to permit a hearing to be held on an application by a state's attorney without serving a copy of the application and notice of the hearing on the surety or sureties on the bond, the bail commissioner and the accused person, as required by Subsec. (b), if the accused person is charged with the commission of a family violence crime, as defined in Sec. 46b-38a, or a violation of Sec. 53a-110b, 53a-181c, 53a-181d or 53a-181e and is being presented at the next court date as required by Sec. 54-1g, and made technical changes for purposes of gender neutrality; P.A. 02-127 amended Subsec. (c) to include a violation of Sec. 53a-223b; P.A. 12-114 amended Subsec. (c) to add reference to violation of Sec. 53a-223a; P.A. 12-133 amended Subsecs. (b) and (c) by adding references to intake, assessment and referral specialist. Bond includes recognizance. 110 C. 173. Cited. 140 C. 326; 222 C. 331; 241 C. 413. Cited. 4 Conn. Cir. Ct. 116.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-69a. - Motion of bail commissioner or intake, assessment and referral specialist to modify conditions of release.

A bail commissioner or an intake, assessment and referral specialist employed by the Judicial Branch who has reason to believe that a person released under any of the provisions of sections 54-63a to 54-63g, inclusive, 54-64a, 54-64b and 54-69 intends not to appear in court as required by the conditions of release may apply to a judge of the court before which the person is required to appear, and verify by oath or otherwise the reason for his or her belief, and request that the person be brought before the court in order that the conditions of such person's release be reviewed. Upon finding reasonable grounds that the released person intends not to appear, the judge shall forthwith issue a *capias* directed to a proper officer or indifferent person, commanding such proper officer or indifferent person forthwith to arrest and bring the person to the court for a hearing to review the conditions of release. Such hearing shall be upon due notice as provided in section 54-69. (1967, P.A. 549, S. 16; P.A. 80-313, S. 24; P.A. 12-133, S. 40.) History: P.A. 80-313 updated list of applicable sections and made minor changes in wording; P.A. 12-133 added reference to intake, assessment and referral specialist employed by Judicial Branch and made technical changes. Cited. 222 C. 331.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-69b. - Authority of court to modify conditions of release.

The provisions of any promise or bond taken under section 54-63c or section 54-63d may at any time be modified by the court or any judge thereof as provided in section 54-69. (P.A. 80-313, S. 22.) Cited. 222 C. 331.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-70. - Compromise of forfeited bonds.

Section 54-70 is repealed. (1949 Rev., S. 8791; 1959, P.A. 28, S. 193; 1963, P.A. 642, S. 66; P.A. 73-116, S. 32; 73-667, S. 1, 2; P.A. 78-280, S. 4, 119, 127; P.A. 83-279, S. 3, 4.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-71. - Mistake in form of recognizance.

No recognizance given by the accused in a criminal prosecution for his appearance before any court may be discharged for any mistake in form, if its terms are in substantial compliance with the requirements of law. (1949 Rev., S. 8792; P.A. 80-313, S. 20.) History: P.A. 80-313 substituted “may” for “shall”. Cited. 45 C. 352. Bond should receive liberal construction. 48 C. 59. Cited. 222 C. 331.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-71a. - No civil liability for release.

No bail commissioner or intake, assessment and referral specialist employed by the Judicial Branch, no employee of any police department, no state's attorney or assistant state's attorney and no municipality may be held liable in a civil action for damages on account of the release of any person under any of the provisions of sections 54-63a to 54-63g, inclusive, 54-64a, 54-64b and 54-69. (P.A. 80-313, S. 21; P.A. 12-133, S. 41.) History: P.A. 12-133 added reference to intake, assessment and referral specialist employed by Judicial Branch. Cited. 222 C. 331.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-72. - Fines and forfeitures; prosecutions; liability of corporation.

All fines, forfeitures and penalties, unless otherwise expressly disposed of by law, if imposed on any person by the Superior Court, shall belong to the state. When a fine, penalty or forfeiture is imposed by any statute as a punishment for any offense, and any part thereof is given to the person aggrieved or to him who sues therefor and the other part to the state, all proper informing officers shall make presentment of such offense to the court having cognizance thereof; and the whole of such fine, penalty or forfeiture shall in such case belong to the state. Whenever any corporation has incurred a penalty or forfeiture or is liable to a fine, the state's attorney in the judicial district wherein such corporation is located or has its principal place of business in this state may bring a civil action under the provisions of this section, in the name of the state, to recover such penalty, forfeiture or fine. The court shall render

judgment, under the limitations of law, for the recovery of such penalty, forfeiture or fine, and issue execution therefor. (1949 Rev., S. 8776; 1959, P.A. 28, S. 153; 152, S. 80; 1963, P.A. 642, S. 67; P.A. 73-116, S. 4; 73-667, S. 1, 2; P.A. 74-183, S. 148, 291; P.A. 76-436, S. 549, 681; P.A. 78-280, S. 1, 127.) History: 1959 acts deleted references to fines imposed by trial justices, included circuit court and deleted provision for fines belonging to county, county government having been abolished; 1963 act deleted obsolete provision for fines imposed by common pleas court; P.A. 73-116 added reference to judicial districts; P.A. 73-667 changed effective date of P.A. 73-116 from October 1, 1973, to April 25, 1973; P.A. 74-183 replaced circuit court with court of common pleas, effective December 31, 1974; P.A. 76-436 deleted reference to power of court of common pleas to impose fines, forfeitures and penalties and deleted provision whereby jurisdiction was to be determined according to maximum penalty, forfeiture or fine which may be imposed, reflecting transfer of all trial jurisdiction to superior court, effective July 1, 1978; P.A. 78-280 deleted reference to counties. See Sec. 51-56a re accounting for receipts by court clerks or executors. Defendants in qui tam actions, if acquitted, entitled to costs. 2 R. 137. When may be brought in name of informer and town treasurer; form of judgment in such case. 5 C. 291. When state may prosecute for whole penalty. 7 C. 185. Court has no control over disposition of fines; statute controls. 18 C. 442. Cited. 222 C. 331.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-73. - Collection and disposition of forfeitures.

The state's attorney in the judicial district in which any forfeiture to the state accrues shall collect and pay it to the State Treasurer; and, if in the opinion of the court the plaintiff is an improper person to collect it, a separate execution may be issued in favor of the state. (1949 Rev., S. 8773; 1959, P.A. 152, S. 81; P.A. 73-116, S. 5; 73-667, S. 1, 2; P.A. 78-280, S. 2, 127.) History: 1959 act deleted provision for forfeiture to county, county government having been abolished; P.A. 73-116 added reference to judicial districts; P.A. 73-667 changed effective date of P.A. 73-116 from October 1, 1973, to April 25, 1973; P.A. 78-280 deleted reference to counties. Cited. 222 C. 331.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-74. - Remission of fine.

Any judge of the Superior Court may remit any fine, if in his judgment such course will tend to the reformation of offenders or the furtherance of the ends of justice. (1949 Rev., S. 8740; 1959, P.A. 28, S. 154; 1963, P.A. 642, S. 68; P.A. 74-183, S. 149, 291; P.A. 76-436, S. 550, 681.) History: 1959 act substituted circuit court for trial justice or municipal court; 1963 act removed common pleas court from purview of section; P.A. 74-183 replaced circuit court with court of common pleas, effective December 31, 1974; P.A. 76-436 removed court of common pleas from purview of section, reflecting transfer of all trial jurisdiction to superior court, effective July 1, 1978. Cited. 222 C. 331; 231 C. 514.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-75. - Employment of detectives.

Section 54-75 is repealed. (1949 Rev., S. 8783; 1953, S. 3325d; 1961, P.A. 517, S. 73; 1967, P.A. 260; P.A. 73-122, S. 26, 27.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960 - Information, Procedure and Bail Section 54-76a. - Procedure at hearing in probable cause.

Section 54-76a is repealed. (1959, P.A. 548; February, 1965, P.A. 321; P.A. 76-336, S. 5; P.A. 78-280, S. 126, 127; 78-331, S. 54, 58.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960a - Youthful Offenders Section 54-76b. - Youthful offenders: Definitions; applicability of interstate compact.

(a) For the purposes of sections 54-76b to 54-76n, inclusive: (1) "Youth" means (A) a minor who has reached the age of sixteen years but has not reached the age of eighteen years at the time of the alleged offense, or (B) a child who has been transferred to the regular criminal docket of the Superior Court pursuant to section 46b-127; and (2) "Youthful offender" means a youth who (A) is charged with the commission of a crime which is not a class A felony or a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 14-222a, subsection (a) or subdivision (1) of subsection (b) of section 14-224, section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-72a or 53a-72b, except a violation involving consensual sexual intercourse or sexual contact between the youth and another person who is thirteen years of age or older but under sixteen years of age, and (B) has not previously been convicted of a felony in the regular criminal docket of the Superior Court or been previously adjudged a serious juvenile offender or serious juvenile repeat offender, as defined in section 46b-120. (b) The Interstate Compact for Adult Offender Supervision under section 54-133 shall apply to youthful offenders. (1971, P.A. 72, S. 1; P.A. 79-581, S. 9; P.A. 81-472, S. 94, 159; P.A. 89-383, S. 15, 16; July Sp. Sess. P.A. 94-2, S. 7; P.A. 95-142, S. 5; 95-225, S. 33; P.A. 01-84, S. 20, 26; 01-211, S. 18; P.A. 03-243, S. 4; P.A. 05-232, S. 1; P.A. 08-32, S. 10; P.A. 14-130, S. 35; P.A. 16-126, S. 33; P.A. 19-189, S. 26.) History: P.A. 79-581 specified that those who have "been afforded a pretrial program for accelerated rehabilitation under section 54-76p" are not to be considered as youthful offenders; P.A. 81-472 made technical changes; P.A. 89-383 revised in part

definition of “youthful offender” by replacing “a youth who has committed a crime or crimes which are not class A felonies” with “a youth who is charged with the commission of a crime which is not a violation of section 53a-70a or a class A felony”; July Sp. Sess. P.A. 94-2 included in the definition of “youth” a child who has been transferred to the regular criminal docket pursuant to Sec. 46b-127(a)(2); P.A. 95-142 redefined “youthful offender” to exclude a youth who is charged with the commission of a violation of Sec. 53-21(2) or of Sec. 53a-70, 53a-70b, 53a-71, 53a-72a or 53a-72b; P.A. 95-225 redefined “youthful offender” to exclude a youth who has previously been adjudged a serious juvenile offender or a serious juvenile repeat offender and made a technical change; P.A. 01-84 replaced reference to “subdivision (2) of section 53-21” with “subdivision (2) of subsection (a) of section 53-21”, effective July 1, 2001; P.A. 01-211 inserted Subdiv. indicators and amended Subdiv. (1) to replace reference to “subdivision (2) of section 53-21” with “subdivision (2) of subsection (a) of section 53-21” and to add exception re violation involving consensual sexual intercourse or sexual contact between the youth and another person who is 13 years of age or older but under 16 years of age; P.A. 03-243 replaced provision re Interstate Compact on Juveniles with provision re Interstate Compact for Adult Offender Supervision under Sec. 54-133 and deleted “to the same extent as to minors below sixteen years of age”; P.A. 05-232 designated definitions as Subsec. (a) and made technical changes therein, redefined “youth” in Subsec. (a)(1) by adding provisions re age at time of the alleged offense and re docket of the Superior Court, redefined “youthful offender” in Subsec. (a)(2) by adding provision re felony conviction in regular docket of the Superior Court and deleting provisions re adjudication as a youthful offender and prior accelerated rehabilitation, and designated provision re applicability of interstate compact as Subsec. (b), effective January 1, 2006; P.A. 08-32 amended Subsec. (a)(2) to redefine “youthful offender” by excluding a youth who is charged with a violation of Sec. 14-222a, 14-224(a), 14-227a or 14-227g, effective August 1, 2008; P.A. 14-130 amended Subdiv. (2)(A) by adding reference to Sec. 14-224(b)(1); P.A. 16-126 amended Subsec. (a)(2) by adding references to Secs. 14-227m and 14-227n(a)(1) and (2); P.A. 19-189 redefined “youthful offender” in Subsec. (a)(2). Cited. 173 C. 414; 179 C. 98. Overruled 179 C. 98 in determining that an order denying youthful offender status is not an appealable final judgment. 192 C. 85. Cited. 205 C. 638; 240 C. 743. Cited. 6 CA 505; 8 CA 607; 20 CA 101. Cited. 30 CS 71. Since motor vehicle violations are specifically excluded from definition of an offense, and, therefore, from definition of a crime, negligent homicide with a motor vehicle is not a crime to which youthful offender status may be applied. 49 CS 170.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960a - Youthful Offenders Section 54-76c. - Eligibility to be adjudged a youthful offender. Transfer of cases.

(a) In any case where an information or complaint has been laid charging a defendant with the commission of a crime, and where it appears that the defendant is a youth, such defendant shall be presumed to be eligible to be adjudged a youthful offender and the court having jurisdiction shall, but only as to the public, order the court file sealed, unless such defendant (1) is charged with the commission of a crime which is a class A felony or a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 14-222a, subsection (a) or subdivision (1) of subsection (b) of section 14-224, section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-72a or 53a-72b, except a violation involving consensual sexual intercourse or sexual contact between the youth and another person who is thirteen years of age or older but under sixteen years of age, or (2) has been previously convicted of a felony in the regular criminal docket of the Superior Court or been previously adjudged a serious juvenile offender or serious juvenile repeat offender, as defined in section 46b-120. Except as provided in subsection (b) of this section, upon motion of the prosecuting official, the court may order that an investigation be made of such defendant under section 54-76d, for the purpose of determining whether such defendant is ineligible to be adjudged a youthful offender, provided the court file shall remain sealed, but only as to the public, during such investigation. (b) (1) Upon motion of the prosecuting official and order of the court, the case of any defendant who is a youth and is charged with the commission of a felony, other than a felony set forth in subsection (a) of this section, shall be transferred from the youthful offender docket to the regular criminal docket of the Superior Court, provided the court finds that there is probable cause to believe the defendant has committed the act for which he or she is charged. The defendant shall be arraigned in the regular criminal docket of the Superior Court by the next court business day following such transfer, provided any proceedings held prior to the finalization of such transfer shall be private and shall be conducted in such parts of the courthouse or the building wherein court is located as shall be separate and apart from the other parts of the court which are then being held for proceedings pertaining to adults charged with crimes. The file of any case so transferred shall remain sealed until the end of the tenth working day following such arraignment, unless the prosecuting official has filed a motion pursuant to subdivision (2) of this subsection, in which case such file shall remain sealed until the court makes a decision on the motion. (2) A prosecuting official may, not later than ten working days after such arraignment, file a motion to transfer the case of any defendant who is a youth and is charged with the commission of a felony, other than a felony set forth in subsection (a) of this section, from the regular criminal docket of the Superior Court to the youthful offender docket for proceedings in accordance with the provisions of sections 54-76b to 54-76n, inclusive. The court sitting for the regular criminal docket of the Superior Court shall, after hearing and not later than ten working days after the filing of such motion, decide such motion. (1971, P.A. 72, S. 2; P.A. 98-81, S. 9; P.A. 05-232, S. 2; P.A. 08-32, S. 11; P.A. 14-130, S. 36; P.A. 16-126, S. 34; P.A. 19-189, S. 27.) History: P.A. 98-81 changed “information or complaint” to “court file”; P.A. 05-232 designated existing provisions as Subsec. (a) and amended same by replacing provisions re investigation of defendant for purpose of determining eligibility to be adjudged a youthful offender with provisions re presumption of eligibility, exceptions to eligibility and investigation to determine ineligibility to be adjudged a youthful offender, and added Subsec. (b) re transfer of cases, effective January 1, 2006; P.A. 08-32 amended Subsec. (a)(1) to add violations of Sec. 14-222a,

14-224(a), 14-227a and 14-227g to list of violations to which presumption of eligibility and sealing of the court file does not apply, effective August 1, 2008; P.A. 14-130 amended Subsec. (a)(1) by adding reference to Sec. 14-224(b)(1); P.A. 16-126 amended Subsec. (a) by adding references to Secs. 14-227m and 14-227n(a)(1) and (2); P.A. 19-189 amended Subsec. (a)(1) by replacing “53a-70b,” with “section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or”. Cited. 173 C. 414; 179 C. 98; 188 C. 565; 192 C. 85. Trial court order transferring defendant's case from youthful offender docket to regular criminal docket is not an appealable interlocutory order under 191 C. 27 because it does not conclude the rights of defendant regarding his status as a youthful offender. 300 C. 764. Cited. 8 CA 607. Cited. 30 CS 71. Because statutory benefits afforded to defendant under section constitute a liberty interest in youthful offender status and the discretionary transfer of a youthful offender docket to regular criminal docket vests such liberty interest in eligible defendants, due process requires notice and hearing for court to determine independently whether such transfer is appropriate. 51 CS 342. Subsec. (b): Subdiv. (1) does not require notice and a hearing before a case may be transferred from youthful offender docket to regular criminal docket, but Subsec. implicitly requires notice and a hearing by the court on regular criminal docket prior to finalization of a transfer of a case from youthful offender docket. 300 C. 748.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960a - Youthful Offenders Section 54-76d. - Investigations. Determinations by court. Waiver of proceedings.

(a) If the court grants a motion under subsection (a) of section 54-76c or if the court on its own motion determines that the defendant should be investigated under this section, and the defendant consents to physical and mental examinations, if deemed necessary, and to investigation and questioning, and to a trial without a jury, should a trial be had, the information or complaint shall be held in abeyance and no further action shall be taken in connection with such information or complaint until such examinations, investigation and questioning are had of the defendant. Investigations under this section shall be made by an adult probation officer. When the information or complaint charges commission of a felony, the adult probation officer shall include in the investigation a summary of any unerased juvenile record of adjudications of the defendant. (b) Upon the termination of such examinations, investigation and questioning, the court, in its discretion based on the severity of the crime, which shall also take into consideration whether or not the defendant took advantage of the victim because of the victim's advanced age or physical incapacity, and the results of the examinations, investigation and questioning, shall determine whether such defendant is eligible or ineligible to be adjudged a youthful offender. If the court determines that the defendant is eligible to be so adjudged, no further action shall be taken on the information or complaint and the defendant shall be required to enter a plea of “guilty” or “not guilty” to the charge of being a youthful offender. If the court determines that the defendant is ineligible to be so adjudged, it shall order the information or complaint to be unsealed and the defendant shall be prosecuted as though the proceedings under sections 54-76b to 54-76n, inclusive, had not been had. (c) If no motion is made by the prosecuting official under subsection (a) or (b) of section 54-76c or by the court under subsection (a) of this section, and the defendant consents to a trial without a jury, should a trial be had, no further action shall be taken on the information or complaint and the defendant shall be required to enter a plea of “guilty” or “not guilty” to the charge of being a youthful offender. (d) At any time prior to trial as provided in section 54-76e or at any time prior to entering a plea of “guilty” to the charge of being a youthful offender, the defendant, on motion and with the concurrence of the defendant's parent or guardian and the defendant's attorney, if any, may waive further proceedings under the provisions of sections 54-76b to 54-76n, inclusive, and request a trial by jury in the regular criminal docket of the Superior Court. If the court, after making a thorough inquiry, is satisfied that such waiver is knowingly and voluntarily made, the court may grant such motion and order the information or complaint to be unsealed and the defendant shall be prosecuted as though the proceedings under sections 54-76b to 54-76n, inclusive, had not been had. (e) At any point, if the court determines that a defendant is ineligible to be a youthful offender, the court shall order the information or complaint to be unsealed and the defendant shall be prosecuted as though the proceedings under sections 54-76b to 54-76n, inclusive, had not been had. (1971, P.A. 72, S. 3; P.A. 77-362; P.A. 79-581, S. 10; P.A. 05-232, S. 3.) History: P.A. 77-362 required consideration of whether or not defendant took advantage of victim because of victim's advanced age or physical incapacity in determining eligibility for youthful offender status in Subsec. (b); P.A. 79-581 amended Subsec. (a) to require inclusion of summary of unreleased juvenile record of adjudications in investigation where information or complaint charges commission of a felony; P.A. 05-232 amended Subsec. (a) by adding reference to motion under Sec. 54-76c(a) and making technical changes, amended Subsec. (b) by adding provision re determination whether defendant is ineligible to be adjudged a youthful offender and making technical changes, and added Subsecs. (c) re procedure if no motion is made, (d) re waiver of further proceedings and (e) re determination of ineligibility at any point, effective January 1, 2006. Cited. 173 C. 414; 179 C. 98; 188 C. 565; 192 C. 85. Cited. 8 CA 607. Cited. 30 CS 71; 37 CS 755.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960a - Youthful Offenders Section 54-76e. - Trial to determine youthful offender status.

If the defendant enters a plea of “not guilty” or if the court on its own motion so directs, the defendant shall be tried for the purpose of determining whether he shall be adjudged a youthful offender. The trial shall be held by the court without a jury. (1971, P.A. 72, S. 4.) Cited. 173 C. 414; 179 C. 98; 192 C. 85. Cited. 8 CA 607. Cited. 30 CS 71; 37 CS 755.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960a - Youthful Offenders Section 54-76f. - Statements of defendant inadmissible.

No statement, admission or confession made by the defendant to the court or to any person designated by the court to conduct the

examinations, investigation and questioning referred to in section 54-76d shall ever be admissible as evidence against him or his interest, except that the court may take such statement, admission or confession into consideration at the time of sentencing such defendant, if the defendant has been adjudged a youthful offender, or has been found guilty of the crime charged in the information or complaint upon which the proceedings hereunder were based, or any subsequent crime. (1971, P.A. 72, S. 5.) Cited. 173 C. 414. Cited. 30 CS 71.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960a - Youthful Offenders Section 54-76g. - Judgment of youthful offender status.

If the defendant enters a plea of guilty to the charge of being a youthful offender or if, after trial, the court finds that he committed the acts charged against him in the information or complaint, the court shall adjudge the defendant to be a youthful offender and the information or complaint shall be considered a nullity and of no force or effect. (1971, P.A. 72, S. 6.) Cited. 173 C. 414; 179 C. 98; 190 C. 715. Cited. 8 CA 607; 21 CA 645. Cited. 30 CS 71.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960a - Youthful Offenders Section 54-76h. - Proceedings private. Segregation of defendant in place of detention. Presence of victim at proceeding.

(a) All of the proceedings had under the provisions of sections 54-76b to 54-76n, inclusive, shall be private and shall be conducted in such parts of the courthouse or the building wherein court is located as shall be separate and apart from the other parts of the court which are then being held for proceedings pertaining to adults charged with crimes. If the defendant is committed while any examination and investigation under section 54-76d is pending, before trial, during trial or after judgment and before sentence, those persons in charge of the place of detention shall segregate the defendant, to the extent of their facilities, from defendants over the age of eighteen years charged with crime. (b) In a proceeding under sections 54-76b to 54-76n, inclusive, the court shall not exclude any victim and a victim's next of kin from such proceeding or any portion thereof unless, after hearing from the parties and the victim or a victim's next of kin and for good cause shown, which shall be clearly and specifically stated on the record, the court orders otherwise. For the purposes of this subsection, "victim" means a person who is the victim of a crime for which a youth is charged, a parent or guardian of such person, the legal representative of such person or a victim advocate for such person under section 54-220, and "next of kin" means a spouse, adult child, a parent, an adult sibling, an aunt, an uncle or a grandparent. (1971, P.A. 72, S. 7; P.A. 05-169, S. 2; 05-232, S. 4; P.A. 10-43, S. 33; P.A. 23-46, S. 6.) History: P.A. 05-169 designated existing provisions as Subsec. (a), made technical changes therein and added Subsec. (b) re presence of victim at proceeding; P.A. 05-232 deleted exception for proceedings on motion under Sec. 54-76c, added reference to investigation under Sec. 54-76d and made technical changes, effective January 1, 2006; P.A. 10-43 amended Subsec. (b) to replace "an advocate appointed for such person pursuant to section 54-221" with "a victim advocate for such person under section 54-220"; P.A. 23-46 amended Subsec. (b) by defining "next of kin" and adding references to victim's next of kin, effective July 1, 2023.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960a - Youthful Offenders Section 54-76i. - Court powers over person of defendant.

Pending and during the investigation, trial, adjudication or acquittal of the defendant, or any other proceedings under sections 54-76b to 54-76n, inclusive, the court having jurisdiction shall have the same powers over the person of the defendant as it would have in the case of an adult charged with crime. (1971, P.A. 72, S. 8; P.A. 05-232, S. 5.) History: P.A. 05-232 replaced provision re court to which recommendation for investigation has been made with provision re court having jurisdiction, effective January 1, 2006. Cited. 173 C. 414. Cited. 30 CS 71.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960a - Youthful Offenders Section 54-76j. - Disposition upon adjudication as youthful offender.

(a) The court, upon the adjudication of any person as a youthful offender, may: (1) Commit the defendant; (2) impose a fine not exceeding one thousand dollars; (3) impose a sentence of conditional discharge or a sentence of unconditional discharge; (4) impose a sentence of community service; (5) impose a sentence to a term of imprisonment not greater than that authorized for the crime committed by the defendant, but in no event shall any such term exceed four years; (6) impose sentence and suspend the execution of the sentence, entirely or after a period set by the court; (7) order treatment pursuant to section 17a-699; or (8) if a criminal docket for drug-dependent persons has been established pursuant to section 51-181b in the judicial district in which the defendant was adjudicated a youthful offender, transfer the supervision of the defendant to the court handling such docket. (b) If execution of the sentence is suspended under subdivision (6) of subsection (a) of this section, the defendant may be placed on probation or conditional discharge for a period not to exceed three years, provided, at any time during the period of probation, after hearing and for good cause shown, the court may extend the period as deemed appropriate by the court. If the court places the person adjudicated to be a youthful offender on probation, the court may order that, as a condition of such probation, the person be referred for services to a youth service bureau established pursuant to section 10-19m, provided the court finds, through an assessment by a youth service bureau or its designee, that the person is in need of and likely to benefit from such services. If the court places a youthful offender on probation, school and class attendance on a regular basis and satisfactory compliance with school policies on student conduct and discipline may be a condition of such probation and, in such a case, failure to so attend or comply shall be a violation of probation.

If the court has reason to believe that the person adjudicated to be a youthful offender is or has been an unlawful user of narcotic drugs, as defined in section 21a-240, and the court places such youthful offender on probation, the conditions of probation, among other things, shall include a requirement that such person shall submit to periodic tests to determine, by the use of “synthetic opiate antinarcotic in action”, nalline test or other detection tests, at a hospital or other facility, equipped to make such tests, whether such person is using narcotic drugs. A failure to report for such tests or a determination that such person is unlawfully using narcotic drugs shall constitute a violation of probation. If the court places a person adjudicated as a youthful offender for a violation of section 53-247 on probation, the court may order that, as a condition of such probation, the person undergo psychiatric or psychological counseling or participate in an animal cruelty prevention and education program, provided such a program exists and is available to the person. (c) Commitment under this section shall be for a period not to exceed the term of imprisonment authorized for the crime committed by the defendant, but in no event shall any such period exceed four years, and shall be to any religious, charitable or other correctional institution authorized by law to receive persons over the age of sixteen years. Whenever a youthful offender is committed by the court to any duly authorized religious, charitable or other institution, other than an institution supported or controlled by the state or a subdivision thereof, such commitment shall be made, when practicable, to a religious, charitable or other institution under the control of persons of the same religious faith or persuasion as that of the youthful offender. If a youthful offender is committed by the court to any institution other than an institution supported or controlled by the state or a subdivision thereof, which is under the control of persons of a religion or persuasion different from that of the youthful offender, the court shall state or recite the facts which impel it to make such disposition, and such statement shall be made a part of the record of the proceedings. (1971, P.A. 72, S. 9; P.A. 78-17; P.A. 79-269; P.A. 94-136, S. 1; 94-221, S. 12; P.A. 95-225, S. 43; P.A. 97-248, S. 9, 12; P.A. 99-187, S. 6; P.A. 03-208, S. 4; P.A. 05-232, S. 6; 05-288, S. 226; P.A. 10-43, S. 26.) History: P.A. 78-17 replaced suspended sentence with imposition of conditional or unconditional discharge and authorized placement of defendant on probation for cases where sentence imposed but execution of judgment suspended where previously probation was authorized for suspended sentence as well; P.A. 79-269 authorized imposition of sentence of community service; P.A. 94-136 inserted Subsec. indicators, amended Subsec. (a) to add a new Subdiv. (5) authorizing the court to impose a sentence to a term of imprisonment not greater than that authorized for the crime committed by the defendant, renumber former Subdiv. (5) as Subdiv. (6) and authorize the court to suspend execution of the sentence “entirely or after a period set by the court” and add Subdiv. (7) authorizing the court to order treatment pursuant to Sec. 17a-656, amended Subsec. (b) to authorize the court to place the defendant on conditional discharge and amended Subsec. (c) to change the maximum period of commitment from three years to “the term of imprisonment authorized for the crime committed by the defendant”; P.A. 94-221 authorized requiring school and class attendance and compliance with school policies on student conduct and discipline to be a condition of probation and, in such a case, made failure to so attend and comply a violation of probation; P.A. 95-225 amended Subsec. (b) to add provision authorizing the court to order that as a condition of probation the person be referred for services to a youth service bureau if the court finds that the person is in need of and likely to benefit from such services; P.A. 97-248 amended Subsec. (a) to correct a statutory reference in Subdiv. (7) and add Subdiv. (8) to authorize the court to transfer the supervision of the defendant to the court handling the criminal docket for drug-dependent persons if such a docket has been established in the judicial district, effective July 1, 1997; P.A. 99-187 amended Subsec. (b) to add provision authorizing the court to order as a condition of probation that the person participate in the zero-tolerance drug supervision program established pursuant to Sec. 53a-39d; P.A. 03-208 amended Subsec. (b) to make a technical change and add provision authorizing the court to order counseling or participation in an animal cruelty prevention and education program as a condition of probation for a person adjudicated as a youthful offender for a violation of Sec. 53-247; P.A. 05-232 amended Subsec. (a)(5) by adding provision re maximum term of four years, amended Subsec. (b) by replacing provision re extension of probation for period not to exceed five years, including original probationary period, with provision re extension of period of probation or conditional discharge as deemed appropriate by the court after hearing and for good cause shown, amended Subsec. (c) by adding provisions re maximum period of four years and made technical changes, effective January 1, 2006; P.A. 05-288 made technical changes in Subsec. (b); P.A. 10-43 amended Subsec. (b) to delete provision authorizing court to order as condition of probation that person participate in zero-tolerance drug supervision program. Cited. 173 C. 414; 190 C. 715; 240 C. 743. Only one penalty allowed upon adjudication as a youthful offender in one or more matters. 8 CA 607. Conflict with Sec. 18-75. 30 CS 71.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960a - Youthful Offenders Section 54-76k. - Determination of youthful offender status not to disqualify for office, license, etc.

No determination made under the provisions of sections 54-76b to 54-76n, inclusive, shall operate as a disqualification of any youth subsequently to hold public office or public employment, or as a forfeiture of any right or privilege to receive any license granted by public authority and no youth shall be denominated a criminal by reason of such determination, nor shall such determination be deemed a conviction. (1971, P.A. 72, S. 10.) Cited. 173 C. 414; 196 C. 122; 240 C. 743. Cited. 32 CA 687. Cited. 30 CS 71.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960a - Youthful Offenders Section 54-76l. - Records or other information of youth to be confidential. Exceptions.

(a) The records or other information of a youth, other than a youth arrested for or charged with the commission of a crime which is a class A felony or a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 14-222a, subsection (a) or subdivision (1) of subsection (b) of section 14-224, section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-71,

53a-72a or 53a-72b, except a violation involving consensual sexual intercourse or sexual contact between the youth and another person who is thirteen years of age or older but under sixteen years of age, including fingerprints, photographs and physical descriptions, shall be confidential and shall not be open to public inspection or be disclosed except as provided in this section, but such fingerprints, photographs and physical descriptions submitted to the State Police Bureau of Identification of the Division of State Police within the Department of Emergency Services and Public Protection at the time of the arrest of a person subsequently adjudged, or subsequently presumed or determined to be eligible to be adjudged, a youthful offender shall be retained as confidential matter in the files of the bureau and be opened to inspection only as provided in this section. Other data ordinarily received by the bureau, with regard to persons arrested for a crime, shall be forwarded to the bureau to be filed, in addition to such fingerprints, photographs and physical descriptions, and be retained in the division as confidential information, open to inspection only as provided in this section. (b) The records of any such youth, or any part thereof, may be disclosed to and between individuals and agencies, and employees of such agencies, providing services directly to the youth, including law enforcement officials, state and federal prosecutorial officials, school officials in accordance with section 10-233h, court officials, the Division of Criminal Justice, the Court Support Services Division, a victim advocate under section 54-220 for a victim of a crime committed by the youth and the Department of Children and Families, if the child is under the oversight of the department's administrative unit pursuant to section 17a-3b, provided such disclosure shall be limited to information that identifies the child as residing in a justice facility or incarcerated. Such records shall also be available to the attorney representing the youth, in any proceedings in which such records are relevant, to the parents or guardian of such youth, until such time as the youth reaches the age of majority or is emancipated, and to the youth upon his or her emancipation or attainment of the age of majority, provided proof of the identity of such youth is submitted in accordance with guidelines prescribed by the Chief Court Administrator. Such records shall also be available to members and employees of the Board of Pardons and Paroles and employees of the Department of Correction who, in the performance of their duties, require access to such records, provided the subject of the record has been adjudged a youthful offender and sentenced to a term of imprisonment or been convicted of a crime in the regular criminal docket of the Superior Court, and such records are relevant to the performance of a risk and needs assessment of such person while such person is incarcerated, the determination of such person's suitability for release from incarceration or for a pardon, or the determination of the supervision and treatment needs of such person while on parole or other supervised release. Such records shall also be available to law enforcement officials and prosecutorial officials conducting legitimate criminal investigations or seeking an order to detain pursuant to section 46b-133. Such records shall also be available to members and employees of the Judicial Review Council who, in the performance of their duties, require access to such records. Records disclosed pursuant to this subsection shall not be further disclosed. (c) The records of any such youth, or any part thereof, may be disclosed upon order of the court to any person who has a legitimate interest in the information and is identified in such order. Records or information disclosed pursuant to this subsection shall not be further disclosed. (d) The records of any such youth, or any part thereof, shall be available to the victim of the crime committed by such youth to the same extent as the record of the case of a defendant in a criminal proceeding in the regular criminal docket of the Superior Court is available to a victim of the crime committed by such defendant. The court shall designate an official from whom such victim may request such information. Information disclosed pursuant to this subsection shall not be further disclosed. (e) Any reports and files held by the Court Support Services Division regarding any such youth who served a period of probation may be accessed and disclosed by employees of the division for the purpose of performing the duties contained in section 54-63b. (f) Information concerning any such youth who has escaped from an institution to which such youth has been committed or for whom an arrest warrant has been issued may be disclosed by law enforcement officials. (g) Information concerning any such youth in the custody of the Department of Correction may be disclosed by the department to the parents or guardian of such youth. (h) The information contained in and concerning the issuance of any protective order issued in a case in which a person is presumed or determined to be eligible to be adjudged a youthful offender shall be entered in the registry of protective orders pursuant to section 51-5c and may be further disclosed as specified in said section. (i) The records of any youth adjudged a youthful offender for a violation of section 14-215 or 14-222, subsection (b) of section 14-223 or subdivision (2) or (3) of subsection (b) or subsection (c) of section 14-224 shall be disclosed to the Department of Motor Vehicles for administrative use in determining whether suspension of such person's motor vehicle operator's license is warranted. Such records disclosed pursuant to this subsection shall not be further disclosed. (j) The provisions of this section, as amended by public act 05-232*, apply to offenses committed after January 1, 2006, and do not affect any cases pending on said date or any investigations involving offenses committed prior to said date. (1971, P.A. 72, S. 11; P.A. 76-333, S. 6; P.A. 77-486, S. 4, 5; 77-614, S. 486, 610; P.A. 80-165, S. 2; P.A. 81-472, S. 95, 159; P.A. 82-140, S. 2; P.A. 94-221, S. 16; July Sp. Sess. P.A. 94-2, S. 11; P.A. 95-225, S. 34; 95-261, S. 3; P.A. 98-81, S. 10; 98-256, S. 12; P.A. 99-215, S. 17; P.A. 00-209, S. 3; P.A. 02-132, S. 57; P.A. 04-234, S. 2; P.A. 05-232, S. 7; P.A. 06-196, S. 186; Jan. Sp. Sess. P.A. 08-1, S. 24; P.A. 08-32, S. 12; P.A. 10-43, S. 34; 10-180, S. 5; P.A. 11-39, S. 1; 11-51, S. 134; P.A. 12-81, S. 27; P.A. 14-130, S. 37, 38; P.A. 16-126, S. 35; P.A. 19-189, S. 28; P.A. 21-104, S. 48; P.A. 22-26, S. 30; P.A. 23-46, S. 23.) *Note: Public act 05-232 is entitled "An Act Concerning Youthful Offender Proceedings". (See Reference Table captioned "Public Acts of 2005" in Volume 16 of the General Statutes of Connecticut, revised to January 1, 2023, which lists the sections amended, created or repealed by the act.) History: P.A. 76-333 added the word "police" in agency designated as "state police bureau of identification"; P.A. 77-486 required that records be made available to judges and adult probation officers in connection with sentencing procedures; P.A. 77-614 made state police department a division within the department of public safety, effective January 1, 1979; P.A. 80-165 added provision re availability of records to crime victims; P.A. 81-472 made technical corrections; P.A. 82-140 permitted disclosure of identity of person charged to the victim if victim intends to bring a civil action for damages or person is adjudged a youthful offender; P.A.

94-221 replaced alphabetic with numeric Subdiv. indicators and added Subdiv. (3) re the disclosure of the identity of a person who is adjudged a youthful offender to the superintendent of schools for the school district in which such person resides and limited the use of such information by the superintendent; July Sp. Sess. P.A. 94-2 added a new Subdiv. (3) re the availability to a state's attorney of records concerning a youth adjudged a youthful offender for the violation of certain firearm-related offenses, renumbering former Subdiv. (3) as Subdiv. (4); P.A. 95-225 substantially revised section by designating existing provisions as Subsec. (a) and amending said Subsec. to specify that the records shall be confidential and not be disclosed except as provided in this section, delete former Subdivs. (1) to (4), inclusive, re exceptions to the prohibition on disclosure and delete provision that granted any institution to which a youth is committed the right to inspect any of the records of any person committed to it as a youthful offender without a court order, adding Subsec. (b) re disclosure of the records to certain individuals and agencies, adding Subsec. (c) re disclosure of the records to any person who has a legitimate interest therein upon order of the court and adding Subsec. (d) re availability of the records to the victim of the crime; P.A. 95-261 added Subsec. (b), designated by the Revisors as Subsec. (e), re disclosure of reports and files of Office of Adult Probation re youth adjudged youthful offender to Office of the Bail Commission; P.A. 98-81 amended Subsec. (b) by adding provision that records be available to attorney representing youth, parent or guardian, until youth reaches age of majority or is emancipated, and to youth upon attainment of age of majority, provided proof of identity of such youth is submitted to court in accordance with guidelines prescribed by Chief Court Administrator; P.A. 98-256 amended Subsec. (b) to make provisions applicable to records of a youth adjudged a youthful offender "on or after October 1, 1995"; P.A. 99-215 amended Subsec. (b) by adding "emancipation or" and making a technical change; P.A. 00-209 added new Subsec. (f) authorizing the disclosure by law enforcement officials of information concerning a youth who has escaped from an institution or for whom an arrest warrant has been issued; P.A. 02-132 amended Subsec. (a) by making technical changes, amended Subsec. (b) by replacing "Office of Adult Probation, the Office of the Bail Commission" with "Court Support Services Division", amended Subsec. (e) by replacing "Office of Adult Probation" with "Court Support Services Division", replacing "disclosed to the Office of the Bail Commission" with "accessed and disclosed by employees of the division" and adding provision re youthful offender who served a period of probation and added Subsec. (g) re entry of information into registry of protective orders pursuant to Sec. 51-5c, effective January 1, 2003; P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004; P.A. 05-232 amended Subsec. (a) by adding "or other information", replacing "any youth adjudged a youthful offender" with "a youth", adding exception for youth arrested for or charged with certain crimes and adding "or subsequently presumed or determined to be eligible to be adjudged", amended Subsec. (b) by replacing "any youth adjudged a youthful offender on or after October 1, 1995," with "any such youth" and making a technical change, amended Subsecs. (c), (d), (e) and (f) by replacing "any youth adjudged a youthful offender" with "any such youth", amended Subsec. (g) by replacing "found eligible" with "presumed or determined to be eligible" and added Subsec. (h) re applicability of amended section, effective January 1, 2006; P.A. 06-196 made a technical change in Subsec. (d), effective June 7, 2006; Jan. Sp. Sess. P.A. 08-1 amended Subsec. (b) to delete Board of Pardons and Paroles from existing list of service providing individuals and agencies to which records may be disclosed and add provision re availability of records to members and employees of Board of Pardons and Paroles and employees of Department of Correction, effective January 25, 2008; P.A. 08-32 amended Subsec. (a) to provide that confidentiality provisions do not apply to records or other information of a youth arrested for or charged with the commission of a violation of Sec. 14-222a, 14-224(a), 14-227a or 14-227g, added new Subsec. (h) re disclosure to Department of Motor Vehicles of records of youth adjudged youthful offender for violation of Sec. 14-215, 14-222, 14-223(b) or 14-224(b) or (c), suspension of the operator's license of any such youth and prohibition on further disclosure, and redesignated existing Subsec. (h) as Subsec. (i), effective August 1, 2008; P.A. 10-43 amended Subsec. (b) to replace "an advocate appointed pursuant to section 54-221" with "a victim advocate under section 54-220"; P.A. 10-180 amended Subsec. (b) to add provision re availability of records to law enforcement officials and prosecutorial officials conducting legitimate criminal investigations; P.A. 11-39 added new Subsec. (g) re disclosure of information to parents or guardian of youth in custody of Department of Correction and redesignated existing Subsecs. (g), (h) and (i) as Subsecs. (h), (i) and (j), effective June 3, 2011; pursuant to P.A. 11-51, "Department of Public Safety" was changed editorially by the Revisors to "Department of Emergency Services and Public Protection" in Subsec. (a), effective July 1, 2011; P.A. 12-81 amended Subsec. (i) to delete provision requiring Commissioner of Motor Vehicles to suspend operator's license of youth adjudged a youthful offender for 6 months for first offense and 1 year for second or subsequent offense; P.A. 14-130 amended Subsec. (a) by adding reference to Sec. 14-224(b)(1) and amended Subsec. (i) by adding reference to Sec. 14-224(b)(2) or (3) and making a technical change; P.A. 16-126 amended Subsec. (a) by adding references to Secs. 14-227m and 14-227n(a)(1) and (2); P.A. 19-189 amended Subsec. (a) by replacing "53a-70b," with "section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or"; P.A. 21-104 amended Subsec. (b) re records access re members and employees of Judicial Review Council, effective June 28, 2021; P.A. 22-26 amended Subsec. (b) by adding reference re records being available to law enforcement and prosecutorial officials seeking an order to detain pursuant to Sec. 46b-133, effective July 1, 2022; P.A. 23-46 amended Subsec. (b) by adding that records may be disclosed to employees of Department of Children and Families if child is under oversight of department's administrative unit pursuant to Sec. 17a-3b provided disclosure is limited to information that identifies child as residing in a justice facility or incarcerated, effective July 1, 2023.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960a - Youthful Offenders Section 54-76m. - Age of defendant at time of crime controlling.

The age of the youthful offender at the time of the commission of the crime set forth in the information or complaint shall determine

whether he is entitled to the benefits provided by sections 54-76b to 54-76n, inclusive, and the provisions thereof shall apply to crimes committed prior, as well as subsequent, to October 1, 1971. (1971, P.A. 72, S. 12.) Cited. 173 C. 414. Cited. 30 CS 71.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960a - Youthful Offenders Section 54-76n. - Application of criminal law.

The provisions of titles 53, 53a and 54, including the right of appeal, shall apply to sections 54-76b to 54-76m, inclusive, insofar as they are applicable and not inconsistent herewith. (1971, P.A. 72, S. 13.) Cited. 173 C. 414. Cited. 30 CS 71.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960a - Youthful Offenders Section 54-76o. - Erasure of police and court records of youthful offender.

Whenever any person has been adjudicated a youthful offender and has subsequently been discharged from the supervision of the court or from the care of any institution or agency to whom he has been committed by the court, all police and court records pertaining to such youthful offender shall be automatically erased when such person attains twenty-one years of age, provided such person has not subsequent to being adjudged a youthful offender been convicted of a felony, as defined in section 53a-25, prior to attaining such age. Youthful offender status shall not be deemed conviction of a crime for the purposes of this section. Upon the entry of such an erasure order, all references including arrest, complaint, referrals, petitions, reports and orders, shall be removed from all agency, official and institutional files. The persons in charge of such records shall not disclose to any person, except the subject of the record, upon submission of satisfactory proof of the subject's identity in accordance with guidelines prescribed by the Chief Court Administrator, information pertaining to the record so erased. No youth who has been the subject of such an erasure order shall be deemed to have been arrested ab initio, within the meaning of the general statutes, with respect to proceedings so erased. Copies of the erasure order shall be sent to all persons, agencies, officials or institutions known to have information pertaining to the proceedings affecting such youth. (1972, P.A. 20, S. 1; P.A. 77-486, S. 3, 5; P.A. 92-115, S. 1, 2.) History: P.A. 77-486 replaced provision which had required erasure of records pertaining to youthful offenders upon receipt of petition filed by youths, their parents or guardians if two years have elapsed from date of discharge with new provisions requiring automatic erasure when offenders reach 21 if they have not subsequently been convicted of a felony and specifying that youthful offender status is not deemed to be conviction of a crime; P.A. 92-115 added provision that records may be disclosed to subject of the record, upon submission of proof of identity in accordance with guidelines prescribed by chief court administrator. Cited. 173 C. 414; 179 C. 98; 183 C. 183; 192 C. 85; 240 C. 743. Cited. 30 CS 71; 38 CS 675.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 960a - Youthful Offenders Section 54-76q. - Statement of victim regarding plea agreement or sentence.

In a proceeding under sections 54-76b to 54-76n, inclusive, concerning the acceptance of a plea pursuant to a plea agreement entered into by a youth or the imposition of sentence upon such youth, the court shall permit any victim of the crime for which such youth is charged to submit a written statement for the record, or to appear before the court and make a statement for the record, regarding such plea agreement or sentence. (P.A. 05-169, S. 3.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-100. - Method of inflicting death penalty. Attendance at execution.

(a) The method of inflicting the punishment of death shall be by continuous intravenous injection of a substance or substances in a quantity sufficient to cause death, in accordance with procedures prescribed by the Commissioner of Correction in consultation with the Commissioner of Public Health. The Commissioner of Correction shall direct a warden of an appropriate correctional institution to appoint a suitable person or persons to perform the duty of executing sentences of the court requiring the infliction of the death penalty. Such person or persons shall receive, for such duty, such compensation as is determined by the Commissioner of Correction. When any person is sentenced to death by any court of this state having competent jurisdiction, he shall, within twenty days after final sentence, be conveyed to an appropriate correctional institution and such punishment shall be inflicted only within the walls of said institution, within an enclosure to be prepared for that purpose under direction of the warden of said institution. Such enclosure shall be so constructed as to exclude public view. (b) Besides the warden or deputy warden and such number of correctional staff as he thinks necessary, the following persons may be present at the execution: The Commissioner of Correction, a physician, a clergyman in attendance upon the prisoner and such other adults, as the prisoner may designate, not exceeding three in number, news media representatives and such other persons as the commissioner deems appropriate. The total number of witnesses permitted at an execution shall be governed by space and security requirements and the Commissioner of Correction shall make the final determination of such number. News media representatives present at an execution shall include representatives of newspapers, broadcasters and news services, who shall report on behalf of all news media. The number of news media representatives present at an execution shall be nine, except that the commissioner, in his discretion, may authorize a greater number of such representatives or, for specified reasons of space or security, may reduce such number of representatives. The commissioner may exclude a witness for specified reasons of security. (1949 Rev., S. 8816; 1963, P.A. 28, S. 6; P.A. 74-84; P.A. 95-16, S. 1, 5; 95-257, S. 12, 21, 58; P.A. 96-180, S. 130, 166; P.A. 97-184, S. 1.) History: 1963 act provided electrocution be at prison in Somers rather than Wethersfield; P.A. 74-84 allowed attendance of "adults" designated by prisoner rather than attendance of "persons, adult males"

designated by prisoner; P.A. 95-16 changed the method of inflicting the punishment of death from “electrocution” to “continuous intravenous injection of a substance or substances in a quantity sufficient to cause death, in accordance with procedures prescribed by the Commissioner of Correction in consultation with the Commissioner of Public Health and Addiction Services”, replaced the requirement that the warden of the Connecticut Correctional Institution, Somers, appoint a suitable person to perform the execution and that such person's compensation be determined by the directors of said institution with the requirement that the Commissioner of Correction direct a warden of an appropriate correctional institution to appoint such a person and that such person's compensation be determined by said commissioner, required a person sentenced to death to be conveyed to an appropriate correctional institution rather than to “the Connecticut Correctional Institution, Somers” and that the enclosure be prepared under direction of the warden of said institution rather than the warden and board of directors of the Connecticut Correctional Institution, Somers, replaced “guards” with “correction officers”, replaced as some of the persons authorized to be in attendance at the execution “the board of directors, the physician of the Connecticut Correctional Institution, Somers,” with “the commissioner, a physician of a correctional institution”, effective October 1, 1995, and applicable to executions carried out on or after said date; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 96-180 substituted “Commissioner of Correction” for “commissioner”, effective June 3, 1996; P.A. 97-184 inserted Subsec. indicators, amended Subsec. (a) to authorize the appointment of more than one person to perform the execution and amended Subsec. (b) to revise the list of persons authorized to be present at the execution by replacing “correction officers” with “correctional staff”, replacing “a physician of a correctional institution” with “a physician”, deleting the “sheriff of the county in which the prisoner was tried and convicted”, “representatives of not more than five newspapers in the county where the crime was committed” and “one reporter for each of the daily newspapers published in the city of Hartford” and adding “news media representatives” and “such other persons as the commissioner deems appropriate”, provided that the total number of witnesses shall be governed by space and security requirements and be finally determined by the commissioner, provide that news media representatives shall include representatives of newspapers, broadcasters and news services reporting on behalf of all news media, provided that the number of news media representatives shall be nine subject to increase or reduction by the commissioner and authorize the commissioner to exclude a witness for security reasons. Cited. 121 C. 197. Death penalty does not constitute cruel and unusual punishment and courts will not vitiate legislative determination of punishment for crimes. 158 C. 341. Cited. 238 C. 389.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-100a. - Committee on news media access to executions. Selection of news media witnesses.

There shall be a committee on news media access to executions composed of news media representatives appointed by the Associated Press Managing Editors Association of Connecticut and the Connecticut Associated Press Broadcasters Association. The Commissioner of Correction or his designee shall be an ex-officio member of the committee. The committee shall receive applications from news media seeking to witness and report executions and select news media witnesses from such applicants. The committee shall consider applications from three categories of news media: (1) Newspapers, broadcasters and news services regularly reporting general news of the state; (2) newspapers and broadcasters nearest the locality where the crime was committed; and (3) newspapers and broadcasters that regularly cover the correctional institutions deemed appropriate by the commissioner as a location for the infliction of the death penalty. The committee shall select applicants from each category unless a category lacks a qualified applicant. The committee shall promptly inform the commissioner of its recommendations and inform the news media recommended to be witnesses. For any execution, the commissioner shall specify the number of news media witnesses that space and security requirements permit. The commissioner shall promptly inform the committee if any applicant it has recommended to be a witness is to be excluded for specified reasons of security. (P.A. 97-184, S. 2.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-101. - Disposition of person becoming insane after death sentence.

When any person detained at the Connecticut Correctional Institution, Somers, awaiting execution of a sentence of death appears to the warden thereof to be insane, the warden may make application to the superior court for the judicial district of Tolland having either civil or criminal jurisdiction or, if said court is not in session, to any judge of the Superior Court, and, after hearing upon such application, notice thereof having been given to the state's attorney for the judicial district wherein such person was convicted, said court or such judge may, if it appears advisable, appoint three reputable physicians to examine as to the mental condition of the person so committed. Upon return to said court or such judge of a certificate by such physicians, or a majority of them, stating that such person is insane, said court or such judge shall order the sentence of execution to be stayed and such person to be transferred to any state hospital for mental illness for confinement, support and treatment until such person recovers sanity, and shall cause a mittimus to be issued to the Department of Correction for such commitment. If, at any time thereafter, the superintendent of the state hospital to which such person has been committed is of the opinion that such person has recovered sanity, the superintendent shall so report to the state's attorney for the judicial district wherein the conviction was had and such attorney shall thereupon make application to the superior court for such judicial district having criminal jurisdiction, for the issuance of a warrant of execution for such sentence, and, if said court finds that such person has recovered sanity, it shall cause a mittimus to be issued for such person's return to the Connecticut Correctional Institution, Somers, there to be received and kept until a day designated in the mittimus for the infliction of the death penalty, and thereupon said penalty shall be inflicted, in accordance with the provisions of the statutes.

(1949 Rev., S. 8817; 1963, P.A. 28, S. 7; P.A. 73-116, S. 28; 73-667, S. 1, 2; P.A. 78-280, S. 120, 127; P.A. 82-472, S. 146, 183; P.A. 00-99, S. 122, 154; P.A. 01-195, S. 72, 181.) History: 1963 act substituted Tolland county for Hartford county; P.A. 73-116 added references to judicial districts and substituted “Connecticut Correctional Institution, Somers” for “State Prison”; P.A. 73-667 changed effective date of P.A. 73-116 from October 1, 1973, to April 25, 1973; P.A. 78-280 deleted references to counties; P.A. 82-472 deleted obsolete reference to counties; P.A. 00-99 replaced reference to sheriff of Tolland County or either deputy with the Department of Correction re to whom mittimus shall be issued, effective December 1, 2000; P.A. 01-195 made technical changes for purposes of gender neutrality, effective July 11, 2001. Statute requires a determination of “sanity” only as a condition precedent to the carrying out of the death penalty, and mandates execution once such a determination is made. 169 C. 13.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-102. - Burial or disposal of body of executed criminal.

The warden or his deputy shall cause the body of any executed criminal to be decently and quietly buried in any place in the United States that may be designated by the relatives or friends of the executed person, provided a request for such burial has been made to the warden or deputy on or before the day of execution. The amount of the expenses of the funeral and burial to be paid by the state shall not exceed one hundred and fifty dollars, which shall be paid out of any funds on hand appropriated for the maintenance and support of the Connecticut Correctional Institution, Somers. If the expenses of the funeral and burial at the place designated by such relatives or friends exceed one hundred and fifty dollars, such relatives or friends shall pay to the warden the amount required in excess of said sum before the warden causes the body of such criminal to be removed and buried at the place designated. If the body is not claimed by any relatives or friends on or before the day of execution, the warden or deputy shall dispose of it as provided by law for the unclaimed bodies of criminals who die in the Connecticut Correctional Institution, Somers. The warden shall endorse upon the death warrant a record of his execution thereof and shall return such warrant to the clerk of the superior court for the judicial district where the trial and conviction was had. (1949 Rev., S. 8818; 1953, S. 3329d; P.A. 73-116, S. 29; 73-667, S. 1, 2; P.A. 82-472, S. 147, 183.) History: P.A. 73-116 added reference to judicial districts; P.A. 73-667 changed effective date of P.A. 73-116 from October 1, 1973, to April 25, 1973; P.A. 82-472 deleted obsolete reference to counties. See Sec. 19a-270 re municipal power to make anatomical donation of unclaimed bodies.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-102a. (Formerly Sec. 53a-90). - Examination for sexually transmitted disease and HIV testing of persons charged with certain sexual offenses.

(a) The court before which is pending any case involving a violation of any provision of sections 53a-65 to 53a-89, inclusive, may, before final disposition of such case, order the examination of the accused person or, in a delinquency proceeding, the accused child to determine whether or not the accused person or child is suffering from any sexually transmitted disease, unless the court from which such case has been transferred has ordered the examination of the accused person or child for such purpose, in which event the court to which such transfer is taken may determine that a further examination is unnecessary. (b) Notwithstanding the provisions of section 19a-582, the court before which is pending any case involving a violation of section 53-21 or any provision of sections 53a-65 to 53a-89, inclusive, that involved a sexual act, as defined in section 54-102b, may, before final disposition of such case, order the testing of the accused person or, in a delinquency proceeding, the accused child for the presence of the etiologic agent for acquired immune deficiency syndrome or human immunodeficiency virus, unless the court from which such case has been transferred has ordered the testing of the accused person or child for such purpose, in which event the court to which such transfer is taken may determine that a further test is unnecessary. If the victim of the offense requests that the accused person or child be tested, the court may order the testing of the accused person or child in accordance with this subsection and the results of such test may be disclosed to the victim. The provisions of sections 19a-581 to 19a-585, inclusive, and section 19a-590, except any provision requiring the subject of an HIV-related test to provide informed consent prior to the performance of such test and any provision that would prohibit or limit the disclosure of the results of such test to the victim under this subsection, shall apply to a test ordered under this subsection and the disclosure of the results of such test. (c) A report of the result of such examination or test shall be filed with the Department of Public Health on a form supplied by it. If such examination discloses the presence of sexually transmitted disease or if such test discloses the presence of the etiologic agent for acquired immune deficiency syndrome or human immunodeficiency virus, the court may make such order with reference to the continuance of the case or treatment or other disposition of such person as the public health and welfare require. Such examination or test shall be conducted at the expense of the Department of Public Health. Any person who fails to comply with any order of any court under the provisions of this section shall be guilty of a class C misdemeanor. (1969, P.A. 828, S. 91; P.A. 77-614, S. 323, 610; P.A. 92-260, S. 34; P.A. 93-381, S. 9, 39; May Sp. Sess. P.A. 94-6, S. 27, 28; P.A. 95-257, S. 12, 21, 58; June Sp. Sess. P.A. 98-1, S. 40, 121; P.A. 10-43, S. 41; P.A. 18-168, S. 29.) History: P.A. 77-614 replaced department of health with department of health services, effective January 1, 1979; P.A. 92-260 replaced “bound over” and “bindover” with “transferred” and “transfer”, respectively; P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993; May Sp. Sess. P.A. 94-6 added provisions designated as Subsec. (b) concerning acquired immune deficiency syndrome, relettered Subsec. (c) and made prior provisions Subsecs. (a) and (c), amending Subsec. (c) to apply to tests for acquired immune deficiency syndrome or human immunodeficiency virus, effective June 21, 1994; Sec. 53a-90 transferred to Sec. 54-102a in 1995; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; June Sp. Sess. P.A. 98-1 made

a technical change in Subsec. (a), effective June 24, 1998; P.A. 10-43 amended Subsecs. (a) and (b) to make provisions applicable to accused child in delinquency proceeding; P.A. 18-168 amended Subsecs. (a) and (c) by replacing “venereal disease” with “sexually transmitted disease”. Subsec. (b): As long as the conditions set forth in Subsec. are satisfied, the trial court acts within its discretion under the applicable statutory language when it grants a motion for HIV testing and requirements of Sec. 19a-582(d)(8) do not apply to an order for testing under this Subsec. Granting of motion for HIV testing pursuant to Subsec. based solely on finding that defendant has been charged with offense enumerated in a statute that proscribes a sexual act violates a defendant’s right to be free from unreasonable searches under Conn. Const. Art. I, Sec. 7, therefore, before ordering testing pursuant to Subsec., a court must first make a finding that such testing would provide useful, practical information to victim that cannot reasonably be obtained otherwise. 339 C. 528.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-102aa. - Tuberculosis testing: Definitions. Requirements.

(a) As used in this part: (1) “Active tuberculosis” has the same meaning as provided in subdivision (1) of subsection (a) of section 19a-265; (2) “Infectious tuberculosis” has the same meaning as provided in subdivision (2) of subsection (a) of section 19a-265; and (3) “Latent tuberculosis” means having a positive tuberculin skin test with no clinical, bacteriologic or radiologic evidence of active tuberculosis. (b) Any person who has been committed to the custody of the Commissioner of Correction and remains in custody for a period of at least five consecutive days shall be tested to determine if such person has active tuberculosis or latent tuberculosis infection. Any person testing positive for active tuberculosis or infectious tuberculosis shall be subject to the provisions of sections 19a-255 and 19a-262 to 19a-265, inclusive. Any person testing positive for latent tuberculosis infection shall be first medically evaluated for infectious tuberculosis and then offered treatment for latent tuberculosis infection as recommended at the time by the National Centers for Disease Control and Prevention, provided the scheduled period of custody of such person is such that the treatment may be completed prior to the release of such person from custody. (P.A. 02-63, S. 1; P.A. 03-278, S. 108; Sept. Sp. Sess. P.A. 09-3, S. 52; P.A. 14-122, S. 195.) History: P.A. 03-278 made technical changes in Subsecs. (a) and (b), effective July 9, 2003; Sept. Sp. Sess. P.A. 09-3 amended Subsec. (b) by deleting reference to Sec. 19a-256, effective October 6, 2009; P.A. 14-122 made technical changes in Subsec. (a).

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-102b. - HIV testing of persons convicted of certain sexual offenses.

(a) Notwithstanding any provision of the general statutes, except as provided in subsection (b) of this section, a court entering a judgment of conviction or conviction of a child as delinquent for a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, or 53a-71 or a violation of section 53-21, 53a-72a, 53a-72b or 53a-73a involving a sexual act, shall, at the request of the victim of such crime, order that the offender be tested for the presence of the etiologic agent for acquired immune deficiency syndrome or human immunodeficiency virus and that the results be disclosed to the victim and the offender. The test shall be performed by or at the direction of the Department of Correction or, in the case of a child convicted as delinquent, at the direction of the Court Support Services Division of the Judicial Department or the Department of Children and Families, in consultation with the Department of Public Health. (b) The provisions of sections 19a-581 to 19a-585, inclusive, and section 19a-590, except the requirement that the subject of an HIV-related test provide informed consent prior to the performance of such test, shall apply to a test ordered under this section. (c) For the purposes of this section and section 19a-112b, “sexual act” means contact between the penis and the vulva or the penis and the anus, where such contact involving the penis occurs upon penetration, however slight, or contact between the mouth and the penis, the mouth and the vulva or the mouth and the anus. (May Sp. Sess. P.A. 94-6, S. 24, 28; P.A. 95-257, S. 12, 21, 58; P.A. 10-43, S. 42; P.A. 19-189, S. 32.) History: May Sp. Sess. P.A. 94-6 effective June 21, 1994; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 10-43 amended Subsec. (a) to replace “an adjudication of delinquency” with “conviction of a child as delinquent” and require that, in case of child convicted as delinquent, test be performed at direction of Court Support Services Division or Department of Children and Families; P.A. 19-189 amended Subsec. (a) by replacing “53a-70b” with “section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or”.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-102bb. - Procedures for evaluation of tuberculosis infection.

In facilities operated by the Department of Correction, the medical director, contractor and chief administrator of the facility shall ensure that: (1) Each incarcerated inmate, upon incarceration, has a tuberculin skin test, unless already known to be positive, a symptom evaluation and if indicated according to the most recent recommendations from the National Centers for Disease Control and Prevention, a chest radiograph for tuberculosis, provided each inmate who is asymptomatic and who has had a chest radiograph in a correctional facility within six months of incarceration need not have an additional chest radiograph; (2) each incarcerated inmate has an evaluation for active tuberculosis or infectious tuberculosis whenever the inmate develops a cough lasting more than two weeks; (3) each incarcerated inmate has at least an annual tuberculin skin test, unless already known to be positive; and (4) information on the results of testing for infectious tuberculosis and latent tuberculosis infection as described in subdivisions (1) to (3), inclusive, of this section and all efforts to treat each inmate for active tuberculosis or latent tuberculosis infection and discharges of inmates who have not completed therapy for tuberculosis or latent tuberculosis infection are reported promptly to the central

Department of Correction tuberculosis registry. (P.A. 02-63, S. 2; P.A. 03-278, S. 109.) History: P.A. 03-278 made technical changes, effective July 9, 2003.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-102c. - HIV information and test results provided to victim.

When a court orders a test pursuant to section 54-102a or 54-102b, the court shall provide the victim with (1) the educational materials about human immunodeficiency virus and acquired immune deficiency syndrome developed by the Department of Public Health pursuant to section 19a-112c, (2) information about and referral to HIV testing and counseling for victims of sexual acts provided through sites funded by such department pursuant to section 19a-112b, and (3) referrals and information regarding rape crisis centers. The court shall also inform the victim that the victim may designate a health care provider chosen by the victim or an HIV testing and counseling site funded by the department to receive the results of such test on behalf of the victim. The test results shall be disclosed to the victim by the designated health care provider or by a professional trained to provide counseling about HIV and acquired immune deficiency syndrome at the department-funded site designated by the victim. (P.A. 04-165, S. 2.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-102cc. - Tuberculosis infection control committee.

(a) The Department of Correction shall establish a tuberculosis infection control committee. Said committee shall include, but not be limited to, the following members: (1) The Commissioner of Correction or said commissioner's designee; (2) the medical director for the Department of Correction; and (3) a medical contractor or consultant currently executing any tuberculosis control contract with the Department of Correction. Said committee may consult with the Commissioner of Public Health or said commissioner's designee. (b) The committee established pursuant to subsection (a) of this section shall develop guidelines and protocols for the purpose of implementing section 54-102bb. Said guidelines shall include, but not be limited to, the following tuberculosis infection control activities: (1) Screening of inmates; (2) containment; and (3) assessment of guidelines implementation. Any guidelines established shall be consistent with the most recent recommendations from the National Centers for Disease Control and Prevention. (P.A. 02-63, S. 3; P.A. 03-278, S. 110.) History: P.A. 03-278 made a technical change in Subsec. (a), effective July 9, 2003.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-102dd. - Inmates with infectious tuberculosis required to be isolated. Persons exposed encouraged to be tested.

(a) Any inmate found to have evidence of infectious tuberculosis shall be isolated from any public contact until such time as the inmate has received treatment and has been evaluated and found to be free of infection. (b) If an inmate found to have infectious tuberculosis is believed, based on subsequent investigation, to have exposed visitors or employees to tuberculosis, efforts shall be made to inform such persons and encourage such persons to have an evaluation for tuberculosis infection. (P.A. 02-63, S. 4.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-102ee. - Department contract option for testing of tuberculosis.

The Department of Correction may enter into a contract agreement with an appropriate health care provider to manage the responsibilities as it relates to testing, screening or treatment of inmates for tuberculosis. (P.A. 02-63, S. 5.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-102g. - Blood or other biological sample required from certain arrested or convicted persons for DNA analysis.

(a) Whenever any person is arrested on or after October 1, 2011, for the commission of a serious felony and, prior to such arrest, has been convicted of a felony but has not submitted to the taking of a blood or other biological sample for DNA (deoxyribonucleic acid) analysis pursuant to this section, the law enforcement agency that arrested such person shall, as available resources allow, require such person to submit to the taking of a blood or other biological sample for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. If the law enforcement agency requires such person to submit to the taking of such blood or other biological sample, such person shall submit to the taking of such sample prior to release from custody and at such time and place as the agency may specify. For purposes of this subsection, "serious felony" means a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57, 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-72b, 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-100aa, 53a-101, 53a-102, 53a-102a, 53a-103a, 53a-111, 53a-112, 53a-134, 53a-135, 53a-136, 53a-167c, 53a-179b, 53a-179c or 53a-181c. (b) Any person who has been convicted of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, as those terms are defined in section 54-250, or a felony, and has been sentenced on that conviction to the custody of the Commissioner of Correction, and who has not submitted to the taking of a blood or other biological sample pursuant to subsection (a) of this section with respect to such offense, shall, prior to release from custody and at such time as the commissioner may specify, submit to the taking of a blood or other biological sample of sufficient quality for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. If

any person required to submit to the taking of a blood or other biological sample pursuant to this subsection refuses to do so, the Commissioner of Correction or the commissioner's designee shall notify the Department of Emergency Services and Public Protection within thirty days of such refusal for the initiation of criminal proceedings against such person. (c) Any person who is convicted of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, as those terms are defined in section 54-250, or a felony and is not sentenced to a term of confinement, and who has not submitted to the taking of a blood or other biological sample pursuant to subsection (a) of this section with respect to such offense, shall, as a condition of such sentence and at a time and place specified by the Court Support Services Division of the Judicial Department, submit to the taking of a blood or other biological sample of sufficient quality for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. (d) Any person who has been found not guilty by reason of mental disease or defect pursuant to section 53a-13 of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, as those terms are defined in section 54-250, or a felony, and is in the custody of the Commissioner of Mental Health and Addiction Services or the Commissioner of Developmental Services as a result of that finding, and who has not submitted to the taking of a blood or other biological sample pursuant to subsection (a) of this section with respect to such offense, shall, prior to a court hearing commenced in accordance with subsection (d) of section 17a-582, and at such time as the Commissioner of Mental Health and Addiction Services or the Commissioner of Developmental Services with whom such person has been placed may specify, submit to the taking of a blood or other biological sample of sufficient quality for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. (e) Any person who has been convicted of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, as those terms are defined in section 54-250, or a felony, and is serving a period of probation or parole, and who has not submitted to the taking of a blood or other biological sample pursuant to subsection (a), (b), (c) or (d) of this section, shall, prior to discharge from the supervision of the Court Support Services Division or the custody of the Department of Correction and at such time as said division or department may specify, submit to the taking of a blood or other biological sample of sufficient quality for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. (f) Any person who has been convicted or found not guilty by reason of mental disease or defect in any other state or jurisdiction of a felony or of any crime, the essential elements of which are substantially the same as a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, as those terms are defined in section 54-250, and is in the custody of the Commissioner of Correction, is under the supervision of the Judicial Department or the Board of Pardons and Paroles or is under the jurisdiction of the Psychiatric Security Review Board, shall, prior to discharge from such custody, supervision or jurisdiction submit to the taking of a blood or other biological sample of sufficient quality for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. (g) If the blood or other biological sample taken from a person pursuant to this section is not of sufficient quality for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person, the person shall submit to the taking of an additional sample or samples until a sample of sufficient quality is obtained. (h) The analysis shall be performed by the Division of Scientific Services within the Department of Emergency Services and Public Protection, except that the division shall analyze samples taken pursuant to subsection (a) of this section only as available resources allow. The identification characteristics of the profile resulting from the DNA (deoxyribonucleic acid) analysis shall be stored and maintained by the division in a DNA data bank and shall be made available only as provided in section 54-102j. (i) Any person who refuses to submit to the taking of a blood or other biological sample pursuant to this section or wilfully fails to appear at the time and place specified pursuant to subsection (b) of this section for the taking of a blood or other biological sample shall be guilty of a class D felony. Any person required to submit to the taking of a blood or other biological sample pursuant to subsection (c) of this section who wilfully fails to appear to submit to the taking of such sample within five business days of the time specified by the Court Support Services Division may be arrested pursuant to a warrant issued under section 54-2a. (j) If any person required to submit to the taking of a blood or other biological sample pursuant to any provision of this section is in the custody of the Commissioner of Correction and refuses to submit to the taking of such sample, the commissioner or the commissioner's designee may use reasonable force to obtain a blood or other biological sample from such person. (k) For the purposes of this section, a motor vehicle violation for which a sentence to a term of imprisonment of more than one year may be imposed shall be deemed an unclassified felony. (P.A. 94-246, S. 1; P.A. 98-111, S. 10; P.A. 99-183, S. 11, 13; 99-218, S. 10, 16; P.A. 03-242, S. 1; P.A. 04-188, S. 1; 04-234, S. 2; 04-257, S. 121; P.A. 07-73, S. 2(b); P.A. 10-102, S. 2; P.A. 11-51, S. 134; 11-144, S. 1; 11-207, S. 1; P.A. 12-133, S. 20; P.A. 19-189, S. 33; P.A. 22-26, S. 31.) History: P.A. 98-111 added new Subsec. (c) requiring any person found not guilty by reason of mental disease or defect of any violation specified in Subsec. (a) or (b) on or after October 1, 1994 to have a blood sample taken for DNA analysis prior to discharge from custody, redesignating former Subsec. (c) as Subsec. (d); P.A. 99-183 revised the crimes the conviction of which subjects a person to DNA testing by replacing "a violation of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b" in Subsecs. (a) and (b) and "any violation specified in subsection (a) or (b) of this section" in Subsec. (c) with "a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, as those terms are defined in section 54-250, or of a felony found by the sentencing court to have been committed for a sexual purpose, as provided in section 54-254", amended Subsec. (a) to make provisions applicable to a person convicted of any of the specified offenses who "is sentenced to the custody of the Commissioner of Correction" rather than a person who is convicted of any of the specified offenses "on or after October 1, 1994, and is sentenced to the custody of the Commissioner of Correction" or a person who has been convicted of any of the specified offenses "and on October 1, 1994, is in the custody of the Commissioner of Correction", amended Subsec. (b) to delete provision re applicability to persons convicted "on or after October 1, 1994", amended Subsec. (c) to delete

provision re applicability to persons found not guilty by reason of mental disease or defect “on or after October 1, 1994” and include a discharge in accordance with Sec. 17a-588, and made technical changes for purposes of gender neutrality, effective July 1, 1999; P.A. 99-218 amended Subsec. (d) by replacing the State Police Forensic Science Laboratory with the Division of Scientific Services within the Department of Public Safety, effective July 1, 1999; P.A. 03-242 replaced in Subsecs. (a), (b) and (c) “a felony found by the sentencing court to have been committed for a sexual purpose as provided in section 54-254” with “a felony”, amended Subsec. (a) to replace requirement that the person “at any time prior to release from custody, have a sample of such person's blood taken” with requirement that the person “prior to release from custody and at such time as the commissioner may specify, submit to the taking of a blood or other biological sample”, amended Subsec. (b) to replace requirement that the person “have a sample of such person's blood taken” with requirement that the person “at such time as the sentencing court may specify, submit to the taking of a blood or other biological sample”, amended Subsec. (c) to replace requirement that the person “at any time” prior to discharge from custody “have a sample of such person's blood taken” with requirement that the person prior to discharge from custody and “at such time as the superintendent of the hospital for psychiatric disabilities in which such person is confined or the Commissioner of Mental Retardation with whom such person has been placed may specify, submit to the taking of a blood or other biological sample”, added new Subsec. (d) requiring any person who is convicted of a criminal offense against a victim who is a minor, nonviolent sexual offense, sexually violent offense or felony and is serving a period of probation or parole to submit to the taking of a blood or other biological sample prior to discharge from custody and redesignated existing Subsec. (d) as Subsec. (e); P.A. 04-188 amended Subsec. (a) to replace “is convicted” with “has been convicted”, replace “is sentenced” with “has been sentenced on that conviction” and add provision re notification of Department of Public Safety when a person refuses to submit to the taking of a sample, amended Subsec. (c) to replace “is found not guilty” with “has been found not guilty”, add condition that such person “is in custody as a result of that finding” and replace “superintendent of the hospital for psychiatric disabilities in which such person is confined” with “Commissioner of Mental Health and Addiction Services”, added new Subsec. (e) re taking of samples from persons convicted or found not guilty by reason of mental disease or defect in another state or jurisdiction and who are in the custody or under the supervision or jurisdiction of certain agencies in this state, redesignated existing Subsec. (e) as Subsec. (f) and added Subsec. (g) to make it a class A misdemeanor to refuse to submit to the taking of a sample; P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004; P.A. 04-257 amended Subsec. (d) to replace references to “the Board of Parole” and “board” with “the Department of Correction” and “department”, respectively, effective June 14, 2004; pursuant to P.A. 07-73 “Commissioner of Mental Retardation” was changed editorially by the Revisors to “Commissioner of Developmental Services”, effective October 1, 2007; P.A. 10-102 amended Subsec. (b) to require submission to taking of sample “at a time and place specified by the Court Support Services Division of the Judicial Department” rather than “at such time as the sentencing court may specify” and amended Subsec. (g) to increase penalty from class A misdemeanor to class D felony and add provision re arrest by warrant of person who refuses to submit to taking of sample pursuant to Subsec. (b) within 5 days of time specified; pursuant to P.A. 11-51, “Department of Public Safety” was changed editorially by the Revisors to “Department of Emergency Services and Public Protection”, effective July 1, 2011; P.A. 11-144 required sample taken be “of sufficient quality”, amended Subsec. (c) to make applicable to person who is “in the custody of the Commissioner of Mental Health and Addiction Services or the Commissioner of Developmental Services”, rather than “in custody”, and require person to submit to taking of sample “prior to a court hearing commenced in accordance with subsection (d) of section 17a-582”, rather than “prior to discharge from custody in accordance with subsection (e) of section 17a-582, section 17a-588 or subsection (g) of section 17a-593”, added new Subsec. (f) to require person to submit to taking of additional sample or samples until sample of sufficient quality is obtained, redesignated existing Subsec. (f) as Subsec. (g), redesignated existing Subsec. (g) as Subsec. (h) and amended same to make penalty applicable to person who “wilfully fails to appear at the time and place specified pursuant to subsection (b) of this section for the taking of a blood or other biological sample” and replace “refuses” with “wilfully fails to appear” and added Subsec. (i) to authorize use of reasonable force to obtain sample from person in custody of Commissioner of Correction who refuses to submit to taking of sample; P.A. 11-207 added new Subsec. (a) re taking of blood or other biological sample for DNA analysis of person arrested on or after October 1, 2011, for commission of serious felony who prior to such arrest has been convicted of a felony but has not submitted to the taking of such a sample, redesignated existing Subsecs. (a) to (g) as Subsecs. (b) to (h), amended Subsecs. (b) to (d) to add condition that such person “has not submitted to the taking of a blood or other biological sample pursuant to subsection (a) of this section with respect to such offense”, amended Subsec. (e) to make a technical change, amended Subsec. (g) to add exception that division shall analyze samples taken pursuant to Subsec. (a) only as available resources allow and make a technical change, and amended Subsec. (h) to make a technical change; P.A. 12-133 added Subsec. (k) re motor vehicle violation for which sentence to a term of imprisonment of more than 1 year may be imposed deemed an unclassified felony; P.A. 19-189 amended Subsec. (a) by replacing “53a-70b,” with “section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or”; P.A. 22-26 amended Subsec. (e) by replacing “custody” of Court Support Services Division to “supervision” of said division and by making a technical change, effective May 10, 2022. Purpose of section is to further the regulatory, nonpunitive goal of maintaining a DNA data bank to assist in criminal investigations, not to punish those convicted of crimes by requiring them to submit a DNA sample; penalty provision of section does not render the entire statutory scheme punitive in fact; prior to the legislature's amendment of the section in 2011, section was ambiguous as to whether it was permissible for the trial court to authorize the state to use reasonable physical force to obtain a sample of a defendant's DNA, but the use of reasonable force to obtain a DNA sample from an unwilling individual was inherent in section; section is regulatory in nature, rather than punitive, and does not violate the federal constitution's bar on ex post facto laws under article one, section 10. 321 C. 821. Section is regulatory in nature and does not violate the ex post

facto clause, and the state may use reasonable force to obtain a DNA sample. 143 CA 485; judgment affirmed, see 321 C. 821. Defendant's double jeopardy claim fails because refusal to provide DNA sample is new, postconviction conduct and constitutes a separate crime. *Id.*, 510.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-102h. - Procedure for collection of blood or other biological sample for DNA analysis.

(a)(1) The collection of a blood or other biological sample from persons required to submit to the taking of such sample pursuant to subsection (a) of section 54-102g shall be the responsibility of the law enforcement agency that arrested such person and shall be taken at a time and place specified by that agency prior to such person's release from custody. (2) The collection of a blood or other biological sample from persons required to submit to the taking of such sample pursuant to subsection (b) of section 54-102g shall be the responsibility of the Department of Correction and shall be taken at a time and place specified by the Department of Correction. (3) The collection of a blood or other biological sample from persons required to submit to the taking of such sample pursuant to subsection (c) of section 54-102g shall be the responsibility of the Judicial Department and shall be taken at a time and place specified by the Court Support Services Division. (4) The collection of a blood or other biological sample from persons required to submit to the taking of such sample pursuant to subsection (d) of section 54-102g shall be the responsibility of the Commissioner of Mental Health and Addiction Services or the Commissioner of Developmental Services, as the case may be, and shall be taken at a time and place specified by said commissioner. (5) The collection of a blood or other biological sample from persons required to submit to the taking of such sample pursuant to subsection (e) of section 54-102g shall be the responsibility of the Judicial Department if such person is serving a period of probation and of the Department of Correction if such person is serving a period of parole and shall be taken at a time and place specified by the Court Support Services Division or the Department of Correction, as the case may be. (6) The collection of a blood or other biological sample from persons required to submit to the taking of such sample pursuant to subsection (f) of section 54-102g shall be the responsibility of the agency in whose custody or under whose supervision such person has been placed, and shall be taken at a time and place specified by such agency. (b) Only a person licensed to practice medicine and surgery in this state, a qualified laboratory technician, a registered nurse or a phlebotomist shall take any blood sample to be submitted to analysis. (c) No civil liability shall attach to any person authorized to take a blood or other biological sample as provided in this section as a result of the act of taking such sample from any person submitting thereto, if the blood or other biological sample was taken according to recognized medical procedures, provided no person shall be relieved from liability for negligence in the taking of any such sample. (d) (1) Chemically clean sterile disposable needles and vacuum draw tubes shall be used for all blood samples. The tube or container for a blood or other biological sample shall be sealed and labeled with the subject's name, Social Security number, date of birth, race and gender, the name of the person collecting the sample, and the date and place of collection. The tube or container shall be secured to prevent tampering with the contents. (2) Only collection kits approved by the Division of Scientific Services within the Department of Emergency Services and Public Protection may be used for the collection of biological samples by buccal swabs. (e) The steps set forth in this section relating to the taking, handling, identification and disposition of blood or other biological samples are procedural and not substantive. Substantial compliance therewith shall be deemed to be sufficient. The samples shall be transported to the Division of Scientific Services within the Department of Emergency Services and Public Protection not more than fifteen days following their collection and shall be analyzed and stored in the DNA data bank in accordance with sections 54-102i and 54-102j. (P.A. 94-246, S. 2; P.A. 99-218, S. 11, 16; P.A. 03-242, S. 2; P.A. 04-188, S. 2; 04-234, S. 2; P.A. 07-73, S. 2(b); 07-158, S. 5; P.A. 10-102, S. 3; P.A. 11-51, S. 134; 11-207, S. 2.) History: P.A. 99-218 amended Subsec. (b) by replacing the State Police Forensic Science Laboratory with the Division of Scientific Services within the Department of Public Safety, effective July 1, 1999; P.A. 03-242 amended Subsec. (a) to make provisions applicable to "other biological" samples in addition to blood samples, provide that samples be "taken" rather than "withdrawn" and rephrase provisions re withdrawal of samples accordingly, add provision requiring samples from persons who are found not guilty by reason of mental disease or defect and are confined in a hospital for psychiatric disabilities or placed with the Commissioner of Mental Retardation be taken at a time and place specified by the superintendent or the commissioner, add provision requiring samples from persons serving probation or parole be taken at a time and place specified by the Court Support Services Division or the Board of Parole and make provision that requires certain medical personnel to withdraw any sample applicable only to the taking of "blood" samples, amended Subsec. (b) to make provision requiring the use of needles and vacuum draw tubes applicable to "blood" samples and include references to the "container" for the sample, designated existing provisions re procedure and substantial compliance therewith and requirements re transportation, analysis and storage as Subsec. (c) and amended said Subsec. to make provisions applicable to "other biological" samples and replace "withdrawal" with "their collection"; P.A. 04-188 amended Subsec. (a) to insert Subdiv. designators, amended Subsec. (a)(1) to provide that collection of the sample shall be the responsibility of Department of Correction, that samples collected are "from persons required to submit to the taking of such sample pursuant to subsection (a) of section 54-102g" rather than "pursuant to section 54-102g from persons who are to be incarcerated" and that samples be taken at "a time and place specified" by department rather than "at the receiving unit or at such other place as is designated" by department, amended Subsec. (a)(2) to provide that collection of the sample shall be the responsibility of Department of Public Safety and that samples collected are from "persons required to submit to the taking of such sample pursuant to subsection (b) of section 54-102g" rather than from "persons who are not sentenced to a term of confinement", amended Subsec. (a)(3) to provide that collection of the sample shall be responsibility of the Commissioner of Mental Health and Addiction Services or Commissioner of Mental Retardation, as the case may be, that samples collected are from "persons required to submit to the taking

of such sample pursuant to subsection (c) of section 54-102g” rather than “persons who are found not guilty by reason of mental disease or defect pursuant to section 53a-13 and are confined in a hospital for psychiatric disabilities or placed with the Commissioner of Mental Retardation” and that sample be taken at a time and place specified by “said commissioner” rather than by “the superintendent of such hospital or said commissioner, as the case may be”, amended Subsec. (a)(4) to provide that collection of the sample shall be the responsibility of Judicial Department if the person is serving a period of probation and of Board of Parole if the person is serving a period of parole and that samples collected are from “persons required to submit to the taking of such sample pursuant to subsection (d) of section 54-102g” rather than from “persons who are serving periods of probation or parole”, added new Subdiv. (5) re agency responsible for collection of a sample from persons required to submit to the taking of a sample pursuant to Sec. 54-102g(e), designated existing provision of Subsec. (a) re persons authorized to take a blood sample as new Subsec. (b), designated existing provision of Subsec. (a) re liability of persons taking a sample as new Subsec. (c), redesignated existing Subsec. (b) re needles, tubes and containers as Subsec. (d), and redesignated existing Subsec. (c) re procedure and substantial compliance therewith and requirements re transportation, analysis and storage as Subsec. (e); P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004; pursuant to P.A. 07-73 “Commissioner of Mental Retardation” was changed editorially by the Revisors to “Commissioner of Developmental Services”, effective October 1, 2007; P.A. 07-158 amended Subsec. (a)(4) to substitute “Department of Correction” for “Board of Pardons and Paroles” re collection from certain parolees; P.A. 10-102 amended Subsec. (a)(2) to provide that collection of a sample shall be responsibility of Judicial Department, rather than Department of Public Safety, and shall be taken at time and place specified by Court Support Services Division, rather than sentencing court, and amended Subsec. (d) to designate existing provisions as Subdiv. (1) and add Subdiv. (2) re collection kits approved for collection of biological samples by buccal swabs; pursuant to P.A. 11-51, “Department of Public Safety” was changed editorially by the Revisors to “Department of Emergency Services and Public Protection”, effective July 1, 2011; P.A. 11-207 amended Subsec. (a) to add new Subdiv. (1) re responsibility of arresting law enforcement agency to collect sample from persons required to submit to taking of sample pursuant to Sec. 54-102g(a) and requirement that sample be taken at time and place specified by agency prior to person's release from custody, and to redesignate existing Subdivs. (1) to (5) as Subdivs. (2) to (6) and amend same by making technical changes to statutory references.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-102i. - Procedure for conducting DNA analysis of blood or other biological sample.

(a) Whether or not the results of an analysis are to be included in the data bank, the Division of Scientific Services within the Department of Emergency Services and Public Protection shall conduct the DNA analysis in accordance with procedures adopted by the division to determine identification characteristics specific to the individual whose blood or other biological sample is being analyzed. Such procedures shall conform to nationally recognized and accepted standards for DNA analysis. The Commissioner of Emergency Services and Public Protection or the commissioner's designee shall complete and maintain on file a form indicating the name of the person whose sample is to be analyzed, the date and by whom the sample was received and examined, and a statement that the seal on the tube or container had not been broken or otherwise tampered with. The remainder of a sample submitted for analysis and inclusion in the data bank pursuant to section 54-102g may be divided, labeled as provided for the original sample, and securely stored by the division in accordance with specific procedures set forth in regulations adopted by the Department of Emergency Services and Public Protection in accordance with the provisions of chapter 54 to ensure the integrity and confidentiality of the samples. All or part of the remainder of that sample may be used only (1) to create a statistical data base provided no identifying information on the individual whose sample is being analyzed is included, or (2) for retesting by the division to validate or update the original analysis. (b) A report of the results of a DNA analysis conducted by the division as authorized, including the profile and identifying information, shall be made and maintained at the division. A certificate and the results of the analysis shall be admissible in any court as evidence of the facts therein stated. Except as specifically provided in this section and section 54-102j, the results of the analysis shall be securely stored and shall remain confidential. (P.A. 94-246, S. 3; P.A. 96-2; P.A. 99-218, S. 12, 16; P.A. 03-242, S. 3; P.A. 11-51, S. 134.) History: P.A. 96-2 amended Subsec. (b) to provide for the initiation of a DNA testing process rather than conducting a DNA analysis; P.A. 99-218 replaced the State Police Forensic Science Laboratory with the Division of Scientific Services within the Department of Public Safety, and made conforming changes, effective July 1, 1999; P.A. 03-242 amended Subsec. (a) to make provisions applicable to “other biological” samples in addition to blood samples, add reference to a “container” and make conforming and technical changes, and amended Subsec. (b) to delete provision that required the division to initiate a DNA testing process not later than 45 days after receipt of a blood sample; pursuant to P.A. 11-51, “Commissioner of Public Safety” and “Department of Public Safety” were changed editorially by the Revisors to “Commissioner of Emergency Services and Public Protection” and “Department of Emergency Services and Public Protection”, respectively, in Subsec. (a), effective July 1, 2011.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-102j. - Dissemination of information in DNA data bank.

(a) It shall be the duty of the Division of Scientific Services within the Department of Emergency Services and Public Protection to receive blood or other biological samples and to analyze, classify and file the results of DNA identification characteristics profiles of blood or other biological samples submitted pursuant to section 54-102g and to make such information available as provided in this section, except that the division shall analyze samples taken pursuant to subsection (a) of section 54-102g only as available

resources allow. The results of an analysis and comparison of the identification characteristics from two or more blood or other biological samples shall be made available directly to federal, state and local law enforcement officers upon request made in furtherance of an official investigation of any criminal offense. Only when a sample or DNA profile supplied by the person making the request satisfactorily matches a profile in the data bank shall the existence of data in the data bank be confirmed or identifying information from the data bank be disseminated, except that if the results of an analysis and comparison do not reveal a match between the sample or samples supplied and a DNA profile contained in the data bank, the division may, upon request of the law enforcement officer, indicate whether the DNA profile of a named individual is contained in the data bank provided the law enforcement officer has a reasonable and articulable suspicion that such individual has committed the criminal offense being investigated. A request pursuant to this subsection may be made by personal contact, mail or electronic means. The name of the person making the request and the purpose for which the information is requested shall be maintained on file with the division. (b) Upon the request of a person from whom a blood or other biological sample has been taken pursuant to sections 54-102g and 54-102h, a copy of such person's DNA profile shall be furnished to such person. (c) Upon the request of any person identified and charged with an offense as the result of a search of information in the data bank, a copy of the request for a search shall be furnished to such person so identified and charged. (d) The Department of Emergency Services and Public Protection shall adopt regulations, in accordance with the provisions of chapter 54, governing (1) the methods of obtaining information from the data bank in accordance with this section, and (2) procedures for verification of the identity and authority of the person making the request. The department shall specify the positions in that agency which require regular access to the data bank and samples submitted as a necessary function of the job. (e) The Division of Scientific Services shall create a separate statistical data base comprised of DNA profiles of blood or other biological samples of persons whose identity is unknown. Nothing in this section or section 54-102k shall prohibit the Division of Scientific Services from sharing or otherwise disseminating the information in the statistical data base with law enforcement or criminal justice agencies within or without the state. (f) The Division of Scientific Services may charge a reasonable fee to search and provide a comparative analysis of DNA profiles in the data bank to any authorized law enforcement agency outside of the state. (P.A. 94-246, S. 4; P.A. 98-2; P.A. 99-218, S. 13, 16; P.A. 03-242, S. 4; P.A. 11-51, S. 134; 11-144, S. 2; 11-207, S. 4.) History: P.A. 98-2 added "or other biological samples" to Subsec. (a); P.A. 99-218 replaced the State Police Forensic Science Laboratory with the Division of Scientific Services within the Department of Public Safety and made conforming changes, and reworded part of Subsec. (b) for gender neutrality, effective July 1, 1999; P.A. 03-242 amended Subsec. (a) to include "other biological" samples, added new Subsec. (b) to provide that upon request of a person from whom a blood or other biological sample has been taken, a copy of such person's DNA profile shall be furnished to such person, redesignated existing Subsecs. (b), (c), (d) and (e) as new Subsecs. (c), (d), (e) and (f), respectively, made technical changes in Subsec. (d) and amended Subsec. (e) to include "other biological" samples; pursuant to P.A. 11-51, "Department of Public Safety" was changed editorially by the Revisors to "Department of Emergency Services and Public Protection", effective July 1, 2011; P.A. 11-144 amended Subsec. (a) to add provision re confirmation or dissemination of information in data bank only when there is a satisfactory match, said provision formerly being part of Subsec. (c), and add exception re authority of division to indicate whether profile of a named individual is contained in data bank when there is no match but officer has reasonable and articulable suspicion that such individual committed offense being investigated, and amended Subsec. (c) to delete provision re confirmation or dissemination of information in data bank only when there is a satisfactory match; P.A. 11-207 amended Subsec. (a) to add exception re division to analyze samples taken pursuant to Sec. 54-102g(a) only as available resources allow.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-102jj. - Preservation of biological evidence.

(a) For the purposes of this section and section 54-102kk: (1) "DNA testing" means forensic deoxyribonucleic acid testing; and (2) "Agent" means a person, firm or corporation to whom the state police or a local police department entrusts or delivers evidence to undergo DNA testing. (b) Upon the conviction of a person of a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, or murder with special circumstances under the provisions of section 53a-54b in effect on or after April 25, 2012, or the conviction of a person of a crime after trial, or upon order of the court for good cause shown, the state police, all local police departments, any agent of the state police or a local police department and any other person to whom biological evidence has been transferred shall preserve all biological evidence acquired during the course of the investigation of such crime for the term of such person's incarceration. (c) The state police, a local police department, an agent or any person to whom biological evidence has been transferred may be relieved of the obligation to preserve biological evidence as provided in subsection (b) of this section by applying to the court in which the defendant's case was prosecuted for permission to destroy such biological evidence. Upon receipt of the application, the court shall give notice to all defendants charged in connection with the prosecution and shall hold a hearing. After such hearing, the court shall grant the application if it finds that the Connecticut Supreme Court has decided the defendant's appeal and the defendant does not seek further preservation of the biological evidence, or for good cause shown. (P.A. 03-242, S. 6; P.A. 12-5, S. 31.) History: P.A. 12-5 amended Subsec. (b) to add reference to provisions of Sec. 53a-54b in effect prior to April 25, 2012, re capital felony and add reference to murder with special circumstances under Sec. 53a-54b, effective April 25, 2012.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-102k. - Unauthorized dissemination or use of DNA data bank information. Obtaining blood sample without authority. Penalties.

Any person who, without authority, disseminates information contained in the data bank shall be guilty of a class C misdemeanor. Any person who disseminates, receives or otherwise uses or attempts to so use information in the data bank, knowing that such dissemination, receipt or use is for a purpose other than as authorized by law, shall be guilty of a class A misdemeanor. Except as authorized by law, any person who, for purposes of having a DNA analysis performed, obtains or attempts to obtain any sample submitted to the Division of Scientific Services for analysis shall be guilty of a class D felony. (P.A. 94-246, S. 5; P.A. 99-218, S. 14, 16.) History: P.A. 99-218 replaced the forensic science laboratory with the Division of Scientific Services, effective July 1, 1999.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-102kk. - DNA testing of biological evidence.

(a) Notwithstanding any other provision of law governing postconviction relief, any person who was convicted of a crime and sentenced to incarceration may, at any time during the term of such incarceration, file a petition with the sentencing court requesting the DNA testing of any evidence that is in the possession or control of the Division of Criminal Justice, any law enforcement agency, any laboratory or the Superior Court. The petitioner shall state under penalties of perjury that the requested testing is related to the investigation or prosecution that resulted in the petitioner's conviction and that the evidence sought to be tested contains biological evidence. (b) After notice to the prosecutorial official and a hearing, the court shall order DNA testing if it finds that: (1) A reasonable probability exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through DNA testing; (2) The evidence is still in existence and is capable of being subjected to DNA testing; (3) The evidence, or a specific portion of the evidence identified by the petitioner, was never previously subjected to DNA testing, or the testing requested by the petitioner may resolve an issue that was never previously resolved by previous testing; and (4) The petition before the Superior Court was filed in order to demonstrate the petitioner's innocence and not to delay the administration of justice. (c) After notice to the prosecutorial official and a hearing, the court may order DNA testing if it finds that: (1) A reasonable probability exists that the requested testing will produce DNA results which would have altered the verdict or reduced the petitioner's sentence if the results had been available at the prior proceedings leading to the judgment of conviction; (2) The evidence is still in existence and is capable of being subjected to DNA testing; (3) The evidence, or a specific portion of the evidence identified by the petitioner, was never previously subjected to DNA testing, or the testing requested by the petitioner may resolve an issue that was never previously resolved by previous testing; and (4) The petition before the Superior Court was filed in order to demonstrate the petitioner's innocence and not to delay the administration of justice. (d) The costs of DNA testing ordered pursuant to this section shall be borne by the state or the petitioner, as the court may order in the interests of justice, except that DNA testing shall not be denied because of the inability of the petitioner to pay the costs of such testing. (e) In a proceeding under this section, the petitioner shall have the right to be represented by counsel and, if the petitioner is indigent, the court shall appoint counsel for the petitioner in accordance with section 51-296. (P.A. 03-242, S. 7.) Reasonable probability under Subsec. (b)(1) means a probability sufficient to undermine confidence in the outcome; a petitioner may succeed by demonstrating a reasonable probability that he or she would not have been prosecuted or convicted if exculpatory DNA evidence had been available. 295 C. 50. In light of determination that defendant did not establish "reasonable probability" under Subsec. (b), trial court properly denied petition under Subsec. (c). *Id.*, 74. Under Subsec. (b)(1), petitioner was not entitled to DNA testing as there was no reasonable probability that petitioner would not have been prosecuted or convicted if exculpatory DNA test results had been obtained prior to trial because even if the court assumed the most favorable result from DNA testing, it would not have undermined the confidence in the verdict given the strength of the state's case against petitioner. 309 C. 567. Subsec. (b)(1) requires court to consider the effect of the most favorable result possible from DNA testing of evidence, and in this case, petitioner did not establish a reasonable probability under Subsec. (b)(1) because evidence amply supported conclusion that petitioner, in fact, committed the crimes. 129 CA 833, see also *Id.*, 842. Subsec. (a) requires petitioner to make a preliminary showing supported by a reasonable basis in fact that the evidence sought to be tested likely contains biological material. 131 CA 846.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-102l. - Expungement of DNA data bank records and destruction of samples.

(a) A DNA profile that has been included in the data bank pursuant to sections 54-102g to 54-102k, inclusive, shall be expunged in the event that (1) the criminal conviction or the finding of not guilty by reason of mental disease or defect on which the authority for including the person's DNA profile was based has been reversed and the case dismissed, or (2) if the DNA profile of a person has been included in the data bank on account of the person being arrested as provided in subsection (a) of section 54-102g, the charge has been dismissed or nolle or the person has been acquitted of the charge. (b) The Division of Scientific Services within the Department of Emergency Services and Public Protection shall purge all records and identifiable information in the data bank pertaining to the person and destroy all samples from the person upon receipt of a certified copy of (1) the court order reversing and dismissing the conviction or the finding of not guilty by reason of mental disease or defect, or (2) the court order dismissing or nolling the charge or acquitting the person of the charge. (P.A. 94-246, S. 6; P.A. 10-36, S. 28; P.A. 11-91, S. 2; 11-207, S. 3.) History: P.A. 10-36 made provisions applicable upon reversal of finding of not guilty by reason of mental disease or defect and made technical changes, effective July 1, 2010; P.A. 11-91 substituted "State Police Forensic Science Laboratory" with "Division of Scientific Services within the Department of Public Safety", effective July 8, 2011 (Revisor's note: "Department of Public Safety" was changed editorially by the Revisors to "Department of Emergency Services and Public Protection" to conform with changes

made by P.A. 11-51); P.A. 11-207 inserted Subsec. (a) and (b) designators, amended Subsec. (a) to replace provision re person “may request expungement” of DNA profile upon reversal of conviction or finding of not guilty by reason of mental disease or defect and dismissal of case with provision re profile “shall be expunged” upon such reversal and dismissal, designate existing provision re reversal and dismissal as Subdiv. (1) and add new Subdiv. (2) re dismissal, nolle or acquittal of charge when profile included on account of person being arrested as provided in Sec. 54-102g(a), and amended Subsec. (b) to delete former Subdiv. (1) re written request for expungement, redesignate existing Subdiv. (2) re court order reversing and dismissing conviction or finding of not guilty by reason of mental disease or defect as Subdiv. (1) and add new Subdiv. (2) re court order dismissing or nolling the charge or acquitting the person of the charge.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-102m. - DNA Data Bank Oversight Panel.

(a) There is established a DNA Data Bank Oversight Panel composed of the Chief State's Attorney, the Attorney General, the Commissioner of Emergency Services and Public Protection, the Commissioner of Correction, the executive director of the Court Support Services Division of the Judicial Department and the Chief Public Defender, or their designees. The Chief State's Attorney shall serve as chairperson of the panel and shall coordinate the agencies responsible for the implementation and maintenance of the DNA data bank established pursuant to section 54-102j. (b) The panel shall take such action as necessary to assure the integrity of the data bank including the destruction of inappropriately obtained samples and the purging of all records and identifiable information pertaining to the persons from whom such inappropriately obtained samples were collected. (c) The panel shall meet on a quarterly basis and shall maintain records of its meetings. Such records shall be retained by the chairperson. The meetings and records of the panel shall be subject to the provisions of the Freedom of Information Act, as defined in section 1-200, except that discussions and records of personally identifiable DNA information contained in the data bank shall be confidential and not subject to disclosure pursuant to the Freedom of Information Act. The Chief Public Defender, or the Chief Public Defender's designee, shall not participate in discussions concerning, or have access to records of, personally identifiable DNA information contained in the data bank. (P.A. 03-242, S. 5; P.A. 04-188, S. 3; P.A. 10-102, S. 4; P.A. 11-9, S. 1; 11-51, S. 134.) History: P.A. 04-188 amended Subsec. (c) to add provision that the meetings and records of the panel shall be subject to the Freedom of Information Act, except that discussions and records of personally identifiable DNA information contained in the data bank shall be confidential and not subject to disclosure pursuant to that act; P.A. 10-102 amended Subsec. (a) to add executive director of Court Support Services Division as member of panel; P.A. 11-9 amended Subsec. (a) to add Chief Public Defender as member of panel and amended Subsec. (c) to prohibit Chief Public Defender or designee from participating in discussions concerning, or having access to records of, personally identifiable DNA information contained in data bank, effective May 24, 2011; pursuant to P.A. 11-51, “Commissioner of Public Safety” was changed editorially by the Revisors to “Commissioner of Emergency Services and Public Protection” in Subsec. (a), effective July 1, 2011.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-102pp. - Review of wrongful convictions.

Section 54-102pp is repealed, effective October 1, 2014. (P.A. 03-242, S. 8; P.A. 11-51, S. 134; P.A. 14-207, S. 17.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-102r. - Registration of persons convicted of sexual assault upon release from correctional facility or completion or termination of probation.

Section 54-102r is repealed, effective October 1, 1998. (P.A. 94-246, S. 8–12; P.A. 95-142, S. 10; 95-175, S. 12; P.A. 97-183, S. 1, 2; P.A. 98-111, S. 12.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-102uu. - Compensation for wrongful incarceration.

(a) A person is eligible to receive compensation for wrongful incarceration if: (1) Such person has been convicted by this state of one or more crimes and has been sentenced to a term of imprisonment for such crime or crimes and has served all or part of such sentence; and (2) Such person's conviction was (A) vacated or reversed, and (B) the complaint or information dismissed on (i) grounds of innocence or grounds consistent with innocence, or (ii) a ground citing an act or omission that constitutes malfeasance or other serious misconduct by any officer, agent, employee or official of the state that contributed to such person's arrest, prosecution, conviction or incarceration. (3) For purposes of this subsection, “grounds consistent with innocence” includes, but is not limited to, a situation in which a conviction was vacated or reversed and there is substantial evidence of innocence, whether such evidence was available at the time of investigation or trial or is newly discovered. (b) A person who meets the eligibility requirements of subsection (a) of this section may present a claim against the state for such compensation with the Claims Commissioner in accordance with the provisions of chapter 53. The provisions of said chapter shall be applicable to the presentment, hearing and determination of such claim except as otherwise provided in this section. (c) At the hearing on such claim, the claimant shall have the burden of establishing by a preponderance of the evidence that such claimant meets the eligibility requirements of subsection (a) of this section. In addition, such claimant shall present evidence as to (1) the claimant's age, income, vocational training and level of

education at the time of conviction, (2) loss of familial relationships, (3) damage to reputation, (4) the severity of the crime for which such claimant was convicted and whether such claimant was under a sentence of death pursuant to section 53a-46a for any period of time, (5) whether such claimant was required to register pursuant to section 54-251 or 54-252, and for what length of time such claimant complied with the registration requirements of chapter 969, and (6) any other damages such claimant may have suffered arising from or related to such claimant's arrest, prosecution, conviction and incarceration. The Claims Commissioner shall determine whether a claimant meets such eligibility requirements not later than ninety days after such hearing. (d) (1) If the Claims Commissioner determines that such claimant has established such claimant's eligibility under subsection (a) of this section by a preponderance of the evidence, the Claims Commissioner shall order the immediate payment to such claimant of compensation for such wrongful incarceration in an amount determined pursuant to subdivision (2) of this subsection, unless (A) such compensation award is in an amount exceeding thirty-five thousand dollars, or (B) such claimant requests, in accordance with section 4-158, that the General Assembly review such compensation award. The Claims Commissioner shall submit any such compensation award described in subparagraph (A) or (B) of this subdivision and the claim from which such award arose to the General Assembly in the same manner as provided under section 4-159, not later than five business days after the commissioner issues such award determination or receives such request for review, whichever is sooner. The General Assembly shall review any such compensation award and the claim from which such award arose not later than forty-five days after such award and claim is submitted to the General Assembly and may deny or confirm such compensation award, or remand the claim to the Office of the Claims Commissioner for such further proceedings as the General Assembly may direct. If the General Assembly takes no action on such compensation award, the determination made by the Claims Commissioner shall be deemed confirmed. (2) (A) In determining the amount of such compensation, the Claims Commissioner shall award an amount that is two hundred per cent of the median family income for the state for each year the claimant was incarcerated, as determined by the United States Department of Housing and Urban Development, adjusted for inflation using the consumer price index for urban consumers, provided the amount for any partial year shall be prorated in order to compensate only for the portion of such year in which such claimant was incarcerated. The Claims Commissioner may decrease or increase the award amount by twenty-five per cent based on an assessment of relevant factors including, but not limited to, the evidence presented by the claimant under subdivisions (1) to (6), inclusive, of subsection (c) of this section. (B) The amount of any compensation awarded pursuant to this subdivision shall be offset by the amount of any damages awarded to the claimant resulting from an action by the claimant against any other unit of government within this state by reason of the same subject of the claim. (e) In addition to the compensation paid under subsection (d) of this section, the Claims Commissioner may order payment for the expenses of employment training and counseling, tuition and fees at any constituent unit of the state system of higher education. (f) Any claimant claiming compensation under this section based on a pardon that was granted or the dismissal of a complaint or information that occurred before October 1, 2008, shall file such claim not later than two years after October 1, 2008. Any claimant claiming compensation under this section based on a pardon that was granted or the dismissal of a complaint or information that occurred on or after October 1, 2008, shall file such claim not later than two years after the date of such pardon or dismissal. (g) Any person who is compensated pursuant to this section shall sign a release providing that such person voluntarily relinquishes any right to pursue any other action or remedy at law or in equity against the state that such person may have arising out of such wrongful conviction and incarceration. (h) Any damages awarded after an award pursuant to this section to the claimant resulting from an action by the claimant against any other unit of government within this state by reason of the same subject of the claim shall be offset by the amount of the compensation award received under this section. (i) If a claimant who is deceased would be entitled to compensation under this section if such claimant were living, including a claimant whose conviction was vacated or reversed posthumously, the claimant's estate is entitled to compensation under this section, provided such claimant's claim was pending before the Claims Commissioner at the time of such claimant's death. (j) Any compensation award and claim from which such award arose that is submitted by the Claims Commissioner to the General Assembly (1) when the General Assembly is not in a regular session, or (2) not more than thirty days before the end of a regular session and which is not acted upon dispositively before the end of such session, shall be deemed to be submitted on the first day of the next regular session. (k) The provisions of this section shall not apply to any agreement or stipulation pursuant to the provisions of section 3-125a. (P.A. 08-143, S. 1; P.A. 16-127, S. 29; P.A. 24-106, S. 1.) History: P.A. 16-127 amended Subsec. (a)(1) by deleting “, of which the person was innocent,” amended Subsec. (a)(2) by designating existing provision re complaint or information dismissed on grounds of innocence as Subpara. (A) and amending same to delete provision re complaint or information dismissed on ground consistent with innocence and by adding Subpara. (B) re complaint or information dismissed on ground citing act or omission that constitutes malfeasance or other serious misconduct by officer, agent, employee or official of the state, amended Subsec. (c) by replacing former provision re person to present evidence of damages suffered with Subdivs. (1) to (6) re same, amended Subsec. (d) by designating existing provisions re payment of compensation as Subdiv. (1), designating existing provisions re amount of compensation as Subdiv. (2) and substantially amending Subdivs. (1) and (2) including adding provisions re award amount and General Assembly to review compensation award, amended Subsec. (g) by deleting provisions re person's pursuit of action or remedy at law or in equity against the state and any political subdivision of the state and officer, agent, employee or official thereof and adding provision re person who is compensated to sign release, and made technical and conforming changes, effective June 9, 2016; P.A. 24-106 amended Subsec. (a) by redesignating language re a vacated or reversed conviction as Subdiv. (2)(A), redesignating existing Subdiv. (2)(A) as new Subdiv. (2)(B), redesignating language re grounds of innocence as Subdiv. (2)(B)(i) and amending same by adding provision re grounds consistent with innocence, redesignating existing Subdiv. (2)(B) as Subdiv. (2)(B)(ii) and adding Subdiv. (3) defining “grounds consistent with innocence”, amended Subsec. (c) by replacing

references to person with references to claimant and adding provision requiring Claims Commissioner to determine eligibility not later than 90 days after hearing, substantially amended Subsec. (d) including raising award amount for which commissioner may direct immediate payment to \$35,000, designating existing provisions in Subdiv. (2) as Subdiv. (2)(A) and adding Subdiv. (2)(B) re offset provision, amended Subsec. (e) by deleting provision re services to facilitate reintegration into the community, amended Subsec. (f) by replacing references to person with references to claimant and making a conforming change, amended Subsec. (g) by adding “against the state” and added Subsecs. (h) to (k) concerning provisions re offsets, deceased claimants, submission of awards to the General Assembly and lack of applicability of section to an agreement or stipulation pursuant to Sec. 3-125a, effective June 4, 2024, and applicable to claims pending before the Claims Commissioner on June 4, 2024, or filed with the Claims Commissioner on or after June 4, 2024.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-103. - Commission on Adult Probation.

Section 54-103 is repealed. (1955, S. 3331d; 1971, P.A. 259, S. 1; P.A. 74-183, S. 154, 291; P.A. 76-436, S. 553, 681; P.A. 78-303, S. 119, 136.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-103a. - Office of Adult Probation.

Section 54-103a is repealed, effective October 1, 2002. (P.A. 77-614, S. 278, 610; P.A. 02-132, S. 82.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-103b. - Services for probation referrals. Duties of Court Support Services Division. Contractual services and alternative incarceration program.

The Court Support Services Division shall implement liaison with local community service providers throughout the state for the purpose of improving services delivery for probation referrals. Contractual services purchased shall be predominantly for the purpose of, but not limited to, employment, psychiatric and psychological evaluation and counseling, drug and alcohol dependency treatment, and other services towards more effective control and rehabilitation of probation referrals. The Chief Court Administrator, as part of a publicly bid contract for an alternative incarceration program, may include a requirement that the contractor provide such space as is necessary for staff of the Court Support Services Division to meet with probationers and to conduct any business that may be necessary to oversee and monitor such program. Other outside professional service fees consonant with the primary purpose of improved direct services shall be within the scope of the authority granted by this section. (P.A. 79-585, S. 14, 15; P.A. 02-132, S. 42; P.A. 06-152, S. 6.) History: P.A. 02-132 replaced “Office of Adult Probation” with “Court Support Services Division”; P.A. 06-152 authorized Chief Court Administrator to include space requirement in publicly bid contract for alternative incarceration program, effective June 6, 2006. Cited. 41 CS 229.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-104. - Appointment of Director of Probation and probation officers. Qualifying examinations.

Section 54-104 is repealed, effective October 1, 2002. (1949 Rev., S. 8839; 1955, S. 3332d; P.A. 76-436, S. 554, 681; P.A. 77-614, S. 67, 279, 610; P.A. 79-585, S. 11, 15; P.A. 02-132, S. 43, 82.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-105. - Duties of executive director of Court Support Services Division re probation. Intensive probation program. Community service program. Caseload limitation.

(a) The executive director of the Court Support Services Division shall be responsible for the supervision of the probation officers and other employees and may require reports from them. The executive director shall (1) formulate methods of investigation, supervision, record-keeping and reports, (2) compile statistics on the work of all probation officers, (3) maintain a record of all probationers, (4) perform such other duties as may be necessary to establish and maintain an efficient probation service in the Superior Court, and (5) prepare and publish such reports as may be required by the Chief Court Administrator. In the pursuance of such duties, the executive director shall have access to the records of probation officers. (b) The Judicial Department shall establish within the Court Support Services Division an intensive probation program. The purpose of intensive probation is to place persons in the community under close supervision and restriction to ensure public safety, reduce prison overcrowding and contribute to the rehabilitation of persons in the program. There shall be periodic testing for drug or alcohol use for those probationers on intensive probation who have been identified as having histories of drug or alcohol abuse. Any defendant placed on intensive probation who fails to comply with the conditions of his intensive probation shall be presented to the court as provided in subsection (a) of section 53a-32 for a hearing to be conducted in accordance with said subsection. If such defendant is found by the court to have violated any condition of his intensive probation, the sentencing court or judge may continue such defendant on intensive probation, modify or enlarge the conditions of intensive probation or revoke the intensive probation and either require the defendant to serve the balance of the sentence imposed or impose any lesser sentence. The executive director of the Court Support Services Division shall have the same powers and duties with respect to the intensive probation program as the executive director has with respect to regular

probation under subsection (a) of this section. Persons may be placed on intensive probation pursuant to an order of a court or judge under section 53a-30 or 53a-39a or as required by the Court Support Services Division. (c) Subject to the approval of the Chief Court Administrator, the executive director of the Court Support Services Division may establish within the Court Support Services Division a community service program, including a community service labor program, which will assign, supervise and report compliance of persons sentenced to perform community service as a condition of probation or conditional discharge. (d) The executive director of the Court Support Services Division shall establish within the Court Support Services Division a program wherein eighty-four probation officers shall have a caseload of not more than thirty-five probationers per officer for the purpose of providing high level supervision. This program shall be implemented with funds appropriated pursuant to section 48 of public act 90-213*, provided such caseload may be increased at the discretion of the executive director if funding for the current service level for the Court Support Services Division is reduced. (1955, S. 3333d; P.A. 76-436, S. 555, 681; P.A. 77-614, S. 280, 610; P.A. 78-379, S. 23, 27; P.A. 79-585, S. 12, 15; P.A. 80-483, S. 137, 186; P.A. 84-505, S. 4, 6; P.A. 85-354, S. 2, 3; P.A. 87-538, S. 3, 5; P.A. 89-383, S. 5, 16; P.A. 90-213, S. 5, 14, 56; 90-261, S. 8, 19; P.A. 02-132, S. 44.) *Note: Section 48 of public act 90-213 is special in nature and therefore has not been codified but remains in full force and effect according to its terms. History: P.A. 76-436 revised section to reflect transfer of all trial jurisdiction to superior court, eliminating references to other courts, effective July 1, 1978; P.A. 77-614 replaced commission on adult probation with office of adult probation, eliminating limitations of director's powers requiring commission approval for various actions, specified that salaries are subject to compensation plan under Sec. 51-12, deleted director's duties to prescribe districts and assign probation officers to them and to conduct training courses for staff, and required publication of reports determined by chief court administrator rather than by commission or court, effective January 1, 1979; P.A. 78-379 added temporary provision re director's power to enter into contracts, effective July 1, 1978, through December 31, 1978; P.A. 79-585 authorized judges to take action re salaries through committee; P.A. 80-483 made technical grammatical correction; P.A. 84-505 added Subsec. (b) requiring the director of probation to establish an intensive probation program and specifying the purpose and nature of such program, effective June 13, 1984, to July 1, 1987; P.A. 85-354 amended Subsec. (b) to replace the requirement of "weekly" testing for drug and alcohol use with "periodic" testing and replace the requirement that the director of probation immediately inform the court of the failure of a probationer to comply with the rules, regulations and orders of the intensive probation program with provisions requiring any defendant who fails to comply with the conditions of his intensive probation to be presented to the court for a hearing and provisions specifying the options of the sentencing court or judge upon finding the defendant has violated any condition of his intensive probation; P.A. 87-538 reenacted and continued in effect on and after July 1, 1987, the provisions of this section previously effective from June 13, 1984, until July 1, 1987; P.A. 89-383 amended Subsec. (b) to delete from the stated purposes of intensive probation the removal of convicted persons from incarceration and added Subsec. (c) authorizing the director to establish a community service program, specifying the nature of the program and specifying the director's duties if he establishes such a program; P.A. 90-213 amended Subsec. (c) to authorize the establishment of a community service labor program and to require the director prior to the establishment of such program to certify that all anticipated costs can be paid for within available appropriations and added Subsec. (d) requiring the director to establish a program for the high level supervision of probationers by probation offices, providing for the funding of such program and authorizing an increase in the caseload if funding is reduced; P.A. 90-261 amended Subsec. (b) to delete the intensive probation caseload limit of twenty probationers per probation officer and the requirement that each week the officer have at least three contacts with each probationer and one or more collateral contacts, to delete the requirement that the director inform a court which ordered a sentenced defendant discharged on intensive probation of the progress of such probationer, to make the requirement of periodic drug or alcohol testing applicable to those probationers "on intensive probation", to provide that a defendant is "placed" rather than "discharged" on intensive probation, and to replace the provision that "Persons may only be placed in the intensive probation program pursuant to an order of a court or judge under section 53a-39" with "Persons may be placed on intensive probation pursuant to an order of a court or judge under section 53a-30 or 53a-39a, or as required by the office of adult probation"; P.A. 02-132 amended Subsec. (a) by deleting provisions re Director of Probation and re appointment and salaries of probation officers and other employees, adding provisions re responsibilities of the executive director of the Court Support Services Division and making technical changes, amended Subsec. (b) by replacing "Director of Probation shall establish within the Office of Adult Probation" with "Judicial Department shall establish within the Court Support Services Division", deleting provisions re separate operation of program and re sharing of facilities and administrative services, replacing "director" with "executive director of the Court Support Services Division" and replacing "Office of Adult Probation" with "Court Support Services Division", amended Subsec. (c) by replacing "Director of Probation" with "executive director of the Court Support Services Division", replacing "Office of Adult Probation" with "Court Support Services Division" and deleting provisions re duties of Director of Probation and amended Subsec. (d) by replacing "Director of Probation" with "executive director of the Court Support Services Division" and replacing "Office of Adult Probation" with "Court Support Services Division".

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-105a. - Funds for the probation transition program and technical violation units.

Section 54-105a is repealed, effective October 1, 2022. (June Sp. Sess. P.A. 07-4, S. 36; P.A. 11-51, S. 76; P.A. 21-54, S. 3.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-106 and 54-107. - General Assembly to provide for expenses; central office; quarters. Appointment of

probation officers.

Sections 54-106 and 54-107 are repealed, effective October 1, 2002. (1949 Rev., S. 8833; 1955, S. 3334d; 1955, June, 1955, S. 3335d; November, 1955, S. N231; P.A. 76-436, S. 556, 681; P.A. 77-562, S. 1, 2; 77-614, S. 281, 282, 610; P.A. 79-585, S. 13, 15; 79-631, S. 35, 111; P.A. 80-483, S. 138, 186; P.A. 87-496, S. 107, 110; P.A. 02-132, S. 45, 82.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-108. - Duties of probation officers.

(a) Probation officers shall investigate all cases referred to them for investigation by the executive director or by the court. They shall furnish to each person released under their supervision a written statement of the conditions of probation and shall instruct him regarding the same. They shall keep informed of his conduct and condition and use all suitable methods to aid and encourage him and to bring about improvement in his conduct and condition. (b) Probation officers shall supervise and enforce all conditions of probation ordered pursuant to section 53a-30. (c) Any interference with any probation officer or with any person placed in his charge shall render the person so interfering liable to the provisions of section 53a-167a. (1949 Rev., S. 8834, 8835; 1955, S. 3336d; 1959, P.A. 28, S. 155; 1963, P.A. 642, S. 76; 1969, P.A. 297; P.A. 74-183, S. 155, 291; 74-338, S. 37, 94; P.A. 76-436, S. 557, 681; P.A. 11-155, S. 2.) History: 1959 act substituted circuit court for municipal court or trial justice; 1963 act updated statute, excluding court of common pleas and reference to appeal by minor and substituting state jail administrator for jailer; 1969 act substituted community correctional centers and their administrators for jails and their administrators; P.A. 74-183 replaced circuit court with court of common pleas, reflecting reorganization of judicial system, and substituted "section 53a-167a" for "section 53-165", effective December 31, 1974; P.A. 74-338 repeated change in section reference enacted by P.A. 74-183; P.A. 76-436 reworded section to reflect transfer of all trial jurisdiction to superior court, deleting references implying other courts' jurisdiction, effective July 1, 1978; P.A. 11-155 inserted Subsec. (a) and (c) designators, amended Subsec. (a) to delete provisions re duty of probation officers to collect and disburse moneys and account therefor and to send record of all probations to director, re duty of police to notify probation officer whenever any minor has been arrested and re authority of court to commit minor to custody of probation officer while case is being investigated or when minor is in default of bail and is committed to a community correctional center and to make a technical change, and added Subsec. (b) requiring probation officers to supervise and enforce all conditions of probation ordered pursuant to Sec. 53a-30, effective July 1, 2011. Cited. 207 C. 152. Where, pursuant to a plea bargain, defendant pleads guilty to sexual assault in fourth degree in violation of Sec. 53a-73a and public indecency in violation of Sec. 53a-186, trial court acted within its discretion in permitting Office of Adult Probation to notify members of defendant's community. 250 C. 280. Cited. 31 CA 660. Section does not provide remedy for failure of probation officer to comply with statute and does not require that defendant's signature be on conditions of probation; section is directory and not mandatory and violation of statute by probation officer does not excuse defendant from requirement that he not violate a condition of probation as long as probation officer advised defendant of conditions of his probation and consequences of violating those conditions. 55 CA 622. Section is directory and not mandatory and violation of section by probation officer does not excuse defendant from requirement that he not violate a condition of probation. 58 CA 153. Cited. 42 CS 574.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-108a. - Supervision of probationers.

Section 54-108a is repealed, effective October 1, 2002. (P.A. 98-38; P.A. 02-132, S. 82.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-108b. - Risk assessment and monitoring standards developed by Chief Court Administrator.

The Chief Court Administrator shall develop a system to accurately assess the risk that an individual under the supervision of an adult probation officer has to the community and shall develop classification categories and standards of monitoring for such individuals based upon the assessment. The purpose of the classification system shall be to ensure close supervision and restriction, public safety, effective alternatives to incarceration and maximum rehabilitation of persons placed in the community under the supervision of an adult probation officer. (June Sp. Sess. P.A. 00-1, S. 33, 46.) History: June Sp. Sess. P.A. 00-1 effective July 1, 2000.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-108c. - Availability of information on outstanding arrest warrants for probation violations.

The Court Support Services Division of the Judicial Branch shall make available on the Internet (1) information concerning all outstanding arrest warrants for violation of probation including the name, address and photographic image of the probationer named in such warrant, except that information concerning such an outstanding warrant shall not be made available on the Internet if (A) there is reason to believe that making such information available might endanger the safety of the probationer or any other person, or (B) the probationer is a person adjudicated as a youthful offender, and (2) a quarterly report listing by court of issuance all arrest warrants for violation of probation made available under subdivision (1) of this section, including the name and address of the probationer named in each such warrant and the date of issuance of such warrant. (Jan. Sp. Sess. P.A. 08-1, S. 21; P.A. 10-43, S. 27.) History: Jan. Sp. Sess. P.A. 08-1 effective January 25, 2008; P.A. 10-43 amended Subdiv. (1) to add exception re unavailability

of information if safety of probationer or other person might be endangered or probationer is youthful offender and amended Subdiv. (2) to make provisions applicable to all arrest warrants made available under Subdiv. (1), rather than all outstanding arrest warrants, effective July 1, 2010.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-108d. - Authority of probation officers to detain certain persons, seize contraband and act as member of fugitive task force.

(a) A probation officer may, in the performance of his or her official duties, detain for a reasonable period of time and until a police officer arrives to make an arrest (1) any person who has one or more unexecuted state or federal arrest warrants lodged against him or her, and (2) any person who such officer has probable cause to believe has violated a condition of probation and is the subject of a probation officer's authorization to arrest pursuant to subsection (a) of section 53a-32. If a police officer is unable to come to the location where the person is being detained within a reasonable period of time, a probation officer may transport the person to the nearest location where a police officer is able to make an arrest. (b) A probation officer may seize and take into custody any contraband, as defined in subsection (a) of section 54-36a, that such officer discovers in the performance of his or her official duties. Such probation officer shall promptly process such contraband in accordance with the provisions of section 54-36a. (c) A probation officer may, in the performance of his or her official duties, act as a member of a state or federal ad hoc fugitive task force that seeks out and arrests persons who have unexecuted state or federal arrest warrants lodged against such persons and such officer shall be deemed to be acting as an employee of the state while carrying out the duties of the task force. (P.A. 10-43, S. 29; P.A. 11-155, S. 3.) History: P.A. 11-155 amended Subsec. (a) to add provision re authority of probation officer to transport detained person to nearest location where police officer is able to make an arrest, effective July 1, 2011.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-108e. - Duties of probation officers. Availability of information contained in alternative sentencing plan or community release plan.

(a) Probation officers shall provide intensive pretrial supervision services, in accordance with guidelines developed by the Court Support Services Division, whenever ordered to do so by the court. (b) Probation officers shall complete alternative sentencing plans, in accordance with guidelines developed by the Court Support Services Division, for persons who have entered into a stated plea agreement that includes a term of imprisonment of two years or less, whenever ordered to do so by the court. (c) Probation officers may evaluate persons sentenced to a term of imprisonment of two years or less who have been confined under such sentence for at least ninety days and have complied with institutional rules and necessary treatment programs of the Department of Correction, and may develop a community release plan for such persons in accordance with guidelines developed by the Court Support Services Division. If a probation officer develops a community release plan, the probation officer shall apply for a sentence modification hearing under section 53a-39. (d) Information contained in an alternative sentencing plan or a community release plan shall be available only to: (1) Employees of the Judicial Branch who in the performance of their duties require access to the information contained in such plan; (2) employees and authorized agents of state or federal agencies involved in the design and delivery of treatment services to the person who is the subject of such plan; (3) employees of state or community-based agencies providing services directly to the person who is the subject of such plan; (4) an attorney representing the person who is the subject of such plan in any proceeding in which such plan is relevant; (5) employees of the Division of Criminal Justice who are assigned to the court location where the court ordered completion of an alternative sentencing plan pursuant to subsection (b) of this section, or where a sentence modification hearing will be heard pursuant to subsection (c) of this section; and (6) employees of the Department of Correction. (P.A. 11-51, S. 21; P.A. 12-133, S. 33; P.A. 14-173, S. 3.) History: P.A. 11-51 effective June 30, 2011; P.A. 12-133 added Subsec. (d) re availability of information contained in alternative sentencing plan or community release plan; P.A. 14-173 amended Subsec. (d) to add Subdiv. (5) re employees of Division of Criminal Justice assigned to court location and Subdiv. (6) re employees of Department of Correction.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-108f. - Issuance of certificate of rehabilitation by Court Support Services Division. Modification or revocation.

(a) The Court Support Services Division of the Judicial Branch may issue a certificate of rehabilitation to an eligible offender who is under the supervision of the division while on probation or other supervised release at the time of such person's application for such certificate, or may issue a new certificate of rehabilitation to enlarge the relief previously granted under such certificate of rehabilitation or revoke any such certificate of rehabilitation in accordance with the provisions of section 54-130e that are applicable to certificates of rehabilitation. If the division issues, enlarges the relief previously granted under a certificate of rehabilitation or revokes a certificate of rehabilitation under this section, the division shall immediately file written notice of such action with the Board of Pardons and Paroles. The division may develop policies and procedures to meet the provisions of this section and section 54-130e. Nothing in section 54-130e shall require the division to continue monitoring the criminal activity of any person to whom the division has issued a certificate of rehabilitation but who is no longer under the supervision of the division. (b) Not later than October 1, 2015, and annually thereafter, the Court Support Services Division shall submit to the Office of Policy and Management and the Connecticut Sentencing Commission, in such form as the office may prescribe, data regarding the administration of

certificates of rehabilitation, which shall include data on the number of certificates issued by the division and the number of certificates revoked by the division. (P.A. 14-27, S. 3; P.A. 21-104, S. 49; P.A. 22-26, S. 32.) History: P.A. 21-104 amended Subsec. (f) to add provision re continued monitoring of person issued certificate, effective June 28, 2021; P.A. 22-26 amended Subsec. (a) by adding provision re issuance of certificate at the time of such person's application for such certificate and adding provision permitting division to develop policies and procedures re this section and Sec. 54-130e, effective May 10, 2022.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-108g. - Prohibition against disclosure of personal information of probation officers to certain individuals under the Freedom of Information Act.

Any personal information of a current or former probation officer employed by the Judicial Branch that is not related to the performance of such officer's duties or employment, including, but not limited to, such officer's (1) date of birth, (2) Social Security number, (3) current or former electronic mail address, telephone number or residential address, (4) photograph, and (5) driver's license information, shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200, to any individual under the supervision of the Court Support Services Division or any individual committed to the custody or supervision of the Commissioner of Correction pursuant to section 53a-32 for a violation of probation. (P.A. 14-34, S. 1.) History: P.A. 14-34 effective July 1, 2014.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-110 to 54-119. - Report on person with prior conviction. Restitution investigation and report. Information to be included in report. Appointment of restitution specialists and other personnel. Optional treatment of person found guilty of crime. Probation or suspension of sentence, generally. Penalty for common law high crimes and misdemeanors. Punishment upon second and third conviction. Second and subsequent convictions of crimes while armed with firearm. Additional penalties for conviction of crimes while armed with firearm. Court may impose additional sentence.

Sections 54-110 to 54-119, inclusive, are repealed. (1949 Rev., S. 8819-8821, 8836, 8837; 1955, S. 3338d-3341d; 1957, P.A. 287, S. 1, 2; 580, S. 1; 639, S. 2; 1959, P.A. 28, S. 204; 615, S. 15; 1963, P.A. 170; 368; 1969, P.A. 605, S. 1, 2; 828, S. 214; 1971, P.A. 871, S. 129; P.A. 78-188, S. 1-3, 8; P.A. 80-313, S. 61; P.A. 82-298, S. 9.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-121. - Indeterminate sentence.

Section 54-121 is repealed. (1949 Rev., S. 8825; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-123. - Transportation of prisoner discharged from jail.

Section 54-123 is repealed. (1949 Rev., S. 8824; 1959, P.A. 152, S. 82; 1961, P.A. 580, S. 19; 1967, P.A. 152, S. 46.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-123a. - Judicial Department duties re alternative sanctions and incarceration programs.

The Judicial Department shall: (1) Oversee and coordinate the implementation of alternative sanctions for both the regular criminal docket and the docket for juvenile matters of the Superior Court; (2) Evaluate the effectiveness of alternative sanctions and their impact on juvenile and adult offenders, prison and jail overcrowding, court backlogs and community safety; (3) Plan and establish new alternative sanctions; (4) Develop criteria for determining the types of offenders appropriate to receive alternative sanctions and for determining the effectiveness of those sanctions for specific offender populations; (5) Contract with nonprofit organizations providing alternative incarceration programs, halfway houses and other similar services; (6) Contract for independent evaluations with respect to the use of alternative sanctions; (7) Apply for, receive, allocate, disburse and account for grants of funds made available by the United States, the state, foundations, corporations and other businesses, agencies or individuals; (8) Enter into agreements with the United States which may be required to obtain federal funds, and do all things necessary to apply or qualify for, accept and distribute any state and federal funds allotted under any federal or state law for alternative incarceration programs; (9) Enter into contracts and cooperate with local government units and any combination of such units to carry out the duties imposed by this section; (10) Enter into agreements necessary, convenient or desirable for carrying out the purposes of this section with foundations, agencies, corporations and other businesses or individuals; and (11) Accept gifts or donations of funds, services, materials or property from any source and use such gifts or donations as is appropriate to implement the provisions of this section. (P.A. 90-213, S. 1, 56; P.A. 95-225, S. 36; P.A. 02-132, S. 46.) History: P.A. 95-225 amended Subsec. (b)(1) to require that the office oversee and coordinate the implementation of alternative sanctions “for both the regular criminal docket and the docket for juvenile matters of the Superior Court” and Subsec. (b)(2) to require that the office evaluate the impact of alternative sanctions on “juvenile and adult” offenders; P.A. 02-132 deleted Subsec. (a) re Office of Alternative Sanctions, deleted Subsec. (b) designator, replaced “The duties and responsibilities of the office shall be to” with “The Judicial Department shall”, deleted former Subdiv. (5) re annual report to the General Assembly, renumbered existing Subdivs. (6) to (12) as Subdivs. (5) to (11) and made a technical change.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-123b and 54-123c. - Advisory committee concerning adult offenders. Advisory committee concerning juvenile offenders.

Sections 54-123b and 54-123c are repealed, effective October 1, 2003. (P.A. 90-213, S. 2, 56; P.A. 95-225, S. 37, 38; P.A. 02-132, S. 47, 48; P.A. 03-202, S. 25.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-123d. - Establishment of alternative incarceration center providing mental health services.

(a) The Judicial Branch may establish, within available appropriations, in the judicial district of New Haven, an alternative incarceration center that, in addition to the programs and services offered by an alternative incarceration center, provides a residential and day reporting program for accused and convicted persons with mental health needs. (b) A full range of mental health services shall, within available appropriations, be provided to the program participants. A clinical coordinator shall work with the director of the alternative incarceration center in facilitating timely access to appropriate services and shall develop a network of community, social and vocational rehabilitation supports that will enhance successful program participation and long-term community integration. (June Sp. Sess. P.A. 01-9, S. 77, 131.) History: June Sp. Sess. P.A. 01-9 effective July 1, 2001.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-124. - Board of Parole. Appointment and duties of executive secretary.

Section 54-124 is repealed. (1957, P.A. 461, S. 1, 2; 1959, P.A. 276; 1967 P.A. 152, S. 49; 453, S. 1.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-124a. - Board of Pardons and Paroles.

(a)(1) There shall be a Board of Pardons and Paroles within the Department of Correction, for administrative purposes only. On and after July 1, 2015, the board shall consist of ten full-time and up to five part-time members appointed by the Governor with the advice and consent of both houses of the General Assembly. The term of any part-time member serving on the board on June 30, 2015, shall expire on said date. On or after July 1, 2015, the Governor may appoint up to five persons to serve as part-time members. In the appointment of the members, the Governor shall specify if the member is being appointed as full-time or part-time. In the appointment of the members, the Governor shall comply with the provisions of section 4-9b. The Governor shall appoint a chairperson from among the membership. The members of the board shall be qualified by education, experience or training in the administration of community corrections, parole or pardons, criminal justice, criminology, the evaluation or supervision of offenders or the provision of mental health services to offenders. Each appointment of a member of the board submitted by the Governor to the General Assembly, except as provided in subdivision (2) of this subsection, shall be referred, without debate, to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary which shall report on each appointment not later than thirty legislative days after the date of reference. (2) If, not later than September 1, 2015, the Governor appoints a part-time member and such member was previously a member whose term expired June 30, 2015, such appointment shall take effect immediately without confirmation by the General Assembly. (b) The term of each member of the board shall be coterminous with the term of the Governor or until a successor is chosen, whichever is later. Any vacancy in the membership of the board shall be filled for the unexpired portion of the term by the Governor. (c) Ten of the members of the board shall devote full time to the performance of their duties under this section and shall be compensated therefor in such amount as the Commissioner of Administrative Services determines, subject to the provisions of section 4-40. The other members of the board shall receive one hundred ten dollars for each day spent in the performance of their duties and shall be reimbursed for necessary expenses incurred in the performance of such duties. The chairperson or, in the chairperson's absence or inability to act, a member designated by the chairperson to serve temporarily as chairperson, shall be present at all meetings of the board and participate in all decisions. (d) The chairperson shall be the executive and administrative head of said board and shall have the authority and responsibility for (1) overseeing all administrative affairs of the board, (2) assigning members to panels, (3) establishing procedural rules for members to follow when conducting hearings, reviewing recommendations made by employees of the board and making decisions, (4) adopting policies in all areas of pardons and paroles including, but not limited to, granting pardons, commutations of punishments or releases, conditioned or absolute, in the case of any person convicted of any offense against the state and commutations from the penalty of death, risk-based structured decision making and release criteria, (5) consulting with the Department of Correction on shared issues including, but not limited to, prison overcrowding, (6) consulting with the Judicial Branch on shared issues of community supervision, and (7) signing and issuing subpoenas to compel the attendance and testimony of witnesses at parole proceedings. Any such subpoena shall be enforceable to the same extent as subpoenas issued pursuant to section 52-143. (e) (1) Each parole release panel shall be composed of three members, one of whom shall be the chairperson or a full-time member designated by the chairperson to serve temporarily as chairperson. (2) Each pardons panel shall be composed of three members, one of whom may be the chairperson, except that for hearings on commutations from the penalty of death, one member of the panel shall be the chairperson. (3) Each panel that discharges persons on parole from the custody of the Commissioner of Correction or that terminates the period of special parole for persons shall be composed of three members, one of whom shall be the chairperson or a full-time member designated by the chairperson to serve temporarily as chairperson. (f) The Board of Pardons and Paroles shall have

independent decision-making authority to (1) grant or deny parole in accordance with sections 54-125, 54-125a, 54-125e and 54-125g, (2) establish conditions of parole or special parole supervision in accordance with section 54-126, (3) rescind or revoke parole or special parole in accordance with sections 54-127 and 54-128, (4) grant commutations of punishment or releases, conditioned or absolute, in the case of any person convicted of any offense against the state and commutations from the penalty of death in accordance with section 54-130a, (5) discharge any person on parole or inmate eligible for parole from the custody of the Commissioner of Correction pursuant to section 54-129, and (6) terminate special parole in accordance with section 54-129. (g) The Department of Correction shall be responsible for the supervision of any person transferred to the jurisdiction of the Board of Pardons and Paroles during such person's period of parole or special parole. (h) The chairperson, or the chairperson's designee, and two members of the board shall conduct all parole release hearings, and shall approve or deny all (1) parole revocations and parole rescissions recommended by an employee of the board pursuant to section 54-127a, and (2) recommendations for parole pursuant to section 54-125i. No panel of the Board of Pardons and Paroles shall hold a hearing to determine the suitability for parole release of any person unless the chairperson of the board has made reasonable efforts to determine the existence of and obtain all information deemed pertinent to the panel's decision and has certified that all such pertinent information determined to exist has been obtained or is unavailable. (i) The chairperson of the board shall appoint an executive director. The executive director shall oversee the administration of the agency and, at the discretion of the chairperson, shall: (1) Direct and supervise all administrative affairs of the board, (2) prepare the budget and annual operation plan, (3) assign staff to administrative reviews, (4) organize pardons and parole release hearing calendars, (5) implement a uniform case filing and processing system, and (6) create programs for staff and board member development, training and education. (j) The chairperson, in consultation with the executive director, shall adopt regulations, in accordance with chapter 54, concerning: (1) Parole revocation and rescission hearings that include implementing due process requirements; (2) An expedited pardons review that allows an applicant convicted of a crime to be granted a pardon with respect to such crime without a hearing, unless a victim of such crime requests such a hearing, if such applicant was convicted of a nonviolent crime; (3) Requiring board members to issue written statements containing the reasons for rejecting any application for a pardon. (k) The Board of Pardons and Paroles shall hold a pardons hearing at least once every three months and shall hold such hearings in various geographical areas of the state. The board shall not hold a pardons hearing within or on the grounds of a correctional facility except when solely for the benefit of applicants who are incarcerated at the time of such hearing. (l) The chairperson and executive director shall establish: (1) In consultation with the Department of Correction, a parole orientation program for all parole-eligible inmates upon their transfer to the custody of the Commissioner of Correction that will provide general information on the laws and policies regarding parole release, calculation of time-served standards, general conditions of release, supervision practices, revocation and rescission policies, and procedures for administrative review and panel hearings, and any other information that the board deems relevant for preparing inmates for parole; (2) An incremental sanctions system for parole violations including, but not limited to, reincarceration based on the type, severity and frequency of the violation and specific periods of incarceration for certain types of violations; (3) A formal training program for members of the board and parole officers, to be completed annually by each member, that shall include, but not be limited to, an overview of the criminal justice system, the parole system including factors to be considered in granting parole, victim rights and services, reentry strategies, risk assessment, case management and mental health issues; and (4) A formal training program to be completed annually by each member of the board on the pardons process, including information concerning collateral consequences a person with a criminal record may face due to having a criminal record, such as when applying for housing or employment. (m) The board shall employ at least one psychologist with expertise in risk assessment and recidivism of criminal offenders who shall be under the supervision of the chairperson and assist the board in its parole release decisions. (n) In the event of the temporary inability of any member other than the chairperson to perform his or her duties, the Governor, at the request of the board, may appoint a qualified person to serve as a temporary member during such period of inability. (o) The chairperson of the Board of Pardons and Paroles shall: (1) Adopt an annual budget and plan of operation, (2) adopt such rules as deemed necessary for the internal affairs of the board, and (3) submit an annual report to the Governor and General Assembly. (p) Any decision of the board or a panel of the board shall be made by a majority of those members present. (1967, P.A. 152, S. 48; 1969, P.A. 537, S. 1; 1971, P.A. 230; 1972, P.A. 23, S. 1; P.A. 74-338, S. 57, 94; P.A. 77-614, S. 134, 610; P.A. 79-560, S. 32, 39; June Sp. Sess. P.A. 83-18; P.A. 93-219, S. 3, 14; P.A. 94-183, S. 1, 3; May 25 Sp. Sess. P.A. 94-1, S. 64, 130; P.A. 95-189, S. 1, 2; P.A. 98-234, S. 1, 5; June 30 Sp. Sess. P.A. 03-6, S. 161; P.A. 04-234, S. 1; P.A. 05-84, S. 1, 2; 05-288, S. 187; Jan. Sp. Sess. P.A. 08-1, S. 12; Sept. Sp. Sess. P.A. 09-7, S. 36; P.A. 10-14, S. 1; 10-36, S. 29; P.A. 14-27, S. 8; June Sp. Sess. P.A. 15-2, S. 9; P.A. 19-84, S. 3, 4; P.A. 21-32, S. 1.) History: 1969 act specified that board of parole is autonomous body within department of correction solely for fiscal and budgetary purposes, increased membership from 7 to 9 and provided for their appointment, updated previous appointment provisions to provide ongoing applicability, deleted provision requiring 3 members for quorum and added provisions re assignment of members to panels and duties of panels; 1971 act deleted obsolete provision re appointment of additional members enacted in 1969 and added provision re appointment of temporary members; 1972 act increased membership to 11 and provided for their appointment; P.A. 74-338 deleted obsolete provision re initial appointment of additional members provided for in 1972 act; P.A. 77-614 provided for compensation of chairman as determined by commissioner of administrative services rather than by personnel policy board; P.A. 79-560 specified that board is within department of correction for "administrative" rather than for "fiscal and budgetary" purposes; June Sp. Sess. P.A. 83-18 increased the per diem compensation of members from \$75 to \$110; P.A. 93-219 inserted Subsec. indicators, amended Subsec. (a) to increase the number of members on and after July 1, 1994, from 11 to 13, require the chairman to be qualified by training, experience or education in law, criminal justice, parole matters or other related fields and require the governor to endeavor to reflect the racial

diversity of the state when making appointments, added a new Subsec. (b) to require the term of the chairman to be coterminous with that of the governor, provide that the terms of all other members expire on July 1, 1994, that on and after said date 6 members shall be appointed for 2 years and 6 members appointed for 4 years and that thereafter all members shall serve for terms of 4 years and require the governor to fill any vacancy, amended Subsec. (d) to set forth the powers and duties of the chairman and added a new Subsec. (g) to set forth the duties of the board, effective July 1, 1994; P.A. 94-183 and May 25 Sp. Sess. P.A. 94-1 both amended Subsec. (a) to delete provision that the board of parole “shall be an autonomous body and within the department of correction for administrative purposes only”, effective July 1, 1994; P.A. 95-189 added new Subsec. (d)(10) re noninstitutional, community-based service programs, renumbering former Subdiv. (10) as Subdiv. (11), effective July 1, 1995; P.A. 98-234 amended Subsec. (a) to increase the number of members on and after July 1, 1998 from 13 to 15, provide for the appointment of 2 vice-chairmen and make the provision re qualifications of the chairman also applicable to the vice-chairmen, amended Subsec. (b) to provide that the term of each vice-chairman shall be the same as that of the chairman, amended Subsec. (c) to make provision re performance of duties by and compensation of the chairman also applicable to the vice-chairmen, and added Subsec. (d)(12) authorizing the signing and issuing of subpoenas and add provision that any such subpoena shall be enforceable to the same extent as subpoenas issued under Sec. 52-143, effective July 1, 1998; June 30 Sp. Sess. P.A. 03-6 amended Subsec. (a) to place board “within the Department of Correction” and delete an obsolete date, amended Subsec. (c) to delete requirement that the vice-chairmen devote their entire time to the performance of their duties and replace “entire time” with “full time” and amended Subsec. (d) to delete provision that designated the chairman as the executive and administrative head of the board, designate the Commissioner of Correction rather than the chairman as the person having the authority and responsibility for the duties set forth in said Subsec., delete former Subdiv. (11) re consulting with the Department of Correction on shared issues including, but not limited to, prison overcrowding, and redesignate existing Subdiv. (12) as new Subdiv. (11), effective August 20, 2003; P.A. 04-234 amended Subsec. (a) to rename “Board of Parole” as “Board of Pardons and Paroles”, provide that board is within Department of Correction “for administrative purposes only”, provide that on and after October 1, 2004, board shall consist of 13 rather than 15 members, require that all 13 members, rather than only chairman and 2 vice-chairmen, be appointed by the Governor with advice and consent of either house of the General Assembly, provide that chairperson shall be qualified by education, experience and training “in the administration of community corrections, parole or pardons” rather than “in law, criminal justice, parole matters or other related fields”, delete provision re qualifications of vice-chairmen and other members and add provision requiring the Governor to appoint chairperson from among membership, amended Subsec. (b) to add provision that term of each appointed member of board serving on September 30, 2004, shall expire on that date, provide that term of each member of board beginning on or after October 1, 2004, rather than only term of chairman and each vice-chairman, shall be coterminous with term of the Governor, and delete provision re appointment on or after July 1, 1994, of members other than chairman for staggered terms, amended Subsec. (c) to make technical changes, amended Subsec. (d) to designate chairperson rather than Commissioner of Correction as person having authority and responsibility for duties set forth in said Subsec., provide that chairperson shall be executive and administrative head of the board, replace in Subdiv. (1) “directing and supervising” with “overseeing”, delete former Subdivs. (2) to (5), inclusive, to reflect transfer of duties to executive director under new Subsec. (i)(2) to (5), redesignate existing Subdiv. (6) as new Subdiv. (2) and amend said Subdiv. to replace “establishing policy in all areas of parole including, but not limited to, decision making, release criteria and supervision standards” with “adopting policies in all areas of pardons and paroles including, but not limited to, granting pardons, commutations of punishments or releases, conditioned or absolute, in the case of any person convicted of any offense against the state and commutations from the penalty of death, risk-based structured decision-making and release criteria”, delete former Subdiv. (7) re establishing specialized parole units, delete former Subdiv. (8) re entering into contracts with service providers, community programs and consultants, delete former Subdiv. (9) to reflect transfer of duty to executive director under new Subsec. (i)(6), delete former Subdiv. (10) re establishing, developing and maintaining noninstitutional, community-based service programs, add new Subdiv. (3) re consulting with Department of Correction on shared issues including, but not limited to, prison overcrowding, add new Subdiv. (4) re consulting with Judicial Department on shared issues of community supervision, and redesignate existing Subdiv. (11) re subpoenas as new Subdiv. (5), amended Subsec. (e) to authorize chairperson to serve on both pardons panels and parole release panels, require chairperson to assign 7 members exclusively to parole release hearings and 5 members exclusively to pardons hearings, prohibit member assigned to one type of hearing to be subsequently assigned to other type of hearing, add provision re composition of each pardons panel and make technical changes, added new Subsec. (f) re independent decision-making authority of the board, added new Subsec. (g) re responsibility of Department of Correction for supervision of persons on parole or special parole, added new Subsec. (h) re conduct of parole release hearings and approval or denial of all parole releases, revocations and rescissions recommended by employee of board, added new Subsec. (i) re appointment and powers of executive director, added new Subsec. (j) re adoption of regulations re parole revocation and rescission hearings, an administrative pardons process and requiring written statement re reasons for rejecting pardons application, added new Subsec. (k) re frequency and location of pardons hearings, added new Subsec. (l) re establishment of parole orientation program and incremental sanctions system for parole violations, redesignated existing Subsec. (f) as Subsec. (m) and amended said Subsec. to make a technical change, and redesignated existing Subsec. (g) as Subsec. (n) and amended said Subsec. to replace “The Board of Parole” with “The chairperson of the Board of Pardons and Paroles” and replace in Subdiv. (3) “develop policy for and administer the operation” of the Interstate Parole Compact with “adopt regulations, in accordance with chapter 54, for the administration” of said compact, effective July 1, 2004; P.A. 05-84 amended Subsec. (j)(2)(A)(ii) to reduce from 10 years to 5 years the period of time prior to the granting of the pardon during which the applicant must not have been convicted of a crime, amended Subsec. (j)(2)(B) to increase from 5 years

to 10 years the period of time after the date of conviction or the applicant's release from incarceration, whichever is later, that must elapse prior to the granting of the pardon and deleted former Subsec. (n)(3) re the adoption of regulations for the administration of the Interstate Parole Compact, redesignating existing Subdiv. (4) as Subdiv. (3); P.A. 05-288 made a technical change in Subsec. (f)(4), effective July 13, 2005; Jan. Sp. Sess. P.A. 08-1 amended Subsec. (a) to provide that from February 1, 2008, to July 1, 2008, board shall consist of not more than 25 members, rather than 13 members, that on and after July 1, 2008, board shall consist of 18 members, that on and after February 1, 2008, the Governor shall appoint all members of board with advice and consent of "both houses" of the General Assembly, rather than "either house", that on and after July 1, 2008, 12 members shall serve exclusively on parole release panels, 5 members shall serve exclusively on pardons panels and chairperson may serve on both such panels, and that on and after February 1, 2008, the Governor shall specify the member being appointed chairperson, the full-time and part-time members being appointed to serve on parole release panels and the members being appointed to serve on pardons panels, replace requirement that in appointment of members the Governor "shall endeavor to reflect the racial diversity of the state" with "shall comply with the provisions of section 4-9b", require that all members of the board appointed on or after February 1, 2008, rather than only chairperson, be qualified by education, experience or training in administration of community corrections, parole or pardons and add "criminal justice, criminology, the evaluation or supervision of offenders or the provision of mental health services to offenders", and add provision requiring each appointment submitted by the Governor to the General Assembly on or after February 1, 2008, be referred to the judiciary committee which shall report thereon not later than 30 legislative days thereafter, amended Subsec. (b) to provide that term of each member serving on June 30, 2008, who had been assigned exclusively to parole hearings shall expire on said date, provide that term of each member serving on June 30, 2008, who had been appointed chairperson, had been assigned by chairperson exclusively to pardons hearings or has been appointed on or after February 1, 2008, shall be coterminous with the Governor or until a successor is chosen, whichever is later, and delete provisions re expiration of term of members serving on September 30, 2004, and duration of term of members beginning on or after October 1, 2004, amended Subsec. (c) to make the provision re devotion of full time to duties and manner of compensation applicable to five members appointed on or after February 1, 2008, to serve on parole release panels, amended Subsec. (d) to add new Subdiv. (2) re assigning members to panels, add new Subdiv. (3) re establishing procedural rules and redesignate existing Subdivs. (2), (3), (4) and (5) as Subdivs. (4), (5), (6) and (7), amended Subsec. (e) to delete provision authorizing chairperson to serve on both panels and granting chairperson responsibility for assigning members to panels, make provision requiring chairperson to assign 7 members to parole release hearings and 5 members to pardons hearings applicable with respect to "members appointed prior to February 1, 2008", replace provision re each parole release panel shall be composed of two members and chairperson or designee with provision re "prior to July 1, 2008", each parole release panel shall be composed of two members "from among the members assigned by the chairperson exclusively to parole release hearings or the members appointed by the Governor on or after February 1, 2008, to serve exclusively on parole release panels" and chairperson or designee, provide that "On and after July 1, 2008, each parole release panel shall be composed of two members appointed by the Governor on or after February 1, 2008, to serve on parole release panels, at least one of whom is a full-time member, and the chairperson or a full-time member designated to serve temporarily as chairperson, for each correctional institution" and replace "Each pardons panel shall be composed of three members, one of whom may be the chairperson" with "Each pardons panel shall be composed of three members from among the members assigned by the chairperson exclusively to pardons hearings or the members appointed by the Governor on or after February 1, 2008, to serve on pardons panels, one of whom may be the chairperson", amended Subsec. (h) to replace "The chairperson, or the chairperson's designee, and two members of the board shall conduct all parole release hearings" with "The chairperson, or the chairperson's designee, and two members of the board from among the members assigned by the chairperson to serve exclusively on parole release panels or the members appointed by the Governor on or after February 1, 2008, to serve on parole release panels, shall conduct all parole release hearings", make existing requirement that panel approve or deny all parole releases recommended by employee of the board pursuant to Sec. 54-125b applicable to period "prior to July 1, 2008" and add provision prohibiting panel holding hearing or meeting re parole release unless chairperson has made reasonable efforts to determine existence of and obtain all information deemed pertinent to panel's decision and certified that all such pertinent information determined to exist has been obtained or is unavailable, amended Subsec. (l) to add Subdiv. (3) re establishment of formal training program for board members and parole officers, added new Subsec. (m) re employment of psychologist, and redesignated existing Subsecs. (m) and (n) as Subsecs. (n) and (o), effective January 25, 2008; Sept. Sp. Sess. P.A. 09-7 amended Subsec. (e) to make existing provision requiring parole release panel to have at least 1 full-time member in addition to chairperson or a full-time member designated as chairperson applicable to panels "prior to October 5, 2009," and to add "On and after October 5, 2009, each parole release panel shall be composed of two members appointed by the Governor to serve on parole release panels and the chairperson or a full-time member designated to serve temporarily as chairperson, for each correctional institution", effective October 5, 2009; P.A. 10-14 amended Subsec. (a) to provide that on and after July 1, 2010, the board shall consist of 20 members and that 7 members shall serve exclusively on pardons panels and to delete obsolete language, effective May 5, 2010; P.A. 10-36 amended Subsec. (h) to delete obsolete provisions re panel action on parole releases recommended by employee of board pursuant to Sec. 54-125b, effective July 1, 2010; P.A. 14-27 made a technical change in Subsec. (d)(6); June Sp. Sess. P.A. 15-2 amended Subsec. (a) to designate existing provisions as Subdiv. (1) and amend same to replace provision re make-up of board from July 1, 2008, to July 1, 2010, and on and after July 1, 2010, with provision re make-up of board on and after July 1, 2015, add provision re expiration of part-time members' terms on June 30, 2015, and appointment of 5 part-time members on or after July 1, 2015, add reference to Subdiv. (2) and make technical changes, and to add Subdiv. (2) re appointments of part-time members not later than September 1, 2015, amended Subsec. (b) to delete references to dates in 2008 and

provisions re members assigned exclusively to pardons hearings, amended Subsec. (c) to replace provision re 5 members appointed to serve on parole release panels with provision re 10 members devoting full time and make a technical change, amended Subsec. (e) to delete provisions re assignments of members exclusively to parole release and pardons hearings for members appointed prior to February 1, 2008, composition of each panel prior to July 1, 2008, and on and after July 1, 2008, and prior to October 5, 2009, each panel's temporary chairperson to be designated by the chairperson, delete provision re panel for each correctional institution, add provisions re on and after January 1, 2016, 3 members to be present at each hearing and delete provision re exclusive assignment to pardons panels, amended Subsec. (h) to delete provision re exclusive assignment or appointment to parole release panels, designate existing provision re parole revocations or rescissions as Subdiv. (1) and add Subdiv. (2) re recommendations pursuant to Sec. 54-125i, amended Subsec. (j)(2) to replace "administrative pardons process" with "expedited pardons review", add provision re process for applicant convicted of nonviolent crime and delete former Subparas. (A) and (B) re misdemeanor conviction or conviction for a violation of Sec. 21a-277, 21a-278 or 21a-279, deleted reference to assignment to pardons hearings in Subsec. (j)(3), added provision re training to be completed annually in Subsec. (l)(3) and added Subsec. (p) re decisions to be made by a majority of members present, effective June 30, 2015; P.A. 19-84 amended Subsec. (e) by designating existing provisions re parole release panel as Subdiv. (1) and amending same by replacing provision re 2 members with provision re 3 members, deleting provision re not less than 3 members to be present at parole hearing, and making a technical change, designating existing provision re pardons panel as Subdiv. (2), adding Subdiv. (3) re panel that discharges persons on parole from custody of commissioner or terminates period of special parole, and amended Subsec. (f) by adding Subdiv. (5) re discharge of person on parole or inmate eligible for parole from custody of commissioner, and adding Subdiv. (6) re termination of special parole, effective July 1, 2019; P.A. 21-32 amended Subsec. (l) by making a technical change in Subdiv. (3) and adding Subdiv. (4) re training program to include information concerning collateral consequences a person with criminal record may face, effective July 1, 2021. See Sec. 4-38f for definition of "administrative purposes only". See Sec. 18-101f re nondisclosure of member or employee files to inmates. Cited. 170 C. 124; 171 C. 691.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-124b. - Caseload of parole officers.

The chairman of the Board of Pardons and Paroles, in consultation with the members of the board and representatives of parole officers, shall annually review and establish goals for parole officer to parolee caseload ratio. (1967, P.A. 152, S. 50; 1972, P.A. 112, S. 1; P.A. 90-261, S. 6, 19; P.A. 93-219, S. 7, 14; P.A. 94-183, S. 2, 3; May 25 Sp. Sess. P.A. 94-1, S. 65, 130; P.A. 04-234, S. 2.) History: 1972 act deleted proviso which had made superintendent of Niantic correctional facility responsible for direction and control of parole of women; P.A. 90-261 designated existing provisions as Subsec. (a) and added Subsec. (b) establishing a maximum caseload of twenty-five parolees per supervisor on and after July 1, 1995; P.A. 93-219 amended Subsec. (a) to delete responsibility of commissioner to "carry out field services, parolee supervision and other duties requisite to the proper administration of the parole process" and amended Subsec. (b) to replace provision establishing a maximum caseload of twenty-five parolees per supervisor as of July 1, 1995, with requirement that the chairman of the board of parole, in consultation with board members and representatives of parole officers, annually review and establish goals for parole officer to parolee caseload ratio, effective July 1, 1994; P.A. 94-183 and May 25 Sp. Sess. P.A. 94-1 both deleted Subsec. (a) that had required the commissioner of correction to furnish all necessary clerical, administrative and fiscal services to the board of parole, effective July 1, 1994; P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004. Cited. 170 C. 129.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-124c. - Responsibility of the Department of Correction for supervision of persons released from confinement.

Notwithstanding any provision of the general statutes, the Department of Correction shall be responsible for the supervision of all persons released from confinement in a correctional institution or facility into the community, until their sentence to the custody of the Commissioner of Correction is completed. (P.A. 93-219, S. 6, 14; P.A. 04-234, S. 32.) History: P.A. 93-219 effective July 1, 1993; P.A. 04-234 replaced "Board of Parole" with "Department of Correction", deleted obsolete date and deleted exception for "persons released pursuant to section 18-100c", effective June 8, 2004.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-124d. - Criminal history records check of Board of Parole personnel.

Section 54-124d is repealed, effective June 14, 2004. (P.A. 01-175, S. 29, 32; P.A. 04-257, S. 135.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-124e. - Board of Pardons and Paroles as successor department to Board of Pardons and Board of Parole.

(a) The Board of Pardons and Paroles shall be a successor department to the Board of Pardons and the Board of Parole in accordance with the provisions of sections 4-38d and 4-39. (b) Wherever the words "Board of Pardons" or "Board of Parole" are used in the general statutes or the public acts of 2003 and 2004, the words "Board of Pardons and Paroles" shall be substituted in lieu thereof.

(c) The Legislative Commissioners' Office shall, in codifying the provisions of this section, make such technical, grammatical and punctuation changes as are necessary to carry out the purposes of this section. (P.A. 04-234, S. 2.) History: P.A. 04-234 effective July 1, 2004.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-125. - Parole of prisoner serving indeterminate sentence.

Any person confined for an indeterminate sentence, after having been in confinement under such sentence for not less than the minimum term, or, if sentenced for life, after having been in confinement under such sentence for not less than the minimum term imposed by the court, less such time as may have been earned under the provisions of section 18-7, may be allowed to go at large on parole in the discretion of the panel of the Board of Pardons and Paroles for the institution in which the person is confined, if (1) it appears from all available information, including such reports from the Commissioner of Correction as such panel may require, that there is reasonable probability that such inmate will live and remain at liberty without violating the law and (2) such release is not incompatible with the welfare of society. Such parolee shall be allowed in the discretion of such panel to return to his home or to reside in a residential community center, or to go elsewhere, upon such terms and conditions, including personal reports from such paroled person, as such panel prescribes, and to remain, while on parole, in the legal custody and control of the board until the expiration of the maximum term or terms for which he was sentenced. Any parolee released on condition that he reside in a residential community center may be required to contribute to the cost incidental to such residence. Each order of parole shall fix the limits of the parolee's residence, which may be changed in the discretion of such panel. Within one week after the commitment of each person sentenced for more than one year during any criminal term of the Superior Court, the state's attorney of each county and judicial district shall send to the Board of Pardons and Paroles the record, if any, of such person. In the case of an inmate serving a sentence at the John R. Manson Youth Institution, Cheshire, or at the York Correctional Institution, the Board of Pardons and Paroles shall establish, by rule, the date upon which said board shall notify the inmate that his eligibility for parole will be considered. At any time prior thereto the Commissioner of Correction may recommend that parole be granted and, under special and unusual circumstances, the commissioner may recommend that an inmate be discharged from the institution. (1949 Rev., S. 8827; 1957, P.A. 461, S. 4; 1967, P.A. 152, S. 51; 1969, P.A. 575; 1971, P.A. 781, S. 2; 825; 1972, P.A. 25, S. 1; P.A. 73-116, S. 30; 73-667, S. 1, 2; P.A. 76-336, S. 7; P.A. 80-442, S. 26, 28; P.A. 86-186, S. 19; P.A. 04-234, S. 2; P.A. 15-14, S. 37.) History: 1967 act, effective July 1, 1968, included State Prison for Women, required quorum rather than majority of board to parole prisoner, deleted provisions for notice to State Prison inmate of parole eligibility and for notice to and action by state's attorney relative to paroles and added provisions re determination of date on which inmate will be notified of parole eligibility in cases involving indeterminate sentences at Connecticut Reformatory or Connecticut State Farm for Women and re superintendent's power to recommend early parole or discharge; 1969 act substituted references to Connecticut Correctional Institutions at Somers, Niantic and Cheshire for references to State Prison, State Prison or State Farm for Women and Connecticut Reformatory; 1971 acts added references to parole to residence in residential community center and replaced superintendent with commissioner of correction; 1972 act amended section to reflect parole powers vested in panels of parole board where previously parole powers were vested in the entire board acting if quorum was present; P.A. 73-116 referred to judicial districts generally, deleting specific reference to actions of state's attorney in judicial district of Waterbury; P.A. 73-667 changed effective date of P.A. 73-116 from October 1, 1973, to April 25, 1973; P.A. 76-336 deleted specific references to the various correctional institutions, allowed parole of person sentenced for life after serving minimum term imposed by court rather than after serving 25 years and specified that records of persons sentenced for more than 1 year be sent to parole board where previously such records were required to be sent in all cases; P.A. 80-442 deleted provision which allowed reduction of minimum sentence by not more than 5 years; P.A. 86-186 changed the name of the Connecticut Correctional Institution, Cheshire, to the John R. Manson Youth Institution, Cheshire; P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004; P.A. 15-14 made a technical change. Cited. 126 C. 220; 145 C. 60; 152 C. 601; 168 C. 389; 169 C. 263; 170 C. 129; 171 C. 691; 172 C. 126; 196 C. 655; 210 C. 519; 213 C. 38, 48. To establish a cognizable claim under the ex post facto clause, habeas petitioner need only make a colorable showing that new law creates a genuine risk that petitioner will be incarcerated longer under the new law than under the old. 258 C. 804. Cited. Id., 830. Cited. 24 CA 612. Section "creates no protected constitutional or statutory liberty interest in parole release that gives rise to a claim of illegal confinement in a habeas corpus action". 26 CA 132. Parole eligibility was properly recalculated under 1968 revision of section because Sec. 53a-35 does not apply to crimes committed before October 1, 1971. 133 CA 458. Cited. 4 CS 365; 25 CS 477; 26 CS 176. Where defendant sentenced as second offender asked review division to reduce his maximum term on ground that parole board had denied him parole, held it is not function of division thus to pass on actions of parole board. Id., 196. Cited. 27 CS 327. Parolee, arrested on another charge, may be held without bail for reasonable time until board can convene, because restraint from violation of law is a condition of release. 29 CS 104. Life sentence reduced in accordance with Sec. 18-7 only. 30 CS 20. Cited. 31 CS 350; 43 CS 13; 44 CS 417.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-125a. - Parole of inmate serving sentence of more than two years. Eligibility. Hearing to determine suitability for parole release of certain inmates.

(a) A person convicted of one or more crimes who is incarcerated on or after October 1, 1990, who received a definite sentence or total effective sentence of more than two years, and who has been confined under such sentence or sentences for not less than

one-half of the total effective sentence less any risk reduction credit earned under the provisions of section 18-98e or one-half of the most recent sentence imposed by the court less any risk reduction credit earned under the provisions of section 18-98e, whichever is greater, may be allowed to go at large on parole (1) in accordance with the provisions of section 54-125i, or (2) in the discretion of a panel of the Board of Pardons and Paroles, if (A) it appears from all available information, including any reports from the Commissioner of Correction that the panel may require, that there is a reasonable probability that such inmate will live and remain at liberty without violating the law, and (B) such release is not incompatible with the welfare of society. At the discretion of the panel, and under the terms and conditions as may be prescribed by the panel including requiring the parolee to submit personal reports, the parolee shall be allowed to return to the parolee's home or to reside in a residential community center, or to go elsewhere. The parolee shall, while on parole, remain under the jurisdiction of the board until the expiration of the maximum term or terms for which the parolee was sentenced less any risk reduction credit earned under the provisions of section 18-98e. Any parolee released on the condition that the parolee reside in a residential community center may be required to contribute to the cost incidental to such residence. Each order of parole shall fix the limits of the parolee's residence, which may be changed in the discretion of the board and the Commissioner of Correction. Within three weeks after the commitment of each person sentenced to more than two years, the state's attorney for the judicial district shall send to the Board of Pardons and Paroles the record, if any, of such person. (b) (1) No person convicted of any of the following offenses, which was committed on or after July 1, 1981, shall be eligible for parole under subsection (a) of this section: (A) Capital felony, as provided under the provisions of section 53a-54b in effect prior to April 25, 2012, (B) murder with special circumstances, as provided under the provisions of section 53a-54b in effect on or after April 25, 2012, (C) felony murder, as provided in section 53a-54c, (D) arson murder, as provided in section 53a-54d, (E) murder, as provided in section 53a-54a, or (F) aggravated sexual assault in the first degree, as provided in section 53a-70a. (2) A person convicted of (A) a violation of section 53a-100aa or 53a-102, or (B) an offense, other than an offense specified in subdivision (1) of this subsection, where the underlying facts and circumstances of the offense involve the use, attempted use or threatened use of physical force against another person shall be ineligible for parole under subsection (a) of this section until such person has served not less than eighty-five per cent of the definite sentence imposed. (c) The Board of Pardons and Paroles shall, not later than July 1, 1996, adopt regulations in accordance with chapter 54 to ensure that a person convicted of an offense described in subdivision (2) of subsection (b) of this section is not released on parole until such person has served eighty-five per cent of the definite sentence imposed by the court. Such regulations shall include guidelines and procedures for classifying a person as a violent offender that are not limited to a consideration of the elements of the offense or offenses for which such person was convicted. (d) The Board of Pardons and Paroles may hold a hearing to determine the suitability for parole release of any person whose eligibility for parole release is not subject to the provisions of subsection (b) of this section upon completion by such person of seventy-five per cent of such person's definite or total effective sentence less any risk reduction credit earned under the provisions of section 18-98e. An employee of the board or, if deemed necessary by the chairperson, a panel of the board shall assess the suitability for parole release of such person based on the following standards: (1) Whether there is reasonable probability that such person will live and remain at liberty without violating the law, and (2) whether the benefits to such person and society that would result from such person's release to community supervision substantially outweigh the benefits to such person and society that would result from such person's continued incarceration. If a hearing is held, and if the board determines that continued confinement is necessary, the board shall articulate for the record the specific reasons why such person and the public would not benefit from such person serving a period of parole supervision while transitioning from incarceration to the community. If a hearing is not held, the board shall document the specific reasons for not holding a hearing and provide such reasons to such person. No person shall be released on parole without receiving a hearing. The decision of the board under this subsection shall not be subject to appeal. (e) The Board of Pardons and Paroles may hold a hearing to determine the suitability for parole release of any person whose eligibility for parole release is subject to the provisions of subdivision (2) of subsection (b) of this section upon completion by such person of eighty-five per cent of such person's definite or total effective sentence. An employee of the board or, if deemed necessary by the chairperson, a panel of the board shall assess the suitability for parole release of such person based on the following standards: (1) Whether there is a reasonable probability that such person will live and remain at liberty without violating the law, and (2) whether the benefits to such person and society that would result from such person's release to community supervision substantially outweigh the benefits to such person and society that would result from such person's continued incarceration. If a hearing is held, and if the board determines that continued confinement is necessary, the board shall articulate for the record the specific reasons why such person and the public would not benefit from such person serving a period of parole supervision while transitioning from incarceration to the community. No hearing pursuant to the provisions of this subsection may proceed unless the parole release panel is in possession of the complete file for such applicant, including any documentation from the Department of Correction, the trial transcript, the sentencing record and any file of any previous parole hearing. Each member of the panel shall certify that all such documentation has been reviewed in preparation for such hearing. If a hearing is not held, the board shall document the specific reasons for not holding a hearing and provide such reasons to such person. No person shall be released on parole without receiving a hearing. The decision of the board under this subsection shall not be subject to appeal. (f) (1) Notwithstanding the provisions of subsections (a) to (e), inclusive, of this section, a person convicted of one or more crimes committed while such person was under eighteen years of age, who is incarcerated on or after October 1, 2015, and who received a definite sentence or total effective sentence of more than ten years for such crime or crimes prior to, on or after October 1, 2015, may be allowed to go at large on parole in the discretion of the panel of the Board of Pardons and Paroles for the institution in which such person is confined, provided (A) if such person is serving a sentence of fifty years or less, such person shall be eligible for parole after serving sixty per cent of the sentence or twelve

years, whichever is greater, or (B) if such person is serving a sentence of more than fifty years, such person shall be eligible for parole after serving thirty years. Nothing in this subsection shall limit a person's eligibility for parole release under the provisions of subsections (a) to (e), inclusive, of this section if such person would be eligible for parole release at an earlier date under any of such provisions. (2) The board shall apply the parole eligibility rules of this subsection only with respect to the sentence for a crime or crimes committed while a person was under eighteen years of age. Any portion of a sentence that is based on a crime or crimes committed while a person was eighteen years of age or older shall be subject to the applicable parole eligibility, suitability and release rules set forth in subsections (a) to (e), inclusive, of this section. (3) Whenever a person becomes eligible for parole release pursuant to this subsection, the board shall hold a hearing to determine such person's suitability for parole release. At least twelve months prior to such hearing, the board shall notify the office of Chief Public Defender, the appropriate state's attorney, the Victim Services Unit within the Department of Correction, the Office of the Victim Advocate and the Office of Victim Services within the Judicial Department of such person's eligibility for parole release pursuant to this subsection. The office of Chief Public Defender shall assign counsel for such person pursuant to section 51-296 if such person is indigent. At any hearing to determine such person's suitability for parole release pursuant to this subsection, the board shall permit (A) such person to make a statement on such person's behalf, (B) counsel for such person and the state's attorney to submit reports and other documents, and (C) any victim of the crime or crimes to make a statement pursuant to section 54-126a. The board may request testimony from mental health professionals or other relevant witnesses, and reports from the Commissioner of Correction or other persons, as the board may require. The board shall use validated risk assessment and needs assessment tools and its risk-based structured decision making and release criteria established pursuant to subsection (d) of section 54-124a in making a determination pursuant to this subsection. (4) After such hearing, the board may allow such person to go at large on parole with respect to any portion of a sentence that was based on a crime or crimes committed while such person was under eighteen years of age if the board finds that such parole release would be consistent with the factors set forth in subdivisions (1) to (4), inclusive, of subsection (c) of section 54-300 and if it appears, from all available information, including, but not limited to, any reports from the Commissioner of Correction, that (A) there is a reasonable probability that such person will live and remain at liberty without violating the law, (B) the benefits to such person and society that would result from such person's release to community supervision substantially outweigh the benefits to such person and society that would result from such person's continued incarceration, and (C) such person has demonstrated substantial rehabilitation since the date such crime or crimes were committed considering such person's character, background and history, as demonstrated by factors, including, but not limited to, such person's correctional record, the age and circumstances of such person as of the date of the commission of the crime or crimes, whether such person has demonstrated remorse and increased maturity since the date of the commission of the crime or crimes, such person's contributions to the welfare of other persons through service, such person's efforts to overcome substance abuse, addiction, trauma, lack of education or obstacles that such person may have faced as a child or youth in the adult correctional system, the opportunities for rehabilitation in the adult correctional system, whether the person has also applied for or received a sentence modification and the overall degree of such person's rehabilitation considering the nature and circumstances of the crime or crimes. (5) After such hearing, the board shall articulate for the record its decision and the reasons for its decision. If the board determines that continued confinement is necessary, the board may reassess such person's suitability for a new parole hearing at a later date to be determined at the discretion of the board, but not earlier than two years after the date of its decision. (6) The decision of the board under this subsection shall not be subject to appeal. (g) (1) Notwithstanding the provisions of subsections (a) to (f), inclusive, of this section, a person convicted of one or more crimes committed while such person was under twenty-one years of age, who was sentenced on or before October 1, 2005, and who received a definite sentence or total effective sentence of more than ten years' incarceration for such crime or crimes committed on or before October 1, 2005, may be allowed to go at large on parole in the discretion of the panel of the Board of Pardons and Paroles for the institution in which such person is confined, provided (A) if such person is serving a sentence of fifty years or less, such person shall be eligible for parole after serving sixty per cent of the sentence or twelve years, whichever is greater, or (B) if such person is serving a sentence of more than fifty years, such person shall be eligible for parole after serving thirty years. Nothing in this subsection shall limit a person's eligibility for parole release under the provisions of subsections (a) to (f), inclusive, of this section if such person would be eligible for parole release at an earlier date under any of such provisions. (2) The board shall apply the parole eligibility rules of this subsection only with respect to the sentence for a crime or crimes committed while a person was under twenty-one years of age. Any portion of a sentence that is based on a crime or crimes committed while a person was twenty-one years of age or older, shall be subject to the applicable parole eligibility, suitability and release rules set forth in subsections (a) to (e), inclusive, of this section. (3) Whenever a person becomes eligible for parole release pursuant to this subsection, the board shall hold a hearing to determine such person's suitability for parole release. At least twelve months prior to such hearing, the board shall notify the office of Chief Public Defender, the appropriate state's attorney, the Victim Services Unit within the Department of Correction, the Office of the Victim Advocate and the Office of Victim Services within the Judicial Department of such person's eligibility for parole release pursuant to this subsection. The office of Chief Public Defender shall assign counsel for such person pursuant to section 51-296 if such person is indigent. At any hearing to determine such person's suitability for parole release pursuant to this subsection, the board shall permit (A) such person to make a statement on such person's behalf, (B) counsel for such person and the state's attorney to submit reports and other documents, and (C) any victim of the crime or crimes to make a statement pursuant to section 54-126a. The board may request testimony from mental health professionals or other relevant witnesses, and reports from the Commissioner of Correction or other persons, as the board may require. The board shall use validated risk assessment and needs assessment tools and its risk-based structured decision making and release criteria established pursuant to subsection (d) of section 54-124a in making a determination

pursuant to this subsection. (4) After such hearing, the board may allow such person to go at large on parole with respect to any portion of a sentence that was based on a crime or crimes committed while such person was under twenty-one years of age, if the board finds that such parole release would be consistent with the factors set forth in subdivisions (1) to (4), inclusive, of subsection (c) of section 54-300 and if it appears, from all available information, including, but not limited to, any reports from the Commissioner of Correction, that (A) there is a reasonable probability that such person will live and remain at liberty without violating the law, (B) the benefits to such person and society that would result from such person's release to community supervision substantially outweigh the benefits to such person and society that would result from such person's continued incarceration, and (C) such person has demonstrated substantial rehabilitation since the date such crime or crimes were committed considering such person's character, background and history, as demonstrated by factors, including, but not limited to, such person's correctional record, the age and circumstances of such person as of the date of the commission of the crime or crimes, whether such person has demonstrated remorse and increased maturity since the date of the commission of the crime or crimes, such person's contributions to the welfare of other persons through service, such person's efforts to overcome substance abuse, addiction, trauma, lack of education or obstacles that such person may have faced as a person who was under twenty-one years of age in the adult correctional system, the opportunities for rehabilitation in the adult correctional system, whether the person has also applied for or received a sentence modification and the overall degree of such person's rehabilitation considering the nature and circumstances of the crime or crimes. (5) After such hearing, the board shall articulate for the record its decision and the reasons for its decision. If the board determines that continued confinement is necessary, the board may reassess such person's suitability for a new parole hearing at a later date to be determined at the discretion of the board, but not earlier than two years after the date of its decision. (6) The decision of the board under this subsection shall not be subject to appeal. (h) Any person released on parole under this section shall remain in the custody of the Commissioner of Correction and be subject to supervision by personnel of the Department of Correction during such person's period of parole. (P.A. 90-261, S. 5; P.A. 92-114; P.A. 93-219, S. 2, 14; P.A. 94-37, S. 2; P.A. 95-255, S. 1-3; P.A. 99-196, S. 2; June Sp. Sess. P.A. 01-9, S. 74, 131; P.A. 04-234, S. 2, 3; Jan. Sp. Sess. P.A. 08-1, S. 5; P.A. 10-36, S. 30; P.A. 11-51, S. 25; P.A. 12-5, S. 32; P.A. 13-3, S. 59; 13-247, S. 376; P.A. 15-84, S. 1; June Sp. Sess. P.A. 15-2, S. 12-15; P.A. 23-169, S. 1.) History: P.A. 92-114 amended Subsec. (a) to make eligible for parole a person convicted of "one or more crimes" who received "a definite sentence or aggregate sentence of more than one year and has been confined under such sentence or sentences for not less than one-half of the aggregate sentence or one-half of the most recent sentence imposed by the court, whichever is greater", rather than only a person convicted of "a felony" who received "a definite sentence of more than one year who has been confined under such sentence for not less than one-half of the sentence imposed by the court"; P.A. 93-219 amended Subsec. (a) to limit parole eligibility to persons who received a sentence of more than two years, rather than more than one year, effective July 1, 1993; P.A. 94-37 amended Subsec. (b) to make ineligible for parole a person convicted of an offense committed with a firearm in or on, or within 1,500 feet of, the real property comprising a public or private elementary or secondary school; P.A. 95-255 amended Subsec. (b) to add Subdiv. (2) re parole eligibility of persons convicted of offenses involving the use, attempted use or threatened use of physical force, designating existing provision re parole ineligibility of certain offenders as Subdiv. (1) and existing provision re parole eligibility of persons convicted of offenses carrying a mandatory minimum sentence as Subdiv. (3), effective July 1, 1996, and added Subsec. (c) requiring the Board of Parole to adopt regulations re the classification and release of violent offenders, effective July 1, 1995; P.A. 99-196 amended Subsec. (b) to delete Subdiv. (3) re parole eligibility date of a person convicted of an offense carrying a mandatory minimum sentence; June Sp. Sess. P.A. 01-9 added Subsec. (d) requiring the Board of Parole to submit reports re the number of persons whose eligibility for parole release is subject to Subsec. (a) and who have completed 75% of their definite sentence but have not been approved for parole release and made technical changes for purposes of gender neutrality in Subsec. (a), effective July 1, 2001; P.A. 04-234 amended Subsec. (a) to provide that parolee shall, while on parole, remain "under the jurisdiction" of board rather than "in the legal custody" of board and provide that limits of parolee's residence may be changed in discretion of "the board and the Commissioner of Correction" rather than in discretion of "such panel", amended Subsec. (b) to delete provision making ineligible for parole a person convicted of offense committed with a firearm in or on, or within 1,500 feet of an elementary or secondary school, add provision making ineligible for parole a person convicted of aggravated assault in the first degree, as provided in Sec. 53a-70a and make technical changes, deleted former Subsec. (d) requiring Board of Parole to submit reports re the number of persons whose eligibility for parole release is subject to Subsec. (a) and who have completed 75% of their definite sentence but have not been approved for parole release, added new Subsec. (d) to require board to hold hearing to determine suitability for parole release of any person whose eligibility for parole release is not subject to Subsec. (b) upon completion of 75% of such person's sentence, require employee or panel to reassess suitability for parole release of such a person, specify standards for reassessment, require board to articulate for the record its reasons if it determines that continued confinement is necessary and provide that decision of board is not appealable, added new Subsec. (e) to require board to hold hearing to determine suitability for parole release of any person whose eligibility for parole release is not subject to Subsec. (b)(2) upon completion of 85% of such person's sentence, require employee or panel to assess suitability for parole release of such a person, specify standards for reassessment, require board to articulate for the record its reasons if it determines that continued confinement is necessary and provide that decision of board is not appealable and added new Subsec. (f) to provide that a person remains in custody of Commissioner of Correction and is subject to supervision by personnel of Department of Correction while on parole, effective June 8, 2004, and replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004; Jan. Sp. Sess. P.A. 08-1 amended Subsec. (b)(2) to add Subpara. (A) re person convicted of a violation of Sec. 53a-100aa or 53a-102 and designate existing provision as Subpara. (B), effective March 1, 2008; P.A. 10-36 amended Subsec. (a) to require state's attorney to send board the record, if any,

of each person sentenced to more than 2 years, rather than more than 1 year, effective July 1, 2010; P.A. 11-51 provided for deduction from person's sentence of any risk reduction credit earned under Sec. 18-98e when calculating parole eligibility date under Subsecs. (a) to (c), length of time under jurisdiction of board under Subsec. (a) and date for parole suitability hearing under Subsecs. (d) and (e), effective July 1, 2011; P.A. 12-5 amended Subsec. (b)(1) to insert Subpara. designators (A) and (C) to (F), add reference to provisions of Sec. 53a-54b in effect prior to April 25, 2012, re capital felony in Subpara. (A) and add Subpara. (B) re murder with special circumstances under Sec. 53a-54b, effective April 25, 2012; P.A. 13-3 amended Subsecs. (b)(2), (c) and (e) to delete provisions re deduction for risk reduction credit earned under Sec. 18-98e, effective July 1, 2013; P.A. 13-247 amended Subsecs. (d) and (e) by changing "shall" to "may" re hearing by board to determine suitability for parole release, adding provisions re board to document specific reasons for not holding a hearing and re no person to be released on parole without receiving a hearing, and making technical changes, effective July 1, 2013; P.A. 15-84 amended Subsecs. (a), (d) and (e) by replacing "aggregate sentence" with "total effective sentence", adding new Subsec. (f) re person convicted of one or more crimes committed while the person was under 18 years of age, redesignating existing Subsec. (f) as Subsec. (g), and making a technical change; June Sp. Sess. P.A. 15-2 amended Subsec. (a) by adding new Subdiv. (1) re parole in accordance with Sec. 54-125i and by designating existing provision re discretion of panel of the board as Subdiv. (2) and amending same to delete provision re panel for the institution in which person is confined, redesignate existing Subdivs. (1) and (2) as Subparas. (A) and (B) and make a technical change, and amended Subsec. (e) by adding provisions re possession of complete file for applicant and certification by each member that all documentation has been reviewed, effective July 1, 2015; P.A. 23-169 amended Subsec. (f)(4)(C) by adding whether person applied for or received a sentence modification as a consideration whether person has demonstrated substantial rehabilitation, added new Subsec. (g) re sentenced for 1 or more crimes on or before October 1, 2005, for crimes committed by a person under 21 years of age and redesignated existing Subsec. (g) as Subsec. (h).

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-125b. - Parole of prisoner after administrative review without a hearing.

Section 54-125b is repealed, effective July 1, 2008. (P.A. 93-219, S. 5, 14; P.A. 00-86; P.A. 04-234, S. 2, 4; Jan. Sp. Sess. P.A. 08-1, S. 44.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-125c. - Sexual offender treatment as precondition for parole hearing.

The Board of Pardons and Paroles, within available appropriations, may require an inmate to undergo specialized sexual offender treatment for at least one year before the board will schedule a date for a hearing to consider such inmate's eligibility for parole. (P.A. 95-142, S. 8; P.A. 04-234, S. 2.) History: P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-125d. - Deportation parole of aliens.

(a) The Board of Pardons and Paroles shall enter into an agreement with the United States Immigration and Naturalization Service for the deportation of parolees who are aliens as described in 8 USC 1252a(b)(2) and for whom an order of deportation has been issued pursuant to 8 USC 1252(b) or 8 USC 1252a(b). (b) The Department of Correction shall determine those inmates who shall be referred to the Board of Pardons and Paroles based on intake interviews by the department and standards set forth by the United States Immigration and Naturalization Service for establishing immigrant status. (c) Notwithstanding the provisions of subdivision (2) of subsection (b) of section 54-125a, any person whose eligibility for parole is restricted under said subdivision shall be eligible for deportation parole under this section after having served fifty per cent of the definite sentence imposed by the court. (d) Notwithstanding any provision of the general statutes, a sentencing court may refer any person convicted of an offense other than a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, or a class A felony who is an alien to the Board of Pardons and Paroles for deportation under this section. (e) Any person who is approved for deportation under this section shall have his sentence placed in a hold status for a period of ten years. If the parolee reenters the United States within such ten-year period, he shall be in violation of his parole agreement, the remainder of his sentence shall be reinstated and he shall be ineligible for parole consideration. (f) Any person approved for deportation parole shall not be eligible for any form of bond whether by the state or the federal government. Any person approved for deportation parole shall be transferred to the United States Immigration and Naturalization Service for deportation in accordance with the agreement entered into pursuant to subsection (a) of this section. Any person approved for deportation parole shall waive all rights to appeal his conviction, extradition and deportation. (P.A. 97-256, S. 1; P.A. 04-234, S. 2; P.A. 12-5, S. 33.) History: P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004; P.A. 12-5 amended Subsec. (d) to add reference to provisions of Sec. 53a-54b in effect prior to April 25, 2012, re conviction of a capital felony, effective April 25, 2012.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-125e. - Special parole. Conditions. Duration. Violation. Hearing. Disposition.

(a) Any person convicted of a crime committed on or after October 1, 1998, who received a definite sentence of more than two years

followed by a period of special parole shall, at the expiration of the maximum term or terms of imprisonment imposed by the court, be automatically transferred to the jurisdiction of the chairperson of the Board of Pardons and Paroles or, if such person has previously been released on parole pursuant to subsection (a) of section 54-125a or section 54-131a, remain under the jurisdiction of said chairperson until the expiration of the period of special parole imposed by the court. The Department of Correction shall be responsible for the supervision of any person transferred to the jurisdiction of the chairperson of the Board of Pardons and Paroles under this section during such person's period of special parole. (b) (1) When sentencing a person, the court may not impose a period of special parole unless the court determines, based on the nature and circumstances of the offense, the defendant's prior criminal record and the defendant's history of performance on probation or parole, that a period of special parole is necessary to ensure public safety. (2) If sentencing a person to a period of special parole, the court may recommend that such person comply with any or all of the requirements of subsection (a) of section 53a-30. The court shall cause a copy of any such recommendation to be delivered to such person and to the Department of Correction. The Board of Pardons and Paroles may require that such person comply with the requirements of subsection (a) of section 53a-30 which the court recommended. Any person sentenced to a period of special parole shall also be subject to such rules and conditions as may be established by the Board of Pardons and Paroles or its chairperson pursuant to section 54-126. (c) The period of special parole shall be not less than one year or more than ten years, except that such period may be for more than ten years for a person convicted of a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (2) of section 53-21 of the general statutes in effect prior to October 1, 2000, subdivision (2) of subsection (a) of section 53-21, or section 53a-70, 53a-70a, 53a-71, 53a-72a or 53a-72b or sentenced as a persistent dangerous felony offender pursuant to subsection (i) of section 53a-40 or as a persistent serious felony offender pursuant to subsection (k) of section 53a-40. (d) Whenever a parolee has, in the judgment of such parolee's parole officer, violated the conditions of his or her special parole, the board shall cause the parolee to be brought before it without unnecessary delay for a hearing on the violation charges. At such hearing, the parolee shall be informed of the manner in which such parolee is alleged to have violated the conditions of such parolee's special parole and shall be advised by the employee of the board conducting the hearing of such parolee's due process rights. (e) If such violation is established, the board may: (1) Continue the period of special parole; (2) modify or enlarge the conditions of special parole; or (3) revoke the sentence of special parole. (f) If the board revokes special parole for a parolee, the chairperson may issue a mittimus for the commitment of such parolee to a correctional institution for any period not to exceed the unexpired portion of the period of special parole. (g) Whenever special parole has been revoked for a parolee, the board may, at any time during the unexpired portion of the period of special parole, allow the parolee to be released again on special parole without court order. (P.A. 98-234, S. 3; June Sp. Sess. P.A. 99-2, S. 52; P.A. 01-84, S. 21, 26; P.A. 04-234, S. 2, 5; P.A. 05-84, S. 3; 05-288, S. 188; P.A. 07-143, S. 14; 07-217, S. 196; June Sp. Sess. P.A. 15-2, S. 20; P.A. 18-63, S. 2; P.A. 19-189, S. 34.) History: June Sp. Sess. P.A. 99-2 amended Subsec. (c) to provide that the period of special parole for the specified offenses "may be for more than ten years" rather than "shall be not less than ten years nor more than thirty-five years" and to make technical changes in statutory references; P.A. 01-84 amended Subsec. (c) to replace reference to "a violation of subdivision (2) of section 53-21" with "a violation of subdivision (2) of section 53-21 of the general statutes in effect prior to October 1, 2000," and include a violation of "subdivision (2) of subsection (a) of section 53-21", effective July 1, 2001; P.A. 04-234 replaced "chairman" with "chairperson" where appearing, amended Subsec. (a) to require the person be "automatically" transferred to the jurisdiction of the chairperson, delete provision that the person is transferred "from the custody of the Commissioner of Correction" and add provision requiring that Department of Correction be responsible for supervision of any person transferred to the jurisdiction of the chairperson during such person's period of special parole, added Subsec. (d) re a hearing on an alleged violation of the conditions of a parolee's special parole, added Subsec. (e) re authorized dispositions by the board upon establishing a violation, added Subsec. (f) re authority of the chairperson to issue a mittimus upon revocation of special parole and added Subsec. (g) re authority of the board to release again on special parole a parolee whose special parole has been revoked, effective June 8, 2004, and replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004; P.A. 05-84 amended Subsec. (e)(1) to replace "sentence of special parole" with "period of special parole"; P.A. 05-288 made technical changes in Subsec. (c), effective July 13, 2005; P.A. 07-143 amended Subsec. (b) to add provisions authorizing court to order compliance with any or all of the requirements of Sec. 53a-30(a), requiring court to cause a copy of the order to be delivered to the person and Department of Correction and authorizing Board of Pardons and Paroles to require compliance with any or all of the requirements of Sec. 53a-30(a) which court could have imposed and are not inconsistent with any condition actually imposed by court; P.A. 07-217 amended Subsec. (b) to replace provision that court may "as a condition of the sentence, order such person to comply" with any or all of requirements of Sec. 53a-30(a) with provision re court may "recommend that such person comply" with such requirements, require delivery of copy of "recommendation", rather than copy of "order", and authorize board to require compliance with "the requirements of subsection (a) of section 53a-30 which the court recommended", rather than "any or all of the requirements of subsection (a) of section 53a-30 which the court could have imposed and which are not inconsistent with any condition actually imposed by the court"; June Sp. Sess. P.A. 15-2 made technical changes in Subsec. (c); P.A. 18-63 designated existing Subsec. (b) as Subsec. (b)(2) and added Subsec. (b)(1) re court not to impose period of special parole, unless court makes certain determinations; P.A. 19-189 amended Subsec. (c) by replacing "53a-70b," with "section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or", and making a technical change. The legislature, in passing public act 18-63, did not intend to clarify section, and changes made to Subsec. (b) in public act 18-63 were not intended to apply retroactively. 214 CA 511. Subsec. (a): Regardless of whether a person has been convicted of one offense or multiple offenses, legislature has used the phrase "period of special parole" to refer to that duration of time in which a person is transferred to the jurisdiction of the chairperson of the Board of Pardons and Paroles for

supervision. 133 CA 140. Subsec. (c): With respect to 1999 revision, when sentencing provisions of Sec. 54-128(c) and Subsec. conflict, legislature intended the maximum statutory limit in Sec. 54-128(c) to control; defendant's sentence of 10 years of imprisonment followed by 10 years of special parole violated Sec. 54-128(c) and was an illegal sentence because total length of terms of imprisonment and special parole combined exceeded maximum term of imprisonment authorized for sexual assault in the second degree by Sec. 53a-35a(6) and Sec. 53a-71(b). 279 C. 527. Subsec. can be given effect only to the extent that it does not conflict with Sec. 54-128(c). 292 C. 417. Legislature intended to provide trial court with authority to impose a sentence of up to 10 years of special parole for each offense for which defendant is convicted and has not expressed intention to prevent a trial court from imposing such sentences of special parole consecutively if it deems appropriate, regardless of whether such consecutive sentences impose a total effective sentence of more than 10 years of special parole. 310 C. 693. Court exceeded its authority by sentencing defendant to 16 years of special parole, beyond the 10-year maximum, where defendant had not been convicted of one of the enumerated exceptions for which a longer period of special parole may be imposed. 133 CA 140; judgment reversed, see 310 C. 693.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-125f. - Pilot zero-tolerance drug supervision program.

(a) Not later than October 1, 1998, the chairman of the Board of Pardons and Paroles shall establish a pilot zero-tolerance drug supervision program. Eligibility for participation in the program shall be limited to individuals who are eligible for release on parole and shall be based upon criteria, including a limit on the maximum number of eligible participants, established by the chairman of the Board of Pardons and Paroles. (b) Any person entering such program shall, as a condition of participating in such program, agree to: (1) Submit to periodic urinalysis drug tests, (2) detention in a halfway house facility for a period of two days each time such test produces a positive result, and (3) comply with all rules established by the halfway house if detained in such facility. (c) Participants in the zero-tolerance drug supervision program shall submit to periodic urinalysis drug tests. If the test produces a positive result, the participant may be detained in a halfway house facility for a period of two days. (d) Any person who has submitted to a urinalysis drug test pursuant to subsection (c) of this section that produced a positive result may request that a second urinalysis drug test be administered, at such person's expense, to confirm the results of the first test, except that if the participant is determined to be indigent, based upon financial affidavits, the Board of Pardons and Paroles shall pay the cost of the test. The second drug test shall be a urinalysis drug test, separate and independent of the initial test. The participant may be detained in a halfway house pending the results of the second test. If such second test does not produce a positive result, the participant, if detained in a halfway house, shall be released and the fee, if paid by the participant, shall be refunded to the participant. (e) If at any time during participation in the zero-tolerance drug supervision program, the chairman of the Board of Pardons and Paroles determines that the public safety will be served by the incarceration of a participant, such participant may be returned to a correctional facility. (P.A. 98-145, S. 1, 4; P.A. 99-34, S. 1, 2; P.A. 02-89, S. 84; P.A. 03-278, S. 111; P.A. 04-234, S. 2.) History: P.A. 99-34 amended Subsec. (a) to delete provision that limited the program to individuals eligible for release on parole "in accordance with section 54-125b", effective May 27, 1999; P.A. 02-89 deleted as obsolete Subsec. (f) requiring the chairman of the Board of Parole, the Commissioner of Correction and the Chief Court Administrator to submit a report on the program to the committee of the General Assembly having cognizance of matters relating to criminal justice not later than January 1, 2000; P.A. 03-278 made a technical change in Subsec. (a), effective July 9, 2003; P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004. See Sec. 18-100e re pilot zero-tolerance drug supervision program established by Commissioner of Correction.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-125g. - Parole of prisoner nearing end of maximum sentence.

Notwithstanding the provisions of sections 18-100d, 54-124c and 54-125a, any person who has six months or less to the expiration of the maximum term or terms for which such person was sentenced, may be allowed to go at large on parole pursuant to section 54-125i or following a hearing pursuant to section 54-125a, provided such person agrees (1) to be subject to supervision by personnel of the Department of Correction for a period of one year, and (2) to be retained in the institution from which such person was paroled for a period equal to the unexpired portion of the term of his or her sentence if such person is found to have violated the terms or conditions of his or her parole. Any person subject to the provisions of subdivision (1) or (2) of subsection (b) of section 54-125a shall only be eligible to go at large on parole under this section after having served ninety-five per cent of the definite sentence imposed. (P.A. 99-196, S. 1; P.A. 04-257, S. 122; June Sp. Sess. P.A. 15-2, S. 16.) History: P.A. 04-257 replaced "Board of Parole" with "Department of Correction", effective June 14, 2004; June Sp. Sess. P.A. 15-2 added references to Secs. 54-125a and 54-125i, effective July 1, 2015. The term "definite sentence" means the full sentence imposed by the sentencing court, and not the sentence as reduced by various statutory credits. 338 C. 347.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-125h. - Transfer of prisoner granted parole and nearing parole release date.

Notwithstanding the provisions of section 54-125a, the chairperson of the Board of Pardons and Paroles may transfer to any public or private nonprofit halfway house, group home or mental health facility or to an approved community or private residence any person confined in a correctional institution or facility who has been granted parole release and is within eighteen months of the parole release date established by the board. Any person released from confinement pursuant to this section shall be transferred to

the jurisdiction of the chairperson of the Board of Pardons and Paroles. Such person shall remain in the custody of the Commissioner of Correction during the period of such release and employees of the Department of Correction shall be responsible for the supervision of such person while such person is residing at such halfway house, group home, mental health facility or community or private residence. Such person may, at any time, be returned to confinement in a correctional facility. (P.A. 04-234, S. 2, 9.) History: P.A. 04-234 effective June 8, 2004 (Revisor's note: Effective July 1, 2004, references to "Board of Parole" or "Board of Pardons" in the general statutes and in the public and special acts of the 2003 and 2004 regular and special sessions of the General Assembly were replaced with "Board of Pardons and Paroles" pursuant to Sec. 2 of P.A. 04-234).

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-125i. - Parole of prisoner without a hearing.

(a) An inmate (1) not convicted of a crime for which there is a victim, as defined in section 54-201 or section 54-226, who is known by the Board of Pardons and Paroles, (2) whose eligibility for parole release is not subject to the provisions of subsection (b) of section 54-125a, (3) who was not convicted of a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57, 53a-58, 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60c, 53a-64aa, 53a-64bb, 53a-70, 53a-72b, 53a-92, 53a-92a, 53a-94a, 53a-95, 53a-100aa, 53a-101, 53a-102, 53a-102a, 53a-103a, 53a-111, 53a-112, 53a-134, 53a-135, 53a-136, 53a-167c, 53a-179b, 53a-179c or 53a-181c, and (4) who is not otherwise prohibited from being granted parole for any reason, may be allowed to go at large on parole in accordance with the provisions of section 54-125a or section 54-125g, pursuant to the provisions of subsections (b) and (c) of this section. (b) A member of the board, or an employee of the board qualified by education, experience or training in the administration of community corrections, parole, pardons, criminal justice, criminology, the evaluation or supervision of offenders or the provision of mental health services to offenders, may evaluate whether parole should be granted to an inmate pursuant to this section. The board member or employee shall (1) use risk-based structured decision making and release criteria developed under policies adopted by the board pursuant to subsection (d) of section 54-124a, and (2) review the inmate's offender accountability plan, including, but not limited to, the environment to which the inmate plans to return upon release, to determine whether parole should be recommended for such inmate. (c) If the board member or qualified employee recommends parole for an inmate, the chairperson of the board shall present such recommendation and all pertinent information to a parole release panel for approval. No parole release panel may review such recommendation and determine the suitability for parole release of an inmate unless the chairperson has made reasonable efforts to determine the existence of and obtain all information deemed pertinent to the panel's decision and has certified that all such pertinent information determined to exist has been obtained or is unavailable. No applicant may be granted parole pursuant to this section unless each board member or parole officer who reviewed such inmate's file certifies that he or she reviewed such recommendation and all such pertinent information. (June Sp. Sess. P.A. 15-2, S. 11; P.A. 19-189, S. 35.) History: June Sp. Sess. P.A. 15-2 effective July 1, 2015; P.A. 19-189 amended Subsec. (a)(3) by replacing "53a-70b," with "section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or".

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-125j. - Reporting re outcomes of parole revocation hearings.

Not later than January 1, 2021, and annually thereafter, the Board of Pardons and Paroles shall report to the Office of Policy and Management and the office shall make available on the office's Internet web site the following information: (1) Outcomes of preliminary hearings, including whether (A) probable cause of a parole violation was found and that the alleged violation was serious enough to warrant revocation of parole, (B) probable cause of a parole violation was found, but the alleged violation was not serious enough to warrant revocation of parole, and (C) no probable cause of a parole violation was found; (2) The number of (A) individuals remanded to the custody of the Department of Correction for criminal and technical violations, and (B) individuals held in custody beyond a preliminary hearing pending a final parole revocation hearing; (3) Outcomes of final parole revocation hearings, including whether there was a recommendation to (A) reinstate parole, or (B) revoke parole; and (4) Case level data on demographics, including data on race, sex, ethnicity and age. (P.A. 19-59, S. 4; P.A. 21-97, S. 8; P.A. 22-37, S. 39.) History: P.A. 19-59 effective July 1, 2019; P.A. 21-97 made technical changes; P.A. 22-37 made a technical change in Subdiv. (1)(B).

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-125k. - Legal cannabis use or possession not grounds for revocation of parole, special parole or probation. Exception.

(a) Except as provided in subsection (b) of this section, use or possession of cannabis by a person that does not violate section 21a-279a or chapter 420f shall not be grounds for revocation of such person's parole, special parole or probation. (b) If a person's conditions of parole, special parole or probation include a finding that use of cannabis would pose a danger to such person or to the public and a condition that such person not use cannabis and individualized reasons supporting such finding, use of cannabis may be grounds for revocation of parole, special parole or probation. Such finding shall not consider any prior arrests or convictions for use or possession of cannabis. (June Sp. Sess. P.A. 21-1, S. 16.) History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-126. - Rules and regulations concerning parole. Enforcement.

Said Board of Pardons and Paroles may establish such rules and regulations as it deems necessary, upon which such convict may go upon parole, and the panel for the particular case may establish special provisions for the parole of a convict. The chairman of the board shall enforce such rules, regulations and provisions and retake and reimprison any convict upon parole, for any reason that such panel, or the chairman with the approval of the panel, deems sufficient; and the chairman may detain any convict or inmate pending approval by the panel of such retaking or reimprisonment. (1949 Rev., S. 8828; 1967, P.A. 152, S. 52; 1972, P.A. 25, S. 2; P.A. 93-219, S. 8, 14; P.A. 04-234, S. 2.) History: 1967 act, effective July 1, 1968, provided for enforcement by correction commissioner and added provision for detention by commissioner at end of section; 1972 act amended section to reflect transfer of parole power for entire board or quorum to panels and authorized panels to set special conditions for parole; P.A. 93-219 replaced the commissioner of correction with the chairman of the board as the official responsible for enforcement, recapture and detention, effective July 1, 1994; P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004. Cited. 132 C. 306; 162 C. 434; 170 C. 118; 171 C. 691; Id., 691; 172 C. 126. Cited. 4 CS 365. Rule of board which conflicted with Sec. 54-128(a) declared void. 27 CS 439.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-126a. - Testimony of crime victim at parole hearing. Notification to victim.

(a) For the purposes of this section, "victim" means a person who is a victim of a crime, the legal representative of such person, a member of a deceased victim's immediate family or a person designated by a deceased victim in accordance with section 1-56r. (b) (1) When a hearing is scheduled by the Board of Pardons and Paroles for the purpose of determining the eligibility for parole of an inmate incarcerated for the commission of any crime, the Office of Victim Services shall notify any victim of such crime who is registered with the board of the time, date and location of the hearing and include information that such victim may make a statement or submit a written statement pursuant to this section. (2) A panel of said board shall permit any victim of the crime for which the inmate is incarcerated to appear before the panel for the purpose of making a statement for the record concerning whether the inmate should be released on parole or the nature of any terms or conditions to be imposed upon any such release. In lieu of such appearance, the victim may submit a written statement to the panel and the panel shall make such statement a part of the record at the parole hearing. At any such hearing, the record shall reflect that all reasonable efforts to notify registered victims were undertaken. (c) If an inmate is scheduled to appear before the Board of Pardons and Paroles who (1) is serving an indeterminate sentence or a sentence for felony murder, and (2) was sentenced prior to July 1, 1981, the Office of Victim Services shall work with the Board of Pardons and Paroles to locate victims and victims' families and to notify them of the date, time and location of any parole hearing that is scheduled. If the victim of a crime committed by an inmate described in this subsection is a peace officer, and that peace officer is deceased, the Office of Victim Services shall notify the chief law enforcement officer of the town in which such crime occurred of the time, date and location of such hearing. (d) Nothing in this section shall be construed to prohibit the board from exercising its discretion to permit a member or members of a victim's immediate family to appear before the panel and make a statement in accordance with subsection (b) of this section. (P.A. 83-416; P.A. 85-566, S. 2; P.A. 91-389, S. 7, 12; P.A. 01-211, S. 9; P.A. 02-105, S. 14; P.A. 04-234, S. 2; Jan. Sp. Sess. P.A. 08-1, S. 13; June Sp. Sess. P.A. 15-2, S. 17; P.A. 16-193, S. 30.) History: P.A. 85-566 amended Subsec. (c) to replace provision that nothing in the section shall be construed to require the state to give notice to a victim of a scheduled parole hearing with provision that the board shall notify a victim of the date, time and place of the hearing if the victim requests notice and provides a current address; P.A. 91-389 amended Subsec. (a) to revise the definition of "victim" and deleted Subsec. (c) re the requirement that the board notify a victim who has requested notice of the date, time and place of the hearing, effective April 1, 1992; P.A. 01-211 amended Subsec. (a) to redefine "victim" and amended Subsec. (b) to make provisions applicable at a hearing for an inmate incarcerated for the commission of "any crime" rather than "a class A, B or C felony or a violation of section 53a-60a, 53a-60c, 53a-72b, 53a-103a or 53a-216"; P.A. 02-105 amended Subsec. (a) by adding a person designated by a victim pursuant to Sec. 1-56r to definition of "victim"; P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004; Jan. Sp. Sess. P.A. 08-1 added Subsec. (c) re board's discretion to permit a member or members of victim's immediate family to appear before panel and make a statement, effective January 25, 2008; June Sp. Sess. P.A. 15-2 amended Subsec. (b) by designating existing provisions re hearing for determining eligibility for parole as Subdiv. (1) and amending same to replace "At a hearing held by a panel of" with "When a hearing is scheduled by" and add provision re Office of Victim Services to notify any registered victim of the crime, and by designating existing provisions re appearance of victim as Subdiv. (2) and amending same to add provision re record to reflect all reasonable efforts to notify registered victims, added new Subsec. (c) re notification of victims and victims' families, and redesignated existing Subsec. (c) as Subsec. (d), effective July 1, 2015; P.A. 16-193 made a technical change in Subsec. (b)(2). See Sec. 54-220a re assignment of victim advocates to assist victims at hearings. Cited. 32 CA 438.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-127. - Rearrest.

The request of the Commissioner of Correction or any officer of the Department of Correction so designated by the commissioner, or of the Board of Pardons and Paroles or its chairman shall be sufficient warrant to authorize any officer of the Department of Correction or any officer authorized by law to serve criminal process within this state, to return any parolee on parole into actual custody; and any such officer, police officer, constable or state marshal shall arrest and hold any parolee when so requested, without any written warrant, and the commissioner shall make such request if the parolee is a serious firearm offender, as defined in section

53a-3, and is arrested while on parole for a felony offense, or if the parolee is arrested for a serious firearm offense as defined in section 53a-3. (1949 Rev., S. 8829; March, 1958, P.A. 27, S. 38; 1967, P.A. 152, S. 53; 1969, P.A. 271; 1971, P.A. 62; May Sp. Sess. P.A. 94-6, S. 22, 28; P.A. 00-99, S. 123, 154; P.A. 04-234, S. 2; 04-257, S. 123; P.A. 23-53, S. 40.) History: 1967 act, effective July 1, 1968, added correction commissioner to those authorized to request rearrest, deleted provision for parole board to authorize persons to so request and substituted officers of the correction department for officers of the board or the State Prison; 1969 act applied provisions to correction department officers designated by commissioner; 1971 act authorized chairman of board of parole to request custody; May Sp. Sess. P.A. 94-6 added “any officer of the board of parole designated by the chairman”, made technical changes and deleted provision pertaining to compensation, effective July 1, 1994; P.A. 00-99 replaced reference to sheriff with state marshal, effective December 1, 2000; P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004; P.A. 04-257 deleted “any officer of the Board of Parole designated by the chairman” from individuals authorized to request the return to custody of a convict or inmate and deleted an officer “of the Board of Parole” from officers authorized to return a convict or inmate to custody, effective June 14, 2004; P.A. 23-53 replaced references to “convict” or “inmate” with references to “parolee” and added provisions re serious firearm offender or parolee arrested for serious firearm offense.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-127a. - Parole revocation and rescission hearings.

All parole revocation and rescission hearings shall be conducted by an employee of the Board of Pardons and Paroles. The parole of a person who has been allowed to go on parole in accordance with subsection (a) of section 54-125a or section 54-125g, or who has been sentenced to a period of special parole in accordance with subdivision (9) of subsection (b) of section 53a-28, shall be revoked or rescinded if, after such hearing, the employee recommends such revocation or rescission and such recommendation is approved by at least two members of a panel of the board. (P.A. 04-234, S. 2, 6.) History: P.A. 04-234 effective June 8, 2004 (Revisor's note: Effective July 1, 2004, references to “Board of Parole” or “Board of Pardons” in the general statutes and in the public and special acts of 2003 and 2004 regular and special sessions of the General Assembly were replaced with “Board of Pardons and Paroles” pursuant to Sec. 2 of P.A. 04-234).

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-127b. - Petition re parolee or person serving probation who poses a serious threat to public safety.

Notwithstanding any provision of the general statutes, any peace officer who is a sworn member of a law enforcement agency or any prosecutorial official who is aware of any person released on parole or serving probation who poses a serious threat to public safety, may file an emergency petition with the supervisory staff of the probation or parole office, as applicable, and a copy of such petition with the office of the Chief State's Attorney. Such petition shall cite risk factors pointing to the person released on parole or serving probation as a serious threat to public safety and may present any information developed by federal, state and local law enforcement agencies in the course of a criminal investigation or enforcement action, including, but not limited to, social media posts, pictures or videos threatening violence, claiming responsibility for violence or suggesting possession of a firearm. Not later than forty-eight hours after receiving such petition, the supervisory staff of the probation or parole office, as applicable, shall (1) seek a warrant for such person serving probation for a violation of such probation, as applicable, or (2) provide the rationale for not taking an action described in subdivision (1) of this section. (P.A. 23-53, S. 42.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-128. - Period of confinement in correctional institution after parole violation.

(a) Any paroled inmate who has been returned to any institution of the Department of Correction for violation of such inmate's parole may be retained in a correctional institution for a period equal to the unexpired portion of the term of such inmate's sentence at the date of the request or order for such inmate's return less any commutation or diminution of such inmate's sentence earned, except that the Board of Pardons and Paroles may, in its discretion, determine that such inmate shall forfeit any or all of such earned time, or may be again paroled by said board. (b) Each parolee or inmate, subject to the provisions of section 18-7, shall be subject to loss of all or any portion of time earned. (c) Any person who, during the service of a period of special parole imposed in accordance with subdivision (9) of subsection (b) of section 53a-28, has been returned to any institution of the Department of Correction for violation of such person's parole, may be retained in a correctional institution for a period equal to the unexpired portion of the period of special parole. The total length of the term of incarceration and term of special parole combined shall not exceed the maximum sentence of incarceration authorized for the offense for which the person was convicted. (1949 Rev., S. 8830; 1957, P.A. 461, S. 5; 1967, P.A. 152, S. 54; P.A. 98-234, S. 4; P.A. 04-234, S. 2, 8; 04-257, S. 84, 124.) History: 1967 act, effective July 1, 1968, extended section to all correctional institutions rather than State Prison alone, added reference to correction commissioner and deleted restriction of subsection (b) to serious acts of insubordination and refusal to conform to prison or parole regulations; P.A. 98-234 added new Subsec. (c) re the period of time that a person who has violated his special parole may be retained in the institution from which he was paroled; P.A. 04-234 replaced where appearing “the institution from which he was paroled” with “a correctional institution” as the place where a returned inmate may be retained, amended Subsec. (a) to delete reference to a paroled “convict”, amended Subsec. (c) to delete provision re returning an inmate to “the custody of the Commissioner of Correction”, and made technical changes, effective June 8, 2004, and replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004; P.A. 04-257 amended Subsec. (a) to delete reference to a paroled “convict”, delete provision re returning an inmate to “the

custody of the Commissioner of Correction”, replace “the institution from which he was paroled” with “a correctional institution” as the place where a returned inmate may be retained and make technical changes for purposes of gender neutrality, and made a technical change in Subsec. (c), effective June 14, 2004. For purposes of determining amount of diminution for good time earned or its forfeiture, sentences imposed under several counts are to be regarded as one continuous term. 129 C. 164. It is for court, not Board of Parole, to determine whether second sentence given parolee shall run concurrently or consecutively with unexpired portion of first. 132 C. 307. Cited. 162 C. 434; 170 C. 129; 172 C. 126; 184 C. 222; 213 C. 38. Cited. 12 CA 1. Cited. 4 CS 365; 11 CS 284; 13 CS 309. Sentence runs for parolee until date of order for return. 16 CS 22. Cited. Id., 80. When prisoner was returned for violation of parole, term he was to serve should have been computed by subtracting, from time he was to serve, period he had served up to date of order for his return as parole violator. 27 CS 439. When a man is returned to prison for parole violation, he may be held only for the balance of time after the date of the issuance of the order for his return. 32 CS 190. Subsec. (c): When sentencing provisions of Sec. 54-125e(c) and Subsec. conflict, legislature intended the maximum statutory limit in Subsec. to control; defendant's sentence of 10 years of imprisonment followed by 10 years of special parole violated Subsec. and was an illegal sentence because total length of terms of imprisonment and special parole combined exceeded maximum term of imprisonment authorized for sexual assault in the second degree by Sec. 53a-35a(6) and Sec. 53a-71(b). 279 C. 527. Sec. 54-125e(c) can be given effect only to the extent that it does not conflict with Subsec. 292 C. 417.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-129. - Discharge of paroled prisoner.

(a) If it appears to the appropriate panel of the Board of Pardons and Paroles that any person on parole or inmate eligible for parole or any person serving a period of special parole will lead an orderly life, the panel, by a unanimous vote, may (1) declare such person on parole or inmate discharged from the custody of the Commissioner of Correction, or (2) at any time during such person's period of special parole, terminate such period, without a court order, before such person completes such period. (b) Whenever any inmate has been discharged from the custody of the Commissioner of Correction or whenever any person's period of special parole has been terminated, the chairperson shall issue a certificate to that effect under the seal of the Board of Pardons and Paroles. (1949 Rev., S. 8831; 1957, P.A. 461, S. 6; 1967, P.A. 152, S. 55; 1972, P.A. 25, S. 3; P.A. 04-234, S. 2; P.A. 18-63, S. 3; P.A. 19-84, S. 2.) History: 1967 act, effective July 1, 1968, substituted custody of correction commissioner for “said prison” and provided certificate be signed by chairman of board of parole and commissioner rather than executive secretary of board and warden; 1972 act applied provisions to persons eligible for parole and transferred duties formerly held by entire parole board or quorum to panels of board; P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004; P.A. 18-63 added reference to special parole and made technical changes; P.A. 19-84 designated existing provisions re convict or inmate eligible for parole or special parole as Subsec. (a) and substantially amended same including by replacing “convict or inmate” with “person”, deleting “of all the members present at any regular meeting of the panel,”, designating existing provision re discharge from custody and amending same by replacing “convict” with “person on parole”, deleting “and shall thereupon deliver to him or her a written”, and adding Subdiv. (2) re termination of period of special parole without court order, designated existing provisions re certificate as Subsec. (b) and amended same by adding provision re discharge from custody of commissioner or termination of period of special parole, and deleting provision re signing by chairperson of board and commissioner, and made technical and conforming changes, effective July 1, 2019. Cited. 170 C. 129; 213 C. 38. Cited. 8 CA 656. Cited. 4 CS 365; 16 CS 80.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-129a. - Termination of special parole determination. Notification to victim. Statement of victim.

Prior to the Board of Pardons and Paroles terminating a person's period of special parole pursuant to section 54-129, (1) the Office of Victim Services within the Judicial Department shall notify the victim of the crime for which the person is serving a period of special parole who is registered with the Office of Victim Services within the Judicial Department, and (2) the Victim Services Unit within the Department of Correction shall notify the victim of the crime for which the person is serving a period of special parole who is registered with the Victim Services Unit within the Department of Correction, of the board's intent to consider the termination of such person's period of special parole. Any victim may submit a statement to the board concerning whether such person's period of special parole should be terminated. For the purposes of this section, “victim” means a victim, as defined in section 54-126a. (P.A. 19-84, S. 1; P.A. 23-46, S. 8.) History: P.A. 23-46 redesignated notice provision from Office of Victim Services Unit within Judicial Department as Subdiv. (1) and made technical changes and added Subdiv. (2) re notice to victim from Victim Services Unit within Department of Correction.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-130. - State Prison for Women not covered.

Section 54-130 is repealed. (1957, P.A. 461, S. 7; 1967, P.A. 152, S. 56.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-130a. (Formerly Sec. 18-26). - Jurisdiction and authority of board to grant commutations of punishment, releases, pardons and certificates of rehabilitation.

(a) Jurisdiction over the granting of, and the authority to grant, commutations of punishment or releases, conditioned or absolute, in the case of any person convicted of any offense against the state and commutations from the penalty of death shall be vested in the Board of Pardons and Paroles. (b) The board shall have authority to grant pardons, conditioned, provisional or absolute, or certificates of rehabilitation for any offense against the state at any time after the imposition and before or after the service of any sentence. (c) The board may accept an application for a pardon three years after an applicant's conviction of a misdemeanor or violation and five years after an applicant's conviction of a felony, except that the board, upon a finding of extraordinary circumstances, may accept an application for a pardon prior to such dates. (d) Prior to holding a session to consider whether to grant any commutation of punishment, release or pardon in the case of any person convicted of any offense against the state, the board shall, upon written request, provide the state's attorney for the jurisdictional district in which any conviction for such offense was obtained with a copy of the convicted person's application, any materials and documentation filed in support thereof, except for any information contained in the application, materials and documentation that are confidential, privileged and nondisclosable pursuant to state or federal law, any information obtained by the board about the convicted person pursuant to section 54-130c, and shall permit such state's attorney, or such state's attorney's designee, to appear at such session for the purpose of making a statement for the record concerning whether the convicted person should be granted any such commutation of punishment, release or pardon. (e) Whenever the board grants an absolute pardon to any person, the board shall cause notification of such pardon to be made in writing to the clerk of the court in which such person was convicted, or the Office of the Chief Court Administrator if such person was convicted in the Court of Common Pleas, the Circuit Court, a municipal court, or a trial justice court. (f) Whenever the board grants a provisional pardon or a certificate of rehabilitation to any person, the board shall cause notification of such provisional pardon or certificate of rehabilitation to be made in writing to the clerk of the court in which such person was convicted. The granting of a provisional pardon or a certificate of rehabilitation does not entitle such person to erasure of the record of the conviction of the offense or relieve such person from disclosing the existence of such conviction as may be required. (g) In the case of any person convicted of a violation for which a sentence to a term of imprisonment may be imposed, the board shall have authority to grant a pardon, conditioned, provisional or absolute, or a certificate of rehabilitation in the same manner as in the case of any person convicted of an offense against the state. (h) The board shall not deny any application for a pardon, unless the board provides a statement in writing to the applicant of the factors considered when determining whether the applicant qualified for the pardon and an explanation as to which factors were not satisfied. (1949 Rev., S. 3020; 1959, P.A. 410, S. 4; P.A. 74-163, S. 5; P.A. 76-388, S. 5, 6; 76-436, S. 10a, 595, 681; P.A. 04-234, S. 2; P.A. 06-187, S. 86; P.A. 07-57, S. 1; P.A. 14-27, S. 1; P.A. 21-32, S. 2; P.A. 23-47, S. 11.) History: 1959 act extended jurisdiction in Subsec. (a) from cases of persons confined in State Prison to persons convicted of any offense against the state; P.A. 74-163 added Subsec. (c) re notice of absolute pardon; P.A. 76-388 included circuit court and replaced "chief clerk" of court of common pleas with "chief judge" in Subsec. (c); P.A. 76-436 replaced "chief judge of common pleas court" with "office of the chief court administrator", effective July 1, 1978; P.A. 04-234 replaced Board of Pardons with Board of Pardons and Paroles, effective July 1, 2004; Sec. 18-26 transferred to Sec. 54-130a in 2005; P.A. 06-187 amended Subsec. (b) to authorize board to grant "provisional" pardons, amended Subsec. (c) to provide that the "board", rather than the "secretary of said board", shall cause notification to be made and added Subsec. (d) to require that board cause written notification of the granting of provisional pardon to be made to clerk of the court in which the person granted such pardon was convicted and provide that granting of provisional pardon does not entitle the person to erasure of conviction record or relieve person from disclosing existence of conviction as may be required; P.A. 07-57 made a technical change in Subsec. (b), added new Subsec. (c) authorizing board to accept a pardon application 3 years after a misdemeanor or violation conviction and 5 years after a felony conviction or prior to such dates if extraordinary circumstances are found, redesignated existing Subsecs. (c) and (d) as Subsecs. (d) and (e) and added new Subsec. (f) authorizing board to grant a pardon to a person convicted of a violation for which a sentence to a term of imprisonment may be imposed in the same manner as a person convicted of an offense against the state; P.A. 14-27 amended Subsecs. (b), (e) and (f) to add references to certificates of rehabilitation; P.A. 21-32 added Subsec. (g) re written statement and explanation when application is denied, effective January 1, 2023; P.A. 23-47 added new Subsec. (d) re provision of application and documentation to and involvement of a state's attorney and redesignated existing Subsecs. (d) to (g) as Subsecs. (e) to (h).

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-130b. (Formerly Sec. 18-26a). - Commutation of punishment and deportation of inmates who are aliens.

(a) The Board of Pardons and Paroles shall enter into an agreement with the United States Immigration and Naturalization Service for the deportation of persons incarcerated in correctional facilities in the state who are aliens upon the conditioned commutation of their punishment by said board. (b) The Board of Pardons and Paroles may grant a commutation of punishment in the case of any person incarcerated in a correctional facility in the state who is an alien and transfer such person to the United States Immigration and Naturalization Service for deportation in accordance with the agreement entered into pursuant to subsection (a) of this section provided such person agrees not to contest his criminal conviction and deportation. (P.A. 95-162; P.A. 04-234, S. 2.) History: P.A. 04-234 replaced Board of Pardons with Board of Pardons and Paroles, effective July 1, 2004; Sec. 18-26a transferred to Sec. 54-130b in 2005.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-130c. (Formerly Sec. 18-30). - Information about prisoner.

Said board may institute inquiries by correspondence or otherwise as to the previous history or character of any prisoner, and each prosecuting officer, judge, police officer or other person shall give said board, upon request, such information as he may possess with reference to the habits, disposition, career and associates of any prisoner. (1949 Rev., S. 3024.) History: Sec. 18-30 transferred to Sec. 54-130c in 2005.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-130d. (Formerly Sec. 18-27a). - Testimony of crime victim at session of board. Notification of Office of Victim Services of board's action.

(a) For the purposes of this section, "victim" means a person who is a victim of a crime, the legal representative of such person or a member of a deceased victim's immediate family. (b) At a session held by the Board of Pardons and Paroles to consider whether to grant a commutation of punishment or release, conditioned or absolute, a commutation from the penalty of death or a pardon, conditioned or absolute, to any person convicted of any crime, the board shall permit any victim of the crime for which the person was convicted to appear before the board for the purpose of making a statement for the record concerning whether the convicted person should be granted such commutation, release or pardon. In lieu of such appearance, the victim may submit a written statement to the board and the board shall make such statement a part of the record at the session. (c) If the Board of Pardons and Paroles is prepared to grant a commutation of punishment or release, conditioned or absolute, a commutation from the penalty of death or a pardon, conditioned or absolute, to a person convicted of an offense involving the use, attempted use or threatened use of physical force against another person or resulting in the physical injury, serious physical injury or death of another person, it shall make reasonable efforts to locate and notify any victim of the crime for which such person was convicted prior to granting such commutation, release or pardon and shall permit such victim to appear before the board and make a statement or submit a statement as provided in subsection (b) of this section. (d) Upon the granting to any person of a commutation of punishment or release, conditioned or absolute, a commutation from the penalty of death or a pardon, conditioned or absolute, the Board of Pardons and Paroles shall forthwith notify the Office of Victim Services of its action. (P.A. 91-389, S. 8, 12; P.A. 99-247, S. 3; P.A. 01-211, S. 8; P.A. 04-234, S. 2.) History: P.A. 91-389, S. 8 effective April 1, 1992; (Revisor's note: In 1995 the reference to "Commission on Victim Services" in Subsec. (c) was changed editorially by the Revisors to "Office of Victim Services" to carry out the provisions of Public Act 93-310); P.A. 99-247 added new Subsec. (c) to require the board to make reasonable efforts to locate and notify any victim of a crime of violence prior to granting the person convicted of such crime a commutation, release or pardon and to permit such victim to appear before the board and make or submit a statement, relettering former Subsec. (c) as Subsec. (d); P.A. 01-211 amended Subsec. (a) to redefine "victim" as "a person who is a victim of a crime, the legal representative of such person or a member of a deceased victim's immediate family" rather than "the victim, the legal representative of the victim or a member of a deceased victim's immediate family", amended Subsec. (b) to make provisions applicable at a session for a person convicted of "any crime" rather than "a class A, B or C felony or a violation of section 53a-60a, 53a-60c, 53a-72b, 53a-103a or 53a-216" and amended Subsec. (c) to make provisions applicable with respect to a person convicted of an offense "resulting in the physical injury, serious physical injury or death of another person"; P.A. 04-234 replaced Board of Pardons with Board of Pardons and Paroles, effective July 1, 2004; Sec. 18-27a transferred to Sec. 54-130d in 2005.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-130e. - Provisional pardons. Certificates of rehabilitation.

(a) For the purposes of this section and sections 31-51i, 46a-80, 54-108f, 54-130a and 54-301: (1) "Barrier" means a denial of employment or a license based on an eligible offender's conviction of a crime without due consideration of whether the nature of the crime bears a direct relationship to such employment or license; (2) "Direct relationship" means that the nature of criminal conduct for which a person was convicted has a direct bearing on the person's fitness or ability to perform one or more of the duties or responsibilities necessarily related to the applicable employment or license; (3) "Certificate of rehabilitation" means a form of relief from barriers or forfeitures to employment or the issuance of licenses, other than a provisional pardon, that is granted to an eligible offender by (A) the Board of Pardons and Paroles pursuant to this section, or (B) the Court Support Services Division of the Judicial Branch pursuant to section 54-108f; (4) "Eligible offender" means a person who has been convicted of a crime or crimes in this state or another jurisdiction and who is a resident of this state and (A) is applying for a provisional pardon or is under the jurisdiction of the Board of Pardons and Paroles, or (B) with respect to a certificate of rehabilitation under section 54-108f, is under the supervision of the Court Support Services Division of the Judicial Branch at the time of such person's application; (5) "Employment" means any remunerative work, occupation or vocation or any form of vocational training, but does not include employment with a law enforcement agency; (6) "Forfeiture" means a disqualification or ineligibility for employment or a license by reason of law based on an eligible offender's conviction of a crime; (7) "License" means any license, permit, certificate or registration that is required to be issued by the state or any of its agencies to pursue, practice or engage in an occupation, trade, vocation, profession or business; and (8) "Provisional pardon" means a form of relief from barriers or forfeitures to employment or the issuance of licenses granted to an eligible offender by the Board of Pardons and Paroles pursuant to subsections (b) to (i), inclusive, of this section. (b) The Board of Pardons and Paroles may issue a provisional pardon or a certificate of rehabilitation to relieve an eligible offender of barriers or forfeitures by reason of such person's conviction of the crime or crimes specified in such provisional pardon or certificate of rehabilitation. Such provisional pardon or certificate of rehabilitation may be limited to one or more enumerated barriers or forfeitures or may relieve the eligible offender of all barriers and forfeitures. Such certificate of rehabilitation shall be labeled by the

board as a “Certificate of Employability” or a “Certificate of Suitability for Licensure”, or both, as deemed appropriate by the board. No provisional pardon or certificate of rehabilitation shall apply or be construed to apply to the right of such person to retain or be eligible for public office. (c) The Board of Pardons and Paroles may, in its discretion, issue a provisional pardon or a certificate of rehabilitation to an eligible offender upon verified application of such eligible offender. The board may issue a provisional pardon or a certificate of rehabilitation at any time after the sentencing of an eligible offender, including, but not limited to, any time prior to the eligible offender's date of release from the custody of the Commissioner of Correction, probation or parole. Such provisional pardon or certificate of rehabilitation may be issued by a pardon panel of the board or a parole release panel of the board. (d) The board shall not issue a provisional pardon or a certificate of rehabilitation unless the board is satisfied that: (1) The person to whom the provisional pardon or the certificate of rehabilitation is to be issued is an eligible offender; (2) The relief to be granted by the provisional pardon or the certificate of rehabilitation may promote the public policy of rehabilitation of ex-offenders through employment; and (3) The relief to be granted by the provisional pardon or the certificate of rehabilitation is consistent with the public interest in public safety, the safety of any victim of the offense and the protection of property. (e) In accordance with the provisions of subsection (d) of this section, the board may limit the applicability of the provisional pardon or the certificate of rehabilitation to specified types of employment or licensure for which the eligible offender is otherwise qualified. (f) The board may, for the purpose of determining whether such provisional pardon or certificate of rehabilitation should be issued, request its staff to conduct an investigation of the applicant and submit to the board a report of the investigation. Any written report submitted to the board pursuant to this subsection shall be confidential and shall not be disclosed except to the applicant and where required or permitted by any provision of the general statutes or upon specific authorization of the board. (g) If a provisional pardon or a certificate of rehabilitation is issued by the board pursuant to this section before an eligible offender has completed service of the offender's term of incarceration, probation, parole or special parole, or any combination thereof, the provisional pardon or the certificate of rehabilitation shall be deemed to be temporary until the eligible offender completes such eligible offender's term of incarceration, probation, parole or special parole. During the period that such provisional pardon or certificate of rehabilitation is temporary, the board may revoke such provisional pardon or certificate of rehabilitation for a violation of the conditions of such eligible offender's probation, parole or special parole. After the eligible offender completes such eligible offender's term of incarceration, probation, parole or special parole, the temporary provisional pardon or certificate of rehabilitation shall become permanent. (h) The board may at any time issue a new provisional pardon or certificate of rehabilitation to enlarge the relief previously granted, and the provisions of subsections (b) to (f), inclusive, of this section shall apply to the issuance of any new provisional pardon or certificate of rehabilitation. (i) The application for a provisional pardon or a certificate of rehabilitation, the report of an investigation conducted pursuant to subsection (f) of this section, the provisional pardon or the certificate of rehabilitation and the revocation of a provisional pardon or a certificate of rehabilitation shall be in such form and contain such information as the Board of Pardons and Paroles shall prescribe. (j) If a provisional pardon or certificate of rehabilitation issued under this section or section 54-108f is revoked, the barriers and forfeitures thereby relieved shall be reinstated as of the date the person to whom the provisional pardon or certificate of rehabilitation was issued receives written notice of the revocation. Any such person shall surrender the provisional pardon or certificate of rehabilitation to the issuing board or division upon receipt of the notice. (k) The board may revoke a permanent provisional pardon or certificate of rehabilitation if the board is notified or becomes aware that the person to whom it was issued was convicted of a crime, as defined in section 53a-24, after the issuance of the provisional pardon or certificate of rehabilitation. Nothing in this subsection shall require the board to continue monitoring the criminal activity of any person to whom the board has issued a provisional pardon or certificate of rehabilitation but who is no longer under parole or special parole supervision. (l) Not later than October 1, 2015, and annually thereafter, the board shall submit to the Office of Policy and Management and the Connecticut Sentencing Commission, in such form as the office may prescribe, data on the number of applications received for provisional pardons and certificates of rehabilitation, the number of applications denied, the number of applications granted and the number of provisional pardons and certificates of rehabilitation revoked. (P.A. 06-187, S. 84, 85; P.A. 14-27, S. 2; P.A. 21-104, S. 50; P.A. 22-26, S. 33.) History: P.A. 14-27 added provisions re certificate of rehabilitation throughout, amended Subsec. (a) to add references to Secs. 54-108f and 54-301, add new Subdiv. (2) defining “direct relationship”, add new Subdiv. (3) defining “certificate of rehabilitation”, redesignate existing Subdivs. (2) to (6) as Subdivs. (4) to (8) and redefine “eligible offender” in redesignated Subdiv. (4), amended Subsec. (c) to add provisions re issuance at any time prior to eligible offender's date of release and re issuance by panel, amended Subsec. (d)(3) to add provision re safety of any victim of offense, amended Subsec. (g) to add provisions re issuance before eligible offender has completed service of term and re when temporary provisional pardon or certificate of rehabilitation becomes permanent, added Subsec. (j) re revocation of temporary certificate of rehabilitation, added Subsec. (k) re revocation of provisional pardon or certificate of rehabilitation, added Subsec. (l) re submission of data to Office of Policy and Management and Connecticut Sentencing Commission, and made technical and conforming changes; P.A. 21-104 amended Subsec. (g) to add references to special parole, amended Subsec. (j) to replace “temporary certificate of rehabilitation” with “provisional pardon or certificate of rehabilitation” and make a technical change, and amended Subsec. (k) to change “shall” to “may” re revocation and “provisional pardon” to “permanent provisional pardon”, add proviso re board notified or becomes aware, add provision re continued monitoring, and make a technical change, effective June 28, 2021; P.A. 22-26 amended Subsec. (a)(4) to redefine “eligible offender”, effective May 10, 2022.

Not later than January 1, 2016, the Board of Pardons and Paroles shall develop a pardon eligibility notice containing written explanatory text of the pardons process set forth in this chapter. The board, in conjunction with the Judicial Department and Department of Correction, shall ensure that such notice is provided to a person at the time such person (1) is sentenced, (2) is released by the Department of Correction, including any pretrial release pursuant to section 18-100f, (3) has completed or been discharged from a period of parole, and (4) has completed a period of probation or conditional discharge pursuant to section 53a-29 or 53a-33. The board shall update such notice as deemed necessary by the board. (June Sp. Sess. P.A. 15-2, S. 10.) History: June Sp. Sess. P.A. 15-2 effective July 1, 2015.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-130g. - Pardon for violation of certain provisions of section 53a-61aa or 53a-62. Criteria.

The Board of Pardons and Paroles shall grant an absolute pardon to any person who applies for such pardon with respect to a conviction of a violation of subdivision (4) of subsection (a) of section 53a-61aa or subdivision (3) of subsection (a) of section 53a-62, if (1) such person committed such offense prior to attaining the age of eighteen years, (2) at least three years have elapsed from the date of such conviction or such person's discharge from the supervision of the court or the care of any institution or agency to which such person has been committed by the court, whichever is later, (3) such person has no subsequent juvenile proceeding or adult criminal proceeding that is pending, (4) such person has attained the age of eighteen years, and (5) such person has not been convicted as an adult of a felony or misdemeanor during the three-year period specified in subdivision (2) of this section. (P.A. 16-67, S. 8.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-131. - Employment of paroled or discharged prisoners. Interviews.

Community Partners in Action and the Commissioner of Correction shall make all reasonable efforts to secure employment and provide directly or by contract other necessary services for any convict or inmate paroled or discharged from the custody of the commissioner and any institution of the Department of Correction, and the agents of said association are authorized, in carrying out this duty, to interview inmates of said correctional institutions prior to discharge. (1949 Rev., S. 8832; 1949, S. 3330d; 1963 P.A. 642, S. 77; 1967, P.A. 152, S. 57; P.A. 15-14, S. 39.) History: 1963 act substituted state jails for county jails; 1967 act, effective July 1, 1968, substituted correction commissioner for parole board and substituted department institutions for State Prison, reformatory and jails; P.A. 15-14 replaced "The Connecticut Prison Association" with "Community Partners in Action". See Sec. 18-81c re Community Partners in Action. Cited. 170 C. 129. Cited. 4 CS 365; 27 CS 327.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-131a. - Release of inmate on medical parole.

The Board of Pardons and Paroles may determine, in accordance with sections 54-131a to 54-131g, inclusive, when and under what conditions an inmate serving any sentence of imprisonment may be released on medical parole. (P.A. 89-383, S. 6, 16; P.A. 04-234, S. 2.) History: P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-131b. - Eligibility for medical parole.

The Board of Pardons and Paroles may release on medical parole any inmate serving any sentence of imprisonment, except an inmate convicted of a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, or murder with special circumstances under the provisions of section 53a-54b in effect on or after April 25, 2012, who has been diagnosed pursuant to section 54-131c as suffering from a terminal condition, disease or syndrome, and is so debilitated or incapacitated by such condition, disease or syndrome as to be physically incapable of presenting a danger to society. Notwithstanding any provision of the general statutes to the contrary, the Board of Pardons and Paroles may release such inmate at any time during the term of such inmate's sentence. (P.A. 89-383, S. 7, 16; P.A. 04-234, S. 2; P.A. 12-5, S. 34.) History: P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004; P.A. 12-5 added reference to provisions of Sec. 53a-54b in effect prior to April 25, 2012, re capital felony, added reference to murder with special circumstances under Sec. 53a-54b and made technical changes, effective April 25, 2012.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-131c. - Medical diagnosis.

A diagnosis that an inmate is suffering from a terminal condition, disease or syndrome shall be made by a physician licensed under chapter 370 and shall include but need not be limited to (1) a description of such terminal condition, disease or syndrome, (2) a prognosis concerning the likelihood of recovery from such condition, disease or syndrome and (3) a description of the inmate's physical incapacity. A diagnosis made by a physician other than one employed by the Department of Correction or a hospital or medical facility used by the Department of Correction for medical treatment of inmates may be reviewed by a physician appointed by the Commissioner of Correction or reviewed by the medical director of the Department of Correction. For purposes of this section "terminal condition, disease or syndrome" includes, but is not limited to, any prognosis by a licensed physician that the

inmate has six months or less to live. (P.A. 89-383, S. 8, 16.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-131d. - Conditions of release on medical parole.

(a) The Board of Pardons and Paroles shall require as a condition of release on medical parole that the parolee agree to placement and that he is able to be placed for a definite or indefinite period of time in a hospital or hospice or other housing accommodation suitable to his medical condition, including his family's home, as specified by the board. (b) The Board of Pardons and Paroles may require as a condition of release on medical parole periodic diagnoses as described in section 54-131c. If after review of such diagnoses the board finds that a parolee released pursuant to sections 54-131a to 54-131g, inclusive, is no longer so debilitated or incapacitated as to be physically incapable of presenting a danger to society, such parolee shall be returned to any institution of the Department of Correction. (P.A. 89-383, S. 9, 16; P.A. 04-234, S. 2; 04-257, S. 125.) History: P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004; P.A. 04-257 amended Subsec. (b) to provide that a parolee shall be returned to "any institution" of the Department of Correction rather than to "the custody" of said department, effective June 14, 2004.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-131e. - Requests for medical diagnosis.

A request for a medical diagnosis in order to determine eligibility for medical parole under sections 54-131a to 54-131g, inclusive, may be made by the Board of Pardons and Paroles, the Commissioner of Correction, or a correctional institution warden or superintendent, or by request made to the board, commissioner, warden or superintendent by an inmate, an inmate's spouse, parent, guardian, grandparent, aunt or uncle, sibling, child over the age of eighteen years, or attorney. (P.A. 89-383, S. 10, 16; P.A. 04-234, S. 2.) History: P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-131f. - Special panel. Emergency review.

The Board of Pardons and Paroles may appoint a special panel to implement the provisions of sections 54-131a to 54-131g, inclusive. The board or special panel shall review and decide requests for medical parole under said sections on an emergency basis, and in all cases shall act in as expeditious a manner as possible. (P.A. 89-383, S. 11, 16; P.A. 04-234, S. 2.) History: P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-131g. - Effect on parole or other release.

The provisions of sections 54-131a to 54-131f, inclusive, shall not affect an inmate's eligibility for any other form of parole or release provided by law. (P.A. 89-383, S. 12, 16.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-131k. - Compassionate parole release.

(a) The Board of Pardons and Paroles may grant a compassionate parole release to any inmate serving any sentence of imprisonment, except an inmate convicted of a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, or murder with special circumstances under the provisions of section 53a-54b in effect on or after April 25, 2012, if it finds that such inmate (1) is so physically or mentally debilitated, incapacitated or infirm as a result of advanced age or as a result of a condition, disease or syndrome that is not terminal as to be physically incapable of presenting a danger to society, and (2) (A) has served not less than one-half of such inmate's definite or aggregate sentence, or (B) has served not less than one-half of such inmate's remaining definite or aggregate sentence after commutation of the original sentence by the Board of Pardons and Paroles. (b) Any person granted a compassionate parole release pursuant to this section shall be released subject to such terms and conditions as may be established by the Board of Pardons and Paroles and shall be supervised by the Department of Correction. (P.A. 04-234, S. 2, 28; P.A. 12-5, S. 35.) History: P.A. 04-234 effective June 8, 2004 (Revisor's note: Effective July 1, 2004, references to "Board of Parole" or "Board of Pardons" in the general statutes and in the public and special acts of the 2003 and 2004 regular and special sessions of the General Assembly were replaced with "Board of Pardons and Paroles" pursuant to Sec. 2 of P.A. 04-234); P.A. 12-5 amended Subsec. (a) to add reference to provisions of Sec. 53a-54b in effect prior to April 25, 2012, re capital felony, add reference to murder with special circumstances under Sec. 53a-54b and make a technical change, effective April 25, 2012.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-132. - Definitions.

Section 54-132 is repealed, effective June 19, 2002.* (1951, S. 3346d; 1957, P.A. 340; 1963, P.A. 642, S. 78; P.A. 00-185, S. 4, 5.) *Note: P.A. 00-185 repealed this section effective "July 1, 2001, or upon enactment of the Interstate Compact for Adult Offender Supervision by thirty-five jurisdictions, whichever is later"; Pennsylvania became the thirty-fifth enacting jurisdiction on June 19, 2002.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-133. - Interstate Compact for Adult Offender Supervision.

The Interstate Compact for Adult Offender Supervision is hereby enacted into law and entered into by this state with all jurisdictions legally joining therein, in the form substantially as follows: **ARTICLE I PURPOSE** The compacting states to this Interstate Compact recognize that each state is responsible for the supervision of adult offenders in the community who are authorized pursuant to the bylaws and rules of this compact to travel across state lines both to and from each compacting state in such a manner as to: Track the location of offenders, transfer supervision authority in an orderly and efficient manner, and when necessary return offenders to the originating jurisdictions. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 USC Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime. It is the purpose of this compact and the Interstate Commission created hereunder, through means of joint and cooperative action among the compacting states: To provide the framework for the promotion of public safety and protect the rights of victims through the control and regulation of the interstate movement of offenders in the community; to provide for the effective tracking, supervision and rehabilitation of these offenders by the sending and receiving states; and to equitably distribute the costs, benefits and obligations of the compact among the compacting states. In addition, this compact will: Create an Interstate Commission which will establish uniform procedures to manage the movement between states of adults placed under community supervision and released to the community under the jurisdiction of courts, paroling authorities, corrections or other criminal justice agencies which will promulgate rules to achieve the purpose of this compact; ensure an opportunity for input and timely notice to victims and to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; establish a system of uniform data collection, access to information on active cases by authorized criminal justice officials and regular reporting of compact activities to heads of state councils, state executive, judicial and legislative branches and criminal justice administrators; monitor compliance with rules governing interstate movement of offenders and initiate interventions to address and correct noncompliance; and coordinate training and education regarding regulation of interstate movement of offenders for officials involved in such activity. The compacting states recognize that there is no right of any offender to live in another state and that duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any offender under supervision subject to the provisions of this compact and bylaws and rules promulgated hereunder. It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and are therefore public business.

ARTICLE II DEFINITIONS As used in this compact, unless the context clearly requires a different construction: A. "Adult" means both individuals legally classified as adults and juveniles treated as adults by court order, statute or operation of law. B. "Bylaws" means those bylaws established by the Interstate Commission for its governance or for directing or controlling the Interstate Commission's actions or conduct. C. "Compact administrator" means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the state council under this compact. D. "Compacting state" means any state which has enacted the enabling legislation for this compact. E. "Commissioner" means the voting representative of each compacting state appointed pursuant to Article III of this compact. F. "Interstate Commission" means the Interstate Commission for Adult Offender Supervision established by this compact. G. "Member" means the commissioner of a compacting state or designee, who shall be a person officially connected with the commissioner. H. "Noncompacting state" means any state which has not enacted the enabling legislation for this compact. I. "Offender" means an adult placed under, or subject to, supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections or other criminal justice agencies. J. "Person" means any individual, corporation, business enterprise, or other legal entity, either public or private. K. "Rules" means acts of the Interstate Commission, duly promulgated pursuant to Article VII of this compact, substantially affecting interested parties in addition to the Interstate Commission, which shall have the force and effect of law in the compacting states. L. "State" means a state of the United States, the District of Columbia and any other territorial possession of the United States. M. "State Council" means the resident members of the State Council for Interstate Adult Offender Supervision created by each state under Article III of this compact.

ARTICLE III THE COMPACT COMMISSION A. The compacting states hereby create the "Interstate Commission for Adult Offender Supervision". The Interstate Commission shall be a body corporate and joint agency of the compacting states. The Interstate Commission shall have all the responsibilities, powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact. B. The Interstate Commission shall consist of commissioners selected and appointed by resident members of a State Council for Interstate Adult Offender Supervision for each state. While each member state may determine the membership of its own State Council, its membership must include at least one representative from the legislative, judicial and executive branches of government, victims groups and compact administrators. Each State Council shall appoint as its commissioner the compact administrator from that state to serve on the Interstate Commission in such capacity under or pursuant to applicable law of the member state. Each compacting state retains the right to determine the qualifications of the compact administrator who shall be appointed by the State Council or by the Governor in consultation with the legislature and the judiciary. In addition to appointment of its commissioner to the Interstate Commission, each State Council shall exercise oversight and advocacy concerning its participation in Interstate Commission activities and other duties as may be determined by each member state, including, but not limited to, development of policy concerning operations and procedures of the compact within that state. C. In addition to the commissioners who are the voting representatives of each state, the Interstate Commission shall include

individuals who are not commissioners but who are members of interested organizations; such noncommissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims. All noncommissioner members of the Interstate Commission shall be ex officio, nonvoting, members. The Interstate Commission may provide in its bylaws for such additional, ex officio, nonvoting members as it deems necessary. D. Each compacting state represented at any meeting of the Interstate Commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission. E. The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of twenty-seven or more compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public. F. The Interstate Commission shall establish an executive committee which shall include commission officers, members and others as shall be determined by the bylaws. The executive committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the compact. The executive committee oversees the day-to-day activities managed by the executive director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its bylaws and as directed by the Interstate Commission and performs other duties as directed by the Interstate Commission or set forth in the bylaws.

ARTICLE IV POWERS AND DUTIES OF THE INTERSTATE COMMISSION The Interstate Commission shall have the following powers: 1. To adopt a seal and suitable bylaws governing the management and operation of the Interstate Commission. 2. To promulgate rules which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact. 3. To oversee, supervise and coordinate the interstate movement of offenders subject to the terms of this compact and any bylaws adopted and rules promulgated by the compact commission. 4. To enforce compliance with compact provisions, Interstate Commission rules, and bylaws, using all necessary and proper means including, but not limited to, the use of judicial process. 5. To establish and maintain offices. 6. To purchase and maintain insurance and bonds. 7. To borrow, accept or contract for services of personnel, including, but not limited to, members and their staffs. 8. To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder. 9. To elect or appoint such officers, attorneys, employees, agents or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation and qualifications of personnel. 10. To accept any and all donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of same. 11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal or mixed. 12. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed. 13. To establish a budget and make expenditures and levy dues as provided in Article IX of this compact. 14. To sue and be sued. 15. To provide for dispute resolution among compacting states. 16. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact. 17. To report annually to the legislatures, governors, judiciary and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission. 18. To coordinate education, training and public awareness regarding the interstate movement of offenders for officials involved in such activity. 19. To establish uniform standards for the reporting, collecting and exchanging of data.

ARTICLE V ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

Section A. Bylaws 1. The Interstate Commission shall, by a majority of the members, within twelve months of the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to: a. Establishing the fiscal year of the Interstate Commission; b. Establishing an executive committee and such other committees as may be necessary; c. Providing reasonable standards and procedures: (i) For the establishment of committees, and (ii) governing any general or specific delegation of any authority or function of the Interstate Commission; d. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting; e. Establishing the titles and responsibilities of the officers of the Interstate Commission; f. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Interstate Commission. Notwithstanding any civil service or other similar laws of any compacting state, the bylaws shall exclusively govern the personnel policies and programs of the Interstate Commission; g. Providing a mechanism for winding up the operations of the Interstate Commission and the equitable return of any surplus funds that may exist upon the termination of the compact after the payment and/or reserving of all of its debts and obligations; h. Providing transition rules for "start up" administration of the compact; and i. Establishing standards and procedures for compliance and technical assistance in carrying out the compact.

Section B. Officers and staff 1. The Interstate Commission shall, by a majority of the members, elect from among its members a chairperson and a vice chairperson, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in his or her absence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission. 2. The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, and hire and supervise such other staff as may be authorized by the Interstate Commission,

but shall not be a member. Section C. Corporate records of the Interstate Commission The Interstate Commission shall maintain its corporate books and records in accordance with the bylaws. Section D. Qualified immunity, defense and indemnification 1. The members, officers, executive director and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities; provided, that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or wilful and wanton misconduct of any such person. 2. The Interstate Commission shall defend the commissioner of a compacting state, or his or her representatives or employees, or the Interstate Commission's representatives or employees, in any civil action seeking to impose liability, arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities; provided, that the actual or alleged act, error or omission did not result from intentional wrongdoing on the part of such person. 3. The Interstate Commission shall indemnify and hold the commissioner of a compacting state, the appointed designee or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities, provided, that the actual or alleged act, error or omission did not result from gross negligence or intentional wrongdoing on the part of such person. ARTICLE VI ACTIVITIES OF THE INTERSTATE COMMISSION 1. The Interstate Commission shall meet and take such actions as are consistent with the provisions of this compact. 2. Except as otherwise provided in this compact and unless a greater percentage is required by the bylaws, in order to constitute an act of the Interstate Commission, such act shall have been taken at a meeting of the Interstate Commission and shall have received an affirmative vote of a majority of the members present. 3. Each member of the Interstate Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a State Council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the member state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone or other means of telecommunication or electronic communication shall be subject to the same quorum requirements of meetings where members are present in person. 4. The Interstate Commission shall meet at least once during each calendar year. The chairperson of the Interstate Commission may call additional meetings at any time and, upon the request of a majority of the members, shall call additional meetings. 5. The Interstate Commission's bylaws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests. In promulgating such rules, the Interstate Commission may make available to law enforcement agencies records and information otherwise exempt from disclosure, and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions. 6. Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission shall promulgate rules consistent with the principles contained in the "Government in Sunshine Act", 5 USC Section 552(b), as may be amended. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to: a. Relate solely to the Interstate Commission's internal personnel practices and procedures; b. disclose matters specifically exempted from disclosure by statute; c. disclose trade secrets or commercial or financial information which is privileged or confidential; d. involve accusing any person of a crime, or formally censuring any person; e. disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; f. disclose investigatory records compiled for law enforcement purposes; g. disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a regulated entity for the purpose of regulation or supervision of such entity; h. disclose information, the premature disclosure of which would significantly endanger the life of a person or the stability of a regulated entity; i. specifically relate to the Interstate Commission's issuance of a subpoena, or its participation in a civil action or proceeding. 7. For every meeting closed pursuant to this provision, the Interstate Commission's chief legal officer shall publicly certify that, in his or her opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote (reflected in the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes. 8. The Interstate Commission shall collect standardized data concerning the interstate movement of offenders as directed through its bylaws and rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. ARTICLE VII RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION 1. The Interstate Commission shall promulgate rules in order to effectively and efficiently achieve the purposes of the compact including transition rules governing administration of the compact during the period in which it is being considered and enacted by the states. 2. Rulemaking shall occur pursuant to the

criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the federal Administrative Procedure Act, 5 USC Section 551 et seq., and the Federal Advisory Committee Act, 5 USC App. 2, Section 1 et seq., as may be amended (hereinafter "APA"). 3. All rules and amendments shall become binding as of the date specified in each rule or amendment. 4. If a majority of the legislatures of the compacting states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state. 5. When promulgating a rule, the Interstate Commission shall: a. Publish the proposed rule stating with particularity the text of the rule which is proposed and the reason for the proposed rule; b. allow persons to submit written data, facts, opinions and arguments, which information shall be publicly available; c. provide an opportunity for an informal hearing; and d. promulgate a final rule and its effective date, if appropriate, based on the rulemaking record. 6. Not later than sixty days after a rule is promulgated, any interested person may file a petition in the United States District Court for the District of Columbia or in the federal district court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence, as defined in the APA, in the rulemaking record, the court shall hold the rule unlawful and set it aside. 7. Subjects to be addressed within twelve months after the first meeting must at a minimum include: a. Notice to victims and opportunity to be heard; b. offender registration and compliance; c. violations/returns; d. transfer procedures and forms; e. eligibility for transfer; f. collection of restitution and fees from offenders; g. data collection and reporting; h. the level of supervision to be provided by the receiving state; i. transition rules governing the operation of the compact and the Interstate Commission during all or part of the period between the effective date of the compact and the date on which the last eligible state adopts the compact; j. mediation, arbitration and dispute resolution. The existing rules governing the operation of the previous compact superseded by this compact shall be null and void twelve months after the first meeting of the Interstate Commission created hereunder. 8. Upon determination by the Interstate Commission that an emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule.

ARTICLE VIII OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION

Section A. Oversight 1. The Interstate Commission shall oversee the interstate movement of adult offenders in the compacting states and shall monitor such activities being administered in noncompacting states which may significantly affect compacting states. 2. The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the Interstate Commission, the Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

Section B. Dispute resolution 1. The compacting states shall report to the Interstate Commission on issues or activities of concern to them, and cooperate with and support the Interstate Commission in the discharge of its duties and responsibilities. 2. The Interstate Commission shall attempt to resolve any disputes or other issues which are subject to the compact and which may arise among compacting states and noncompacting states. 3. The Interstate Commission shall enact a bylaw or promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

Section C. Enforcement The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact using any or all means set forth in Article XI, Section B, of this compact.

ARTICLE IX FINANCE 1. The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities. 2. The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of the state and the volume of interstate movement of offenders in each compacting state and shall promulgate a rule binding upon all compacting states which governs said assessment. 3. The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state. 4. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE X COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT 1. Any state, as defined in Article II of this compact, is eligible to become a compacting state. 2. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than thirty-five of the states. The initial effective date shall be the later of July 1, 2001, or upon enactment into law by the thirty-fifth jurisdiction. Thereafter it shall become effective and binding, as to any other compacting state, upon enactment of the compact into law by that state. The governors of nonmember states or their designees will be invited to participate in Interstate Commission activities on a nonvoting basis prior to adoption of the compact by all states and territories of the United States. 3. Amendments to the compact may be proposed by the Interstate Commission for enactment by the compacting states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

ARTICLE XI WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

Section A. Withdrawal 1. Once effective, the compact shall continue in force and remain

binding upon each and every compacting state; provided, that a compacting state may withdraw from the compact (“withdrawing state”) by enacting a statute specifically repealing the statute which enacted the compact into law. 2. The effective date of withdrawal is the effective date of the repeal. 3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. 4. The Interstate Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof. 5. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal. 6. Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

Section B. Default 1. If the Interstate Commission determines that any compacting state has at any time defaulted (“defaulting state”) in the performance of any of its obligations or responsibilities under this compact, the bylaws or any duly promulgated rules, the Interstate Commission may impose any or all of the following penalties: a. Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission; b. Remedial training and technical assistance as directed by the Interstate Commission; c. Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the Governor, the Chief Justice or chief judicial officer of the state; the majority and minority leaders of the defaulting state's legislature, and the State Council. The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission bylaws, or duly promulgated rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission on the defaulting state pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of suspension. 2. Within sixty days of the effective date of termination of a defaulting state, the Interstate Commission shall notify the Governor, the Chief Justice or chief judicial officer and the majority and minority leaders of the defaulting state's legislature and the State Council of such termination. 3. The defaulting state is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination. 4. The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Interstate Commission and the defaulting state. 5. Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

Section C. Judicial enforcement The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices to enforce compliance with the provisions of the compact, its duly promulgated rules and bylaws, against any compacting state in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

Section D. Dissolution of compact 1. The compact dissolves effective upon the date of the withdrawal or default of the compacting state which reduces membership in the compact to one compacting state. 2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be wound up and any surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XII SEVERABILITY AND CONSTRUCTION 1. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable. 2. The provisions of this compact shall be liberally construed to effectuate its purposes.

ARTICLE XIII BINDING EFFECT OF COMPACT AND OTHER LAWS **Section A. Other laws** 1. Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact. 2. All compacting states' laws conflicting with this compact are superseded to the extent of the conflict. **Section B. Binding effect of the compact** 1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the compacting states. 2. All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms. 3. Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation. 4. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in effect at the time this compact becomes effective. (1949 Rev., S. 8841; 1951, S. 3345d; P.A. 00-185, S. 3, 5.) History: (Revisor's note: In 1995 the indicators (a) and (b) in Subsec. (a)(1) were changed editorially by the Revisors to (A) and (B) respectively for consistency with statutory usage); P.A. 00-185 replaced former provisions re the “Uniform Act for Out-of-State Parolee Supervision” with the “Interstate Compact for Adult Offender Supervision”, effective July 1, 2001, or upon enactment of the Interstate Compact for Adult Offender Supervision by thirty-five jurisdictions, whichever is later; Pennsylvania became the thirty-fifth enacting jurisdiction on June 19, 2002. See Sec. 54-76b re youthful offenders. Receiving state terminates its supervision when parolee moves to another state after notice given to pending state of request of parolee to transfer; Connecticut could retake parolee who had moved from the receiving state of Maine to

Massachusetts without reporting to Connecticut authorities and was convicted of drug possession in Massachusetts. 167 C. 639. Cited. 215 C. 418. Constitutionality of statute upheld; waiver of extradition as a condition of parole not repugnant to fourteenth amendment of U.S. Constitution. 17 CS 101.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-133a. - Motor vehicle violation deemed a criminal offense for purposes of Interstate Compact for Adult Offender Supervision.

For the purposes of section 54-133, a motor vehicle violation for which a sentence to a term of imprisonment of more than one year may be imposed shall be deemed a criminal offense. (P.A. 12-133, S. 21.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-134 to 54-138b. - Designation of "Compact Institutions". Transfers to other correctional institutions. Incarceration in receiving state not to affect rights in sending state. Reimbursement for expenses. Ratification; regulations. Retaking of parolee. Unauthorized residency by parolee from another state; penalty.

Sections 54-134 to 54-138b, inclusive, are repealed, effective June 19, 2002.* (1951, S. 3347d-3351d; 1963, P.A. 128; 1969, P.A. 297; P.A. 87-282, S. 21; P.A. 98-97; P.A. 00-185, S. 4, 5.) *Note: P.A. 00-185 repealed these sections effective "July 1, 2001, or upon enactment of the Interstate Compact for Adult Offender Supervision by thirty-five jurisdictions, whichever is later"; Pennsylvania became the thirty-fifth enacting jurisdiction on June 19, 2002.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-142. - Destruction of notes received for unpaid fines.

Section 54-142 is repealed. (1949 Rev., S. 8823; 1963, P.A. 642, S. 80; P.A. 76-336, S. 10.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-77a. - Establishing venue and selecting jurors for the town of Plymouth.

Section 54-77a is repealed. (P.A. 75-26, S. 1, 8; P.A. 76-436, S. 664, 681; P.A. 77-576, S. 11, 65.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-80 to 54-81b. - Public defenders. Assistant public defenders; office; assistance. Expenses. Appointment of special defender. Public defenders for Common Pleas Court. Representation of accused on bindover.

Sections 54-80 to 54-81b, inclusive, are repealed. (1949 Rev., S. 3615, 8796; 1959, P.A. 28, S. 13; 1961, P.A. 564, S. 1-3; 1963, P.A. 642, S. 69, 70; February, 1965, P.A. 178, S. 1, 2; 218; 1967, P.A. 34, S. 1; 189; 622, S. 8; 1969, P.A. 655, S. 2; 1971, P.A. 871, S. 121; 1972, P.A. 281, S. 22, 23; P.A. 73-116, S. 25, 26; 73-667, S. 1, 2; P.A. 74-183, S. 150, 151, 291; 74-317, S. 12, 14.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-82. - Accused's election of trial by court or by jury. Number of jurors.

(a) In any criminal case, prosecution or proceeding, the accused may, if the accused so elects when called upon to plead, be tried by the court instead of by the jury; and, in such case, the court shall have jurisdiction to hear and try such case and render judgment and sentence thereon. (b) If the accused is charged with a crime punishable by death, life imprisonment without the possibility of release or life imprisonment and elects to be tried by the court, the court shall be composed of three judges to be designated by the Chief Court Administrator, or the Chief Court Administrator's designee, who shall name one such judge to preside over the trial. Such judges, or a majority of them, shall have power to decide all questions of law and fact arising upon the trial and render judgment accordingly. (c) If the accused does not elect to be tried by the court, the accused shall be tried by a jury of six except that no person charged with an offense which is punishable by death, life imprisonment without the possibility of release or life imprisonment, shall be tried by a jury of less than twelve without such person's consent. (1949 Rev., S. 8797; 1953, S. 3326d; 1967, P.A. 656, S. 62; P.A. 73-576, S. 3, 4; 73-616, S. 41, 67; P.A. 76-336, S. 4; P.A. 77-474, S. 1, 2; P.A. 80-313, S. 36; P.A. 81-47; P.A. 12-5, S. 26.) History: 1967 act provided for designation of judges by chief court administrator instead of chief justice; P.A. 73-576 substituted "Connecticut Correctional Institution, Somers" for "State Prison" and replaced provision calling for trial by jury of six unless defendant claims twelve-person jury or case is punishable by death or life imprisonment with provision calling for jury of six except in cases involving capital offense which require trial by twelve-person jury unless defendant consents to jury of six; P.A. 73-616 transferred duty to select panel judges from chief court administrator to chief justice; P.A. 76-336 deleted specific references to imprisonment at Somers Correctional Institution; P.A. 77-474 required jury of twelve in cases involving offenses punishable by death or life imprisonment rather than in cases involving capital offenses; P.A. 80-313 divided section into Subsecs.; P.A. 81-47 amended Subsec. (b) by replacing provision re appointment of judges by chief justice with provision that three judges shall be designated by chief court administrator or his designee, who shall name one such judge to preside over the trial; P.A. 12-5 added provisions re crimes punishable by life imprisonment without possibility of release and made technical changes, effective April 25, 2012. Application by accused for leave to withdraw election made under statute is addressed to court's discretion; refusal to permit withdrawal held no error. 102 C. 51. The court's determination of guilt or innocence upon the evidence should be raised on appeal

by an assignment of error; not necessary to make a motion to set aside verdict. 105 C. 332; 109 C. 126; 110 C. 552. Court fulfills function of jury; its additional power under statute does not authorize convicting of robbery a defendant charged with murder. 132 C. 43. Cited. 142 C. 114. It is not violative of the constitutional guarantee of the right to a jury trial for the legislature to enact a statute which changes the form of jury procedure if it still maintains the substance of the institution. 144 C. 228. Insofar as it provides that an accused shall be tried to a jury of 6 unless at the time he is put to plea he demands a jury of 12, it does not deprive any defendant of his right of trial by jury. Id., 230. Cited. 146 C. 78; 147 C. 95; 153 C. 328; 161 C. 413. Since determination of jury size is not a matter presently or historically lying exclusively within control of the judiciary, section, which regulates size of criminal juries, does not violate separation of powers clause of Connecticut Constitution. 171 C. 395. Cited. 173 C. 450; 174 C. 22; 176 C. 224; 182 C. 353; 190 C. 639; 191 C. 506; 197 C. 247; 198 C. 77; 223 C. 384; 227 C. 448; 231 C. 235. Death penalty unconstitutional under Art. I, Secs. 8 and 9 of Connecticut Constitution. 318 C. 1. Cited. 34 CA 58; judgment reversed, see 232 C. 537; 41 CA 361; Id., 831. 3-judge court not required to deliberate with respect to all charges when only one charge carried maximum penalty of death or life in prison. 69 CA 267. Cited. 33 CS 739; 34 CS 674; 39 CS 347. Accused cannot postpone trial of his case indefinitely by repeatedly changing his election concerning trial by jury. 6 Conn. Cir. Ct. 218, 222, 223. Subsec. (b): Cited. 184 C. 455; 201 C. 534; 203 C. 4. Defendant's decision to forgo a jury determination in capital felony sentencing proceeding and opt for sentencing by a 3-judge panel was knowing, voluntary and intelligent; formulaic canvass of defendant is not required and validity of jury waiver is determined by examination of totality of the circumstances. 303 C. 71. Cited. 13 CA 667; 22 CA 265. Court's instruction to defendant that he could not change his decision to waive his right to a jury trial simply because he had rethought his position was not legally inaccurate or in contradiction of the provisions of section. 120 CA 768.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-82a. - Test of insanity as defense.

Section 54-82a is repealed. (1967, P.A. 336, S. 1, 2; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-82b. - Right to trial by jury.

(a) The party accused in a criminal action in the Superior Court may demand a trial by jury of issues which are triable of right by a jury. There is no right to trial by jury in criminal actions where the maximum penalty is a fine of one hundred ninety-nine dollars or in any matter involving violations payable through the Centralized Infractions Bureau where the maximum penalty is a fine of five hundred dollars or less. (b) In criminal proceedings the judge shall advise the accused of his right to trial by jury at the time he is put to plea and, if the accused does not then claim a jury, his right thereto shall be deemed waived, but if a judge acting on motion made by the accused within ten days after judgment finds that such waiver was made when the accused was not fully cognizant of his rights or when, in the opinion of the judge, the proper administration of justice requires it, the judge shall vacate the judgment and cause the proceeding to be set for jury trial. (c) In any criminal trial by a jury, except as otherwise provided by law, such trial shall be by a jury of six. (P.A. 80-313, S. 35; P.A. 86-227; P.A. 87-241; May Sp. Sess. P.A. 92-6, S. 82, 117.) History: P.A. 86-227 provided that "The party accused", rather than "Any party", may demand a jury trial and increased from \$99 to \$199 the maximum fine threshold for a jury trial; P.A. 87-241 amended Subsec. (a) by deleting reference to maximum penalty of sentence of 30 days or penalty consisting of both fine and imprisonment; May Sp. Sess. P.A. 92-6 amended Subsec. (a) to provide that there is no right to trial by jury in any matter involving violations payable through the centralized infractions bureau where the maximum penalty is a fine of \$500 or less. See Sec. 51-180 re criminal terms and sessions of court. See Sec. 51-180a re special session held when an accused is confined for want of bail. Right to jury trial discussed. 188 C. 697. Cited. 190 C. 639; 191 C. 506; 197 C. 247; 198 C. 77; 201 C. 489; 205 C. 456; 222 C. 591; 223 C. 384; 225 C. 355; 226 C. 618. Cited. 9 CA 255; 10 CA 692; 39 CA 702; 41 CA 454; 46 CA 486. When defendant knowingly, voluntarily and intelligently waives right to a jury trial and is subsequently charged with additional crimes, if defendant again elects to waive right to a jury trial, defendant cannot complain on appeal that election for a court trial to the additional charges was compromised. 145 CA 767. Subsec. (a): Statute does not violate right to trial by jury under federal or state constitutions. 5 CA 434. Cited. 12 CA 481; 14 CA 816.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-82c. (Formerly Sec. 54-139). - Prisoner's right to speedy trial on pending charges.

(a) Whenever a person has entered upon a term of imprisonment in a correctional institution of this state and, during the continuance of the term of imprisonment, there is pending in this state any untried indictment or information against such prisoner, he shall be brought to trial within one hundred twenty days after he has caused to be delivered, to the state's attorney or assistant state's attorney of the judicial district or geographical area, in which the indictment or information is pending, and to the appropriate court, written notice of the place of his imprisonment and his request for final disposition to be made of the indictment or information. For good cause shown in open court, the prisoner or his counsel being present, the court may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the warden, Community Correctional Center Administrator or other official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner and any decisions of the Board of Pardons and Paroles relating to the prisoner. (b) The written notice and request for final disposition referred to in subsection (a) hereof shall be given or sent by the prisoner to the warden, Community Correctional Center

Administrator or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested. (c) The warden, Community Correctional Center Administrator or other official having custody of the prisoner shall promptly inform him in writing of the source and contents of any untried indictment or information against him concerning which the warden, administrator or other official has knowledge and of his right to make a request for final disposition thereof. (d) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in subsection (a) hereof shall void the request. (1957, P.A. 551, S. 1; 1961, P.A. 465; 1963, P.A. 642, S. 79; P.A. 73-116, S. 14; 73-667, S. 1, 2; P.A. 74-183, S. 156, 291; P.A. 76-436, S. 558, 681; P.A. 80-313, S. 37; June Sp. Sess. P.A. 98-1, S. 74, 121; P.A. 04-234, S. 2.) History: 1961 act specified, in Subsec. (a), request and notice be to state's attorney or prosecuting attorney and added circuit court; 1963 act stipulated state's attorney be of the county, deleted reference to prosecuting attorney of county and substituted jail administrator for sheriff; P.A. 73-116 added reference to judicial districts and replaced jail administrator with community correctional center administrator; P.A. 73-667 changed effective date of P.A. 73-116 from October 1, 1973, to April 25, 1973; P.A. 74-183 replaced circuit court with court of common pleas, reflecting reorganization of judicial system, effective December 31, 1974; P.A. 76-436 replaced prosecuting attorneys of common pleas court with assistant state's attorneys and deleted reference to various courts' jurisdiction, reflecting transfer of all trial jurisdiction to superior court, effective July 1, 1978; P.A. 80-313 deleted reference to counties and made slight change in wording; Sec. 54-139 transferred to Sec. 54-82c in 1981; June Sp. Sess. P.A. 98-1 made a technical change in Subsec. (a), effective June 24, 1998; P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004. Annotations to former section 54-139: Phrase "has caused to be delivered" is equivalent of "has delivered" and 120-day period runs from completion of delivery of both request and supplemental information. 149 C. 250. Cited. 153 C. 28. Statute permits court to grant continuance for good cause shown even where facts which lead court to grant continuance are beyond defendant's control. 171 C. 487. Cited. 185 C. 118; 194 C. 297; 198 C. 573. Cited. 40 CA 757. Does not apply to prisoner in federal institution in Connecticut; does not purport to place a limit on time within which information should be made. 24 CS 308. Cited. 36 CS 327, 330. Annotations to present section: Cited. 193 C. 270; 194 C. 297; 197 C. 166; 198 C. 573; 202 C. 93; 221 C. 921; 224 C. 163; 242 C. 409. Cited. 12 CA 1; 14 CA 244; Id., 493; 20 CA 205; 26 CA 698; 28 CA 195; 29 CA 694; 32 CA 38; 33 CA 184; judgment reversed, see 232 C. 707; 40 CA 757. In absence of any evidence to the contrary, it is presumed that officials acted properly under statute and therefore, because written notice was not delivered to state's attorney, the statutory 120-day period did not commence. 107 CA 517. For purposes of speedy trial calculations, delays attributable to initiations of the defense are excludable. 110 CA 245. Time limits under section excluded entire period of time during which defendant's competency claim was considered and resolved. 132 CA 24.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-82d. (Formerly Sec. 54-140). - Dismissal of charges on failure to grant prisoner speedy trial.

If an action is not assigned for trial within the period of time as provided in section 54-82c, no court of this state shall any longer have jurisdiction thereof, nor shall the untried indictment or information be of any further force or effect, and the court shall enter an order dismissing the same. (1957, P.A. 551, S. 2; P.A. 80-313, S. 38.) History: P.A. 80-313 added specific reference to Sec. 54-139 and made slight change in wording; Sec. 54-140 transferred to Sec. 54-82d in 1981 and reference to Sec. 54-139 revised to reflect its transfer as well. Annotations to former section 54-140: Period of time construed to run from completion of delivery of both request and supplemental information. 149 C. 250. Cited. 171 C. 487; 185 C. 118. Annotations to present section: Cited. 194 C. 297; Id., 510; 197 C. 166; 198 C. 573. Failure to bring to trial within time limit prescribed by Sec. 54-82c may be waived; statute affects personal jurisdiction not subject matter jurisdiction. 202 C. 93. Cited. 221 C. 921; 224 C. 163. Cited. 12 CA 1; 14 CA 244; 20 CA 205; 26 CA 698; 28 CA 195; 29 CA 694; 40 CA 757.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-82e. (Formerly Sec. 54-141). - Mentally ill person not covered.

The provisions of sections 54-82c and 54-82d shall not apply to any person adjudged to be mentally ill. (1957, P.A. 551, S. 3.) History: Sec. 54-141 transferred to Sec. 54-82e in 1981 and revised references to other sections within provisions as necessary to reflect their transfer. Cited. 194 C. 297.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-82f. - Voir dire examination.

In any criminal action tried before a jury, either party shall have the right to examine, personally or by his counsel, each juror outside the presence of other prospective jurors as to his qualifications to sit as a juror in the action, or as to his interest, if any, in the subject matter of the action, or as to his relations with the parties thereto. If the judge before whom the examination is held is of the opinion from the examination that any juror would be unable to render a fair and impartial verdict, the juror shall be excused by the judge from any further service upon the panel, or in the action, as the judge determines. The right of such examination shall not be abridged by requiring questions to be put to any juror in writing and submitted in advance of the commencement of said action. (P.A. 80-313, S. 39.) Cited. 196 C. 667; 197 C. 314; 200 C. 586; 201 C. 125; 203 C. 506; 204 C. 156; Id., 377; 205 C. 61; 218 C. 309; 222 C. 1; 223 C. 299; 226 C. 237; Id., 618; 230 C. 385, see also 37 CA 801; 233 C. 215; Id., 813; 237 C. 238; Id., 454. Nothing in section requires trial court to permit a party to ascertain prospective jurors' views on specific evidence during voir dire. 269 C. 213. Trial court did not abuse its discretion by precluding defense counsel from asking venirepersons specifically about self-defense.

292 C. 656. Cited. 10 CA 624; 16 CA 165; Id., 333; 26 CA 165; 30 CA 359; Id., 470; 31 CA 278; judgment reversed, see 230 C. 385, see also 37 CA 801; 38 CA 247; Id., 598; 40 CA 328; 46 CA 600. Purpose of voir dire. 49 CA 41. In a case concerning a male on male, or female on female, sexual assault, relevant questions to venirepersons that delve into prejudices, beliefs and attitudes toward homosexuality should be permitted, but questions relating to the issue of struggling with sexual identity are not permitted as such questions are unrelated to the issues in the case, are not based on undisputed facts and would test the prospective jurors' views of certain facts. 112 CA 694.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-82g. (Formerly Sec. 51-242). - Peremptory challenges in criminal prosecution.

The accused may challenge peremptorily, in any criminal trial before the Superior Court for any offense punishable by death or life imprisonment without the possibility of release, twenty-five jurors; for any offense punishable by life imprisonment, fifteen jurors; for any offense the punishment for which may be imprisonment for more than one year and for less than life, six jurors; and for any other offense, three jurors. In any criminal trial in which the accused is charged with more than one count on the information or where there is more than one information, the number of challenges is determined by the count carrying the highest maximum punishment. The state, on the trial of any criminal prosecution, may challenge peremptorily the same number of jurors as the accused. (1949 Rev., S. 8798; 1953, S. 3327d; 1959, P.A. 28, S. 210; February, 1965, P.A. 574, S. 39; P.A. 73-576, S. 1, 4; P.A. 74-183, S. 55, 291; P.A. 76-336, S. 16; P.A. 76-436, S. 105, 681; P.A. 77-452, S. 19, 72; P.A. 80-152; 80-313, S. 40, 62; P.A. 12-5, S. 27.) History: 1959 act added circuit court; 1965 act deleted obsolete reference to common pleas court, its criminal jurisdiction having been abolished in 1959; P.A. 73-576 replaced "State Prison" with "Connecticut Correctional Institution, Somers" and deleted provisions which pertained to twelve-person juries and allowed for eight challenges in trials where offense is punishable by sentence of less than life and four challenges for other offenses, retaining six challenges and four challenges, respectively, previously applicable to six-person juries and now made generally applicable, effective June 12, 1973, and applicable to all prosecutions claimed for jury trial on and after that date; P.A. 74-183 replaced circuit court with court of common pleas, reflecting reorganization of judicial system, effective December 31, 1974; P.A. 76-336 specified that six challenges are allowed where imprisonment may be for "more than one year" and deleted specific mention of Somers institution as place of imprisonment; P.A. 76-436 reiterated changes of P.A. 76-336 and deleted reference to arraignment before court of common pleas, reflecting transfer of all trial jurisdiction to superior court, effective July 1, 1978; P.A. 77-452 made technical grammatical change; P.A. 80-152 deleted specific reference to superior court arraignments, referring instead to arraignment "in any criminal trial" and added provision re determination of challenges allowed in cases involving more than one court or more than one information; P.A. 80-313 reiterated deletion of reference to arraignment in superior court; Sec. 51-242 transferred to Sec. 54-82g in 1981; P.A. 12-5 added provision re offense punishable by life imprisonment without possibility of release and made a technical change, effective April 25, 2012. Annotations to former section 51-242: Peremptory challenge must be made at time of examination, unless new cause arises. 18 C. 177. Juror need not be sworn on voir dire; not a strict right, but may be granted; in any event waived by neglect to request. 47 C. 528. If challenge for favor overruled, no cause of complaint unless peremptory challenges exhausted. Id.; 49 C. 379. When court has discretion to sentence for life, accused may challenge 15 jurors peremptorily. Id., 232. Accused has no absolute right to examine jurors. 69 C. 186; 80 C. 614. Control of judge over examination. 72 C. 722. Where more than one count, number that may be challenged is determined by highest maximum punishment under any count. 80 C. 618. Disqualifications of jurors discussed; distinction between principal challenge and challenge to the favor. 103 C. 542. Challenge to the array, which can lie only for a cause affecting entire panel, discussed. 100 C. 209; 103 C. 471; 109 C. 572. Qualifications of jurors who hold opinions formed through news reports. 147 C. 194. Annotations to present section: Cited. 193 C. 646; 195 C. 421; 223 C. 299; 226 C. 618; 233 C. 813; 237 C. 238. Nothing in section requires trial court to permit a party to ascertain prospective jurors' views on specific evidence during voir dire. 269 C. 213. Death penalty unconstitutional under Art. I, Secs. 8 and 9 of Connecticut Constitution. 318 C. 1. Cited. 7 CA 503; 16 CA 333; 36 CA 631; 38 CA 231.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-82h. - Alternate jurors in criminal cases. Peremptory challenges.

(a) In any criminal prosecution to be tried to the jury in the Superior Court if it appears to the court that the trial is likely to be protracted, the court may, in its discretion, direct that, after a jury has been selected, two or more additional jurors shall be added to the jury panel, to be known as "alternate jurors". Such alternate jurors shall have the same qualifications and be selected and subject to examination and challenge in the same manner and to the same extent as the jurors constituting the regular panel, provided, in any case when the court directs the selection of alternate jurors, the number of peremptory challenges allowed shall be as follows: In any criminal prosecution the state and the accused may each peremptorily challenge thirty jurors if the offense for which the accused is arraigned is punishable by death or life imprisonment without the possibility of release, eighteen jurors if the offense is punishable by life imprisonment, eight jurors if the offense is punishable by imprisonment for more than one year and for less than life, and four jurors in any other case. (b) Alternate jurors shall be sworn separately from those constituting the regular panel, and the oaths to be administered shall be as provided in section 1-25. (c) Alternate jurors shall attend at all times upon trial of the cause. They shall be seated when the case is on trial with or near the jurors constituting the regular panel, with equal opportunity to see and hear all matters adduced in the trial of the case. If, at any time, any juror shall, for any reason, become unable to further perform the duty of a juror, the court may excuse such juror and, if any juror is so excused or dies, the court may order that an alternate juror who is

designated by lot to be drawn by the clerk shall become a part of the regular panel and the trial or deliberation shall then proceed with appropriate instructions from the court as though such juror had been a member of the regular panel from the time when the trial or deliberation began. If the alternate juror becomes a member of the regular panel after deliberations began, the jury shall be instructed by the court that deliberations by the jury shall begin anew. A juror who has been selected to serve as an alternate shall not be segregated from the regular panel except when the case is given to the regular panel for deliberation at which time such alternate juror may be dismissed from further service on said case or may remain in service under the direction of the court. (P.A. 80-313, S. 41; P.A. 82-307, S. 5, 8; P.A. 00-116, S. 6; P.A. 12-5, S. 28.) History: P.A. 82-307 amended Subsec. (a) by changing the number of alternate jurors from "one or two" to two "or more" and amended Subsec. (c) to reflect this change; P.A. 00-116 amended Subsec. (c) by making technical changes, by permitting alternate juror to become part of the deliberation and proceed with appropriate instructions from the court as though alternate juror was part of the regular panel when the trial or deliberation began, by providing if alternate juror becomes member of panel after deliberations began, the jury shall be instructed by the court that deliberations by the jury shall begin anew, and by adding provision allowing alternate juror to remain in service under the direction of the court during deliberation of regular panel; P.A. 12-5 amended Subsec. (a) to add provision re offense punishable by life imprisonment without possibility of release, effective April 25, 2012. See Sec. 51-243 re alternate jurors in civil cases. Cited. 190 C. 219; 195 C. 421; 200 C. 615; 209 C. 564; 223 C. 299; 226 C. 618; 233 C. 813. Cited. 7 CA 503; 8 CA 158; 34 CA 58; judgment reversed, see 232 C. 537; 35 CA 541; 36 CA 631; 38 CA 231; 41 CA 831. Subsec. (a): Death penalty unconstitutional under Art. I, Secs. 8 and 9 of Connecticut Constitution. 318 C. 1. Subsec. (c): Cited. 199 C. 163; 216 C. 367; 231 C. 235. Statute requires alternate jurors to be dismissed after commencement of jury deliberations and substitution of alternate juror after commencement of deliberations is prohibited; substitution of alternate juror after commencement of deliberations in violation of statute is not harmless error. 254 C. 472. Statute now explicitly permits substitution of a juror after deliberations have begun. 257 C. 192. Process for selecting and dismissing alternate jurors, including under Subsec., does not implicate constitutional rights. 272 C. 432. Trial court could not reconsider its decision to dismiss juror once it had communicated its decision to her since such communication caused her to lose her status as a juror and she was no longer qualified to participate in the remainder of the proceedings. 303 C. 378. Judgments of conviction reversed due to substitution of two nonjurors, formerly alternate jurors who were dismissed by trial court after deliberations had begun, for regular jurors in the jury by the trial court. 67 CA 734. Defendant's constitutional right to fair trial before jury drawn from a fair cross-section of the community was not violated where trial court excused alternate juror for financial hardship after deliberations had begun. 110 CA 263. Section not violated when court, after learning that an unidentified and unauthorized person permitted sick juror to leave courthouse, excused such juror and replaced her with an alternate juror because, for purposes of section, such juror was not excused from jury service when unidentified person permitted her to leave, but after court heard from counsel and decided to replace her with an alternate juror. 166 CA 304. Trial court not obligated to state on the record the diagnosis or medical condition of a juror who has been excused, or describe such juror's current physical condition or detail what medical treatment or intervention was necessary. 168 CA 321.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-82i. (Formerly Sec. 54-22). - Attendance of witnesses in criminal proceedings.

(a) Definitions. The following words, when used in this section, have the meaning specified, unless the context otherwise indicates: "Witness" means a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution or proceeding; "state" includes any territory of the United States and the District of Columbia, and "summons" means a subpoena, order or other notice requiring the appearance of a witness. (b) Summoning witness in this state to testify in another state. If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in this state certifies, under the seal of such court, that there is a criminal prosecution pending in such court, or that a grand jury investigation has commenced or is about to commence, that a person being within this state is a material witness in such prosecution or grand jury investigation and that the presence of such witness will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the judicial district in which such person is, such judge shall fix a time and place for a hearing and shall make an order directing the witness to appear at such time and place for such hearing. If, at such hearing, the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state and that the laws of such other state and the laws of any other state through which the witness may be required to pass by ordinary course of travel will give to such witness protection from arrest and from the service of civil or criminal process, the judge shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending, or where a grand jury investigation has commenced or is about to commence at a time and place specified in the summons, except that no judge shall issue a summons in a case where prosecution is pending, or where a grand jury investigation has commenced or is about to commence for a criminal violation of a law of such other state involving the provision or receipt of or assistance with reproductive health care services or gender-affirming health care services, as defined in section 52-571n, that are legal in this state, unless the acts forming the basis of the prosecution or investigation would also constitute an offense in this state. At any such hearing, the certificate shall be prima facie evidence of all the facts stated therein. If such certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure the attendance of the witness in such state, such judge may, in lieu of notification of the hearing, direct that such witness be forthwith brought before such judge for such hearing, and, being satisfied, at such hearing, of the desirability of such custody and delivery, of which desirability such certificate shall be prima facie

proof, may, in lieu of issuing a subpoena or summons, order that such witness be forthwith taken into custody and delivered to an officer of the requesting state. If such witness, after being paid or tendered by an authorized person the same amount per mile as provided for state employees pursuant to section 5-141c for each mile by the ordinary traveled route to and from the court where the prosecution is pending and five dollars each day that such witness is required to travel and attend as a witness, fails, without good cause, to attend and testify as directed in the summons, the witness shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state. (c)Witness from another state summoned to testify in this state.If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions or in grand jury investigations commenced or about to commence in this state, is a material witness in a prosecution pending in a court of record in this state, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court, stating such facts and specifying the number of days the witness will be required. Such certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this state to assure the attendance of the witness in this state. Such certificate shall be presented to a judge of a court of record in the judicial district in which the witness is found. If the witness is summoned to attend and testify in this state, the witness shall be tendered the same amount per mile as provided for state employees pursuant to section 5-141c for each mile by the ordinary traveled route to and from the court where the prosecution is pending, and five dollars for each day that such witness is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If such witness, after coming into this state, fails, without good cause, to attend and testify as directed in the summons, the witness shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state. (d)Exemption from arrest and service of process.If a person comes into this state in obedience to a summons directing him to attend and testify in this state, he shall not, while in this state pursuant to such summons, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under such summons. If a person passes through this state while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom, he shall not, while so passing through this state, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under such summons. (e)Interpretation.This section shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of the states which enact it. (1949 Rev., S. 8732; P.A. 78-280, S. 2, 127; P.A. 01-186, S. 10, 11; P.A. 22-19, S. 4; 22-118, S. 487.) History: P.A. 78-280 substituted “judicial district” for “county”; Sec. 54-22 transferred to Sec. 54-82i in 1981; P.A. 01-186 amended Subsec. (b) by replacing “sum of ten cents a mile” with provision re payment of same amount per mile as provided for state employees pursuant to Sec. 5-141c and making technical changes for purposes of gender neutrality and amended Subsec. (c) by replacing “sum of ten cents for each mile” with provision allowing witness the same amount per mile as provided for state employees pursuant to Sec. 5-141c and making technical changes for purposes of gender neutrality; P.A. 22-19 amended Subsec. (b) to add exception re potential violation of a law involving the provision or receipt of or assistance with reproductive health care services, effective July 1, 2022; P.A. 22-118 amended Subsec. (b) to add exception re potential violation of a law involving the provision or receipt of or assistance with reproductive health care services or gender-affirming health care services, effective July 1, 2022. Annotations to former section 54-22: Cited. 171 C. 47; 179 C. 102. Annotations to present section: Cited. 198 C. 517; 237 C. 58. Cited. 7 CA 503; 36 CA 250. Subsec. (c): Cited. 193 C. 350; 194 C. 89; 198 C. 542. Cited. 3 CA 137. Habeas corpus petitioner, incarcerated in Arizona, could not prevail on claim that trial court should have invoked provisions of Subsec. to secure petitioner's presence at hearing on Commissioner of Correction's motion to dismiss petition; Subsec. applies to criminal and grand jury proceedings, not habeas corpus proceedings which are civil in nature. 82 CA 25. Confers a degree of discretion to a court in ruling on applications pursuant to provisions of Subsec. even when a defendant has demonstrated that a witness is material to the case. 202 CA 355. Cited. 38 CS 301; Id., 521.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-82j. (Formerly Sec. 54-23). - Detention of witnesses. Warrant.

Upon the written complaint of any state's attorney addressed to the clerk of the superior court for the judicial district wherein such state's attorney resides, alleging (1) that a person named therein is or will be a material witness in a criminal proceeding then pending before or returnable to the superior court for such judicial district, and in which proceeding any person is or may be charged with an offense punishable by death or imprisonment for more than one year, and (2) that the state's attorney believes that such witness is likely to disappear from the state, secrete himself or otherwise avoid the service of subpoena upon him, or refuse or fail to appear and attend in and before such superior court as a witness, when desired, the clerk or any assistant clerk of the court shall issue a warrant addressed to any proper officer or indifferent person, for the arrest of the person named as a witness, and directing that such person be forthwith brought before any judge of the superior court for such judicial district, for examination. The person serving the warrant shall bring the person so arrested before the judge for examination as soon as is reasonably possible and hold him subject to the further orders of the judge. The person serving the warrant shall also notify the state's attorney of such arrest and of the time and place of such examination. (1949 Rev., S. 8760; 1959, P.A. 28, S. 144; February, 1965, P.A. 574, S. 44; P.A. 73-116, S. 20; 73-667, S. 1, 2; P.A. 74-183, S. 135, 291; P.A. 76-436, S. 527, 681; P.A. 78-280, S. 1, 127; P.A. 80-313, S. 42.) History: 1959 act substituted circuit court for trial justice or municipal court; 1965 act deleted obsolete provision for bringing arrested witness before common pleas court judge; P.A. 73-116 added references to judicial districts and substituted “Connecticut

Correctional Institution, Somers” for “State Prison”; P.A. 73-667 changed effective date of P.A. 73-116 from October 1, 1973, to April 25, 1973; P.A. 74-183 replaced circuit court with court of common pleas, reflecting reorganization of judicial system, effective December 31, 1974; P.A. 76-436 deleted reference to proceedings pending before common pleas court, reflecting transfer of all trial jurisdiction to superior court, and applied provisions to cases involving imprisonment for more than one year, deleting specific reference to imprisonment in Somers facility, effective July 1, 1978; P.A. 78-280 deleted references to counties; P.A. 80-313 made minor changes in wording but made no substantive changes; Sec. 54-23 transferred to Sec. 54-82j in 1981. Cited. 5 CA 347.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-82k. (Formerly Sec. 54-24). - Recognizance; commitment; release; fees.

(a) If, upon the examination provided for in section 54-82j, the judge is of the opinion that the interests of justice so require, he may order that a recognizance to the state be entered into by one or more persons of sufficient responsibility, conditioned that the person named as a witness shall appear before the superior court before which the proceeding is pending or to which it is returnable and abide the order of said superior court in the case. (b) If such recognizance is not entered into, the judge shall order the person to be committed to a community correctional center until the next criminal term of the Superior Court to be held in the judicial district, or until he is legally discharged, and the judge shall issue a proper mittimus for his commitment in the case. Any person so committed to a community correctional center shall not, upon such commitment, be confined or associated in the center with persons confined therein upon conviction of or charged with any criminal offense, and the state's attorney for the judicial district wherein the person is so detained may release the bond and order the discharge of the person if, in his judgment, the requirements of justice so demand. When any person is confined in a community correctional center under the provisions of this section and section 54-82j, he shall receive, in addition to his legal fees as a witness, two dollars for each day that he is so confined, and the fees and expenses incurred under the provisions of this section and section 54-82j, shall be taxed by the court and paid as other expenses in criminal proceedings. (c) Any person committed under the provisions of this section shall be released from confinement upon the giving of the required recognizance, which shall be taken as provided in case of imprisonment in a community correctional center upon criminal process. (d) “State's attorney”, as used in section 54-82j, and in this section, includes assistant state's attorneys. (1949 Rev., S. 8761; 1959, P.A. 28, S. 145; 1963, P.A. 642, S. 64; P.A. 73-116, S. 21; 73-667, S. 1, 2; P.A. 74-183, S. 136, 291; P.A. 76-436, S. 528, 681; P.A. 78-280, S. 1, 127; P.A. 80-313, S. 43.) History: 1959 act substituted circuit court for municipal court or trial justice, which were abolished; 1963 act deleted stipulation commitment be to jail in county where court has jurisdiction; P.A. 73-116 added references to judicial districts and substituted “community correctional center” for “jail” where appearing; P.A. 73-667 changed effective date of P.A. 73-116 from October 1, 1973, to April 25, 1973; P.A. 74-183 replaced circuit court with court of common pleas, reflecting reorganization of judicial system, effective December 31, 1974; P.A. 76-436 amended section to delete references to proceedings before court of common pleas, reflecting transfer of all trial jurisdiction to superior court, effective July 1, 1978; P.A. 78-280 deleted references to counties; P.A. 80-313 divided existing provisions into Subsecs. (a), (b) and (d), rephrasing provisions, and inserted new Subsec. (c) re release upon giving required recognizance; Sec. 54-24 transferred to Sec. 54-82k in 1981 and references to other sections within provisions revised as necessary to reflect their transfer.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-82l. - Rules re speedy trial to be adopted by judges of Superior Court effective July 1, 1983.

In accordance with the provisions of section 51-14, the judges of the Superior Court shall make such rules as they deem necessary to provide a procedure to assure a speedy trial for any person charged with a criminal offense on or after July 1, 1983. Such rules shall provide that (1) in any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of a criminal offense shall commence within eighteen months from the filing date of the information or indictment or from the date of the arrest, whichever is later, except that when such defendant is incarcerated in a correctional institution of this state pending such trial and is not subject to the provisions of section 54-82c, the trial of such defendant shall commence within twelve months from the filing date of the information or indictment or from the date of the arrest, whichever is later; and (2) if a defendant is not brought to trial within the time limit set forth in subdivision (1) of this section and a trial is not commenced within thirty days of a motion for a speedy trial made by the defendant at any time after such time limit has passed, the information or indictment shall be dismissed. Such rules shall include provisions to identify periods of delay caused by the action of the defendant, or the defendant's inability to stand trial, to be excluded in computing the time limits set forth in subdivision (1) of this section. (P.A. 82-349, S. 1, 4; P.A. 83-1, S. 1, 3; P.A. 07-217, S. 193.) History: P.A. 82-349, S. 1, effective July 1, 1983; P.A. 83-1 made provisions applicable to person charged with criminal offense on or after July 1, 1983, effective March 24, 1983; P.A. 07-217 made technical changes, effective July 12, 2007. Cited. 198 C. 542. Cited. 3 CA 349; 5 CA 347; 12 CA 364.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-82m. - Rules re speedy trial to be adopted by judges of Superior Court effective July 1, 1985.

In accordance with the provisions of section 51-14, the judges of the Superior Court shall make such rules as they deem necessary to provide a procedure to assure a speedy trial for any person charged with a criminal offense on or after July 1, 1985. Such rules shall provide that (1) in any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of a criminal offense shall commence within twelve months from the filing date of the information or indictment or from the date of the arrest, whichever is later, except that when such defendant is incarcerated in a correctional

institution of this state pending such trial and is not subject to the provisions of section 54-82c, the trial of such defendant shall commence within eight months from the filing date of the information or indictment or from the date of arrest, whichever is later; and (2) if a defendant is not brought to trial within the time limit set forth in subdivision (1) of this section and a trial is not commenced within thirty days of a motion for a speedy trial made by the defendant at any time after such time limit has passed, the information or indictment shall be dismissed. Such rules shall include provisions to identify periods of delay caused by the action of the defendant, or the defendant's inability to stand trial, to be excluded in computing the time limits set forth in subdivision (1) of this section. (P.A. 82-349, S. 2, 4; P.A. 83-1, S. 2, 3; P.A. 07-217, S. 194.) History: P.A. 82-349, S. 2, effective July 1, 1985; P.A. 83-1 made provisions applicable to person charged with criminal offense on or after July 1, 1985, effective March 24, 1983; P.A. 07-217 made technical changes, effective July 12, 2007. Cited. 202 C. 443; 218 C. 85; 233 C. 813. Exception to 60-day limitation period for acts of God and misconduct on part of defendant is a necessary implication. 242 C. 389. Cited. 243 C. 115. Trial court properly determined that the time that co-defendant's attorney was unavailable was excludable time for computing the commencement of defendant's trial. 252 C. 714. Administrative incompetence, whether founded in negligence, recklessness or a serious dereliction of duty, does not constitute "exceptional circumstances", and therefore "good cause", for the failure to bring defendant to trial before the 30-day period has expired. 265 C. 437. Cited. 14 CA 244; 33 CA 184; judgment reversed, see 232 C. 707; 37 CA 384; 38 CA 868. Statutory right to speedy trial cited. 40 CA 483. Cited. Id., 643; Id., 757; 42 CA 144; 43 CA 488. Right to protection of statute waived by withdrawing motion and not filing for dismissal. 47 CA 91. Cited. 54 CA 361. Section codifies defendant's constitutional right to speedy trial and confers on Superior Court judges authority to make such rules as they deem necessary to establish procedure for implementing that right. 66 CA 357. Defendant not deprived of right to speedy trial when trial delay was occasioned by continuances requested by defendant's counsel, rather than by defendant, and defendant did not object. 78 CA 659.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-82q. - Temporary restraining order prohibiting harassment of witness.

(a) Upon application of a prosecutorial official, a court may issue a temporary restraining order prohibiting the harassment of a witness in a criminal case if the court finds, from specific facts shown by affidavit or verified complaint, that there are reasonable grounds to believe that harassment of an identified witness in a criminal case exists or that such order is necessary to prevent and restrain the commission of an offense under section 53a-151 or 53a-151a. (b) A temporary restraining order may be issued under this section without written or oral notice to the adverse party or such party's attorney if the court finds, upon written certification of facts by the prosecutorial official, that such notice should not be required and that there is a reasonable probability that the state will prevail on the merits. A temporary restraining order shall set forth the reasons for the issuance of such order, be specific in its terms and describe in reasonable detail, and not by reference to the complaint or other document, the act or acts being restrained. (c) A temporary restraining order issued without notice under this section shall be endorsed with the date and hour of issuance and be filed forthwith in the office of the clerk of the court that issued the order. (d) A temporary restraining order issued under this section shall expire at such time as the court directs, not to exceed ten days from issuance. The court, for good cause shown before expiration of the order, may extend the expiration date of the order for not more than ten days or for a longer period if agreed to by the adverse party. If the prosecutorial official files an application for a protective order pursuant to section 54-82r prior to the expiration date of the temporary restraining order, the temporary restraining order shall remain in effect until the court makes a decision on the issuance of such protective order. (e) If, on two days' notice to the prosecutorial official or on such shorter notice as the court may prescribe, the adverse party appears and moves to dissolve or modify the temporary restraining order, the court shall proceed to hear and determine such motion expeditiously. (f) When a temporary restraining order is issued without notice, an application for a protective order filed pursuant to section 54-82r shall be privileged in assignment for hearing and shall take precedence over all other matters except matters of the same character, and, if the prosecutorial official does not proceed with such application at such hearing, the temporary restraining order shall be dissolved. (g) If the protected witness is enrolled in a public or private elementary or secondary school, including a technical education and career school, or an institution of higher education, as defined in section 10a-55, the clerk of the court shall, upon the request of the protected witness, send, by facsimile or other means, a copy of such temporary restraining order, or the information contained in any such order, to such school or institution of higher education, the president of any institution of higher education at which the protected witness is enrolled and the special police force established pursuant to section 10a-142, if any, at the institution of higher education at which the protected witness is enrolled, if the protected witness provides the clerk with the name and address of such school or institution of higher education. (P.A. 99-240, S. 2; P.A. 17-163, S. 6; P.A. 18-139, S. 9.) History: P.A. 17-163 added Subsec. (g) re witness enrolled in school or institution of higher education, effective January 1, 2018; P.A. 18-139 replaced "technical high school" with "technical education and career school" in Subsec. (g), effective June 11, 2018. See Sec. 51-5c re automated registry of protective orders.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-82r. - Protective order prohibiting harassment of witness.

(a) Upon application of a prosecutorial official, a court may issue a protective order prohibiting the harassment of a witness in a criminal case if the court, after a hearing at which hearsay evidence shall be admissible, finds by a preponderance of the evidence that harassment of an identified witness in a criminal case exists or that such order is necessary to prevent and restrain the commission of a violation of section 53a-151 or 53a-151a. Any adverse party named in the complaint has the right to present

evidence and cross-examine witnesses at such hearing. Such order shall be an order of the court, and the clerk of the court shall cause a certified copy of such order to be sent to the witness, and a copy of such order, or the information contained in such order, to be sent by facsimile or other means within forty-eight hours of its issuance to the appropriate law enforcement agency. If the protected witness is enrolled in a public or private elementary or secondary school, including a technical education and career school, or an institution of higher education, as defined in section 10a-55, the clerk of the court shall, upon the request of the protected witness, send, by facsimile or other means, a copy of such protective order, or the information contained in any such order, to such school or institution of higher education, the president of any institution of higher education at which the protected witness is enrolled and the special police force established pursuant to section 10a-142, if any, at the institution of higher education at which the protected witness is enrolled, if the protected witness provides the clerk with the name and address of such school or institution of higher education. (b) A protective order shall set forth the reasons for the issuance of such order, be specific in terms and describe in reasonable detail, and not by reference to the complaint or other document, the act or acts being restrained. A protective order issued under this section may include provisions necessary to protect the witness from threats, harassment, injury or intimidation by the adverse party including, but not limited to, enjoining the adverse party from (1) imposing any restraint upon the person or liberty of the witness, (2) threatening, harassing, assaulting, molesting or sexually assaulting the witness, or (3) entering the dwelling of the witness. Such order shall contain the following language: "In accordance with section 53a-223 of the Connecticut general statutes, any violation of this order constitutes criminal violation of a protective order which is punishable by a term of imprisonment of not more than ten years, a fine of not more than ten thousand dollars, or both. Additionally, in accordance with section 53a-107 of the Connecticut general statutes, entering or remaining in a building or any other premises in violation of this order constitutes criminal trespass in the first degree which is punishable by a term of imprisonment of not more than one year, a fine of not more than two thousand dollars, or both." If the adverse party is the defendant in the criminal case, such order shall be made a condition of the bail or release of the defendant and shall also contain the following language: "Violation of this order also violates a condition of your bail or release and may result in raising the amount of bail or revoking release." (c) The protective order shall remain in effect for the duration of the criminal case except as otherwise ordered by the court. (P.A. 99-240, S. 3; P.A. 02-132, S. 58; P.A. 05-288, S. 186; P.A. 14-217, S. 127; P.A. 17-163, S. 7; P.A. 18-139, S. 10.) History: P.A. 02-132 amended Subsec. (a) by replacing provisions re sending certified copy of order to law enforcement agency with provisions re sending copy of or information contained in order to law enforcement agency by facsimile or other means, effective January 1, 2003; P.A. 05-288 amended Subsec. (b) by making technical changes and revising required language in order re penalty for criminal violation of a protective order, effective July 13, 2005; P.A. 14-217 amended Subsec. (b) to replace "five years" and "five thousand" with "ten years" and "ten thousand", respectively, in required order language re penalty for criminal violation of a protective order and make technical changes, effective January 1, 2015; P.A. 17-163 amended Subsec. (a) to add provision re protected witness enrolled in school or institution of higher education, effective January 1, 2018; P.A. 18-139 replaced "technical high school" with "technical education and career school" in Subsec. (a), effective June 11, 2018. See Sec. 51-5c re automated registry of protective orders.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-82s. - The Leroy Brown, Jr. and Karen Clarke Witness Protection Program.

The program of providing protective services to witnesses under sections 54-82t and 54-82u shall be known as the "The Leroy Brown, Jr. and Karen Clarke Witness Protection Program". (P.A. 99-247, S. 6.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-82t. - Protective services for witness at risk of harm.

(a) For the purposes of this section and section 54-82u: (1) "Witness" means any person who is summoned, or who may be summoned, to give testimony in a criminal proceeding, and includes a member of the immediate family of such person. (2) "Witness at risk of harm" means a witness who, as a result of cooperating in an investigation or prosecution of a serious felony offense, has been, or is reasonably likely to be, intimidated, harassed, threatened, retaliated against or subjected to physical violence. (3) "Serious felony offense" means any felony that involves the use, attempted use or threatened use of physical force against another person or results in the serious physical injury or death of another person. (b) In any investigation or prosecution of a serious felony offense, the prosecutorial official shall review all witnesses to the offense and may identify any witness as a witness at risk of harm. Upon such identification, the prosecutorial official shall then determine whether a witness at risk of harm is critical to a criminal investigation or prosecution. If the witness at risk of harm is determined to be critical to such investigation or prosecution, the prosecutorial official may (1) certify that the witness receive protective services, or (2) if the prosecutorial official finds a compelling need to temporarily relocate the witness, certify that the witness receive protective services including temporary relocation services. In determining whether a witness should receive protective services, the prosecutorial official shall give special consideration to a witness who is a child, elderly or handicapped or otherwise more at risk of being intimidated, harassed, threatened, retaliated against or subjected to physical violence or who is a witness in a case involving organized crime, gang activities or drug trafficking or involving a high degree of risk to the witness. (c) When a witness is certified as provided in subsection (b) of this section, the Chief State's Attorney shall provide appropriate protective services to such witness. The Chief State's Attorney shall coordinate the efforts of state and local agencies to provide protective services to a witness. (d) Protective services provided to such witness may include, but are not limited to: (1) Armed protection, escort, marked or unmarked surveillance or periodic visits or contact by law enforcement officials prior, during or subsequent to the official proceeding; (2)

Temporary physical relocation to an alternate residence; (3) Housing expenses; (4) Transportation or storage of personal possessions; (5) Basic living expenses including, but not limited to, food, transportation, utility costs and health care; or (6) Other services as needed and approved by the Chief State's Attorney. (e) Protective services may be provided for the duration of the criminal case or until the risk giving rise to certification has diminished, whichever occurs first. (f) In addition to the protective services provided pursuant to subsection (d) of this section, the Chief State's Attorney shall provide such witness with (1) information on the responsibilities and risks of being a witness, and (2) the names and telephone numbers of persons to contact if such witness has questions or concerns for such witness's safety, including at least one telephone number that may be called twenty-four hours a day. (g) If a witness declines to receive protective services under this section, the Chief State's Attorney shall request the witness to make such declination in writing. Such declination shall set forth (1) the type of protective services offered, (2) that the offer of protective services has been explained in detail to the witness, and (3) a telephone number that the witness may call twenty-four hours a day if the witness has concerns for the witness's safety or reconsiders the witness's decision to decline protective services. (h) If the parent or parents or guardian of a child who is certified as a witness at risk of harm critical to a criminal investigation or prosecution as provided in subsection (b) of this section, declines the provision of protective services under this section, the Office of the Chief State's Attorney shall be notified within twenty-four hours after such declination. Upon receipt of such notice, the Chief State's Attorney shall make reasonable efforts to confer with a victim advocate providing services for the Office of Victim Services and shall, not later than three days after such declination, determine if the matter should be referred to the Department of Children and Families for investigation as to whether such child is neglected, as defined in section 46b-120, and whether the department should provide protective services or take other action pursuant to chapter 319a or 815t with respect to such child. (i) The costs of providing protective services to witnesses under this section shall be shared by the state and local agencies providing such services pursuant to the witness protection policy established by the Office of the Chief State's Attorney. (j) Any record of the Division of Criminal Justice or other governmental agency that, in the reasonable judgment of the Chief State's Attorney or a state's attorney, would disclose or would reasonably result in the disclosure of the identity or location of any person receiving or considered for the receipt of protective services under this section or of law enforcement techniques not otherwise known to the general public that are used in protecting witnesses, shall be confidential and not subject to disclosure under the Freedom of Information Act, as defined in section 1-200. (k) The Division of Criminal Justice may utilize the resources of other state agencies in order to provide protective services to witnesses under this section. All offices of the state's attorneys and other agencies requesting assistance under this section shall comply with the provisions of the witness protection policy established by the Office of the Chief State's Attorney. (l) The Chief State's Attorney, pursuant to his authority under section 51-279, shall implement the provisions of this section and section 54-82u. The Chief State's Attorney may adopt regulations in accordance with chapter 54 to implement the provisions of this section and section 54-82u. (m) Not later than November 15, 2001, and annually thereafter, the Chief State's Attorney shall submit a report to the General Assembly on the fiscal and operational status of the program to provide protective services to witnesses under this section. (P.A. 99-240, S. 6.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-82u. - Witness protection agreement.

(a) In order to receive protective services under section 54-82t, the witness shall enter into a written agreement with the Chief State's Attorney. The witness protection agreement shall be in writing and shall specify the responsibilities of the witness that establish the conditions for the Chief State's Attorney to provide protective services. The witness shall agree to all of the following: (1) To testify in and provide information to all appropriate law enforcement officials concerning all appropriate proceedings; (2) To refrain from committing any crime; (3) To take all necessary steps to avoid detection by other persons of the facts concerning the protective services provided to the witness under section 54-82t; (4) To comply with legal obligations and civil judgments against the witness; (5) To cooperate with all reasonable requests of officers and employees of the state or any municipality who are providing protective services under section 54-82t; (6) To designate another person to act as agent for service of process; (7) To make a sworn statement of all outstanding legal obligations, including obligations concerning child custody and visitation; (8) To disclose if the witness is on probation or parole and, if so, any conditions of probation or parole; (9) To inform regularly the appropriate official of the witness's activities and current address; and (10) To comply with any other lawful and appropriate conditions as determined by the Office of the Chief State's Attorney. (b) The Chief State's Attorney shall not be liable for any condition in the witness protection agreement that cannot reasonably be met due to a witness committing a crime during participation in the program. (P.A. 99-240, S. 7.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-83. - Testimony in case where crime is punishable by death or life imprisonment without possibility of release.

No person may be convicted of any crime punishable by death or life imprisonment without the possibility of release without the testimony of at least two witnesses, or that which is equivalent thereto. (1949 Rev., S. 8799; P.A. 80-313, S. 47; P.A. 12-5, S. 29.) History: P.A. 80-313 substituted "may" for "shall"; P.A. 12-5 added provision re crime punishable by life imprisonment without possibility of release, effective April 25, 2012. Not necessary that there should be two witnesses to every material fact; true rule stated. 49 C. 385; 77 C. 274; 78 C. 18; 93 C. 246; 97 C. 465; 103 C. 467; 106 C. 705; 122 C. 533; 126 C. 57. Whether requirement is met is for the jury to say. 81 C. 27; 90 C. 126; 93 C. 246; 97 C. 465; 103 C. 467. Charge embodying rule approved. 97 C. 465. Cited. 123 C. 673. If testimony of one or more witnesses tends to prove that a murder has been committed, testimony of only one

other witness implicating defendant is sufficient to satisfy statute. 139 C. 475. The proof of all the essential elements of a capital crime charged shall not depend upon the testimony of one witness. 142 C. 113. Cited. 147 C. 95. One witness may testify to some of the essential facts and another to the rest of the essential facts and the statute may be satisfied. *Id.*, 194. Adoption of Wigmore definition of “corpus delicti”; previous cases defining “corpus delicti” overruled. 152 C. 15. Cited. 182 C. 511; 229 C. 125; 230 C. 183; 233 C. 813; 235 C. 206. Confession and independent circumstantial evidence satisfied the two witness rule. 251 C. 285. Death penalty unconstitutional under Art. I, Secs. 8 and 9 of Connecticut Constitution. 318 C. 1. Evidentiary burden imposed by section is not constitutionally compelled. 121 CA 699.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-84. - Testimony or silence of accused.

(a) Any person on trial for crime shall be a competent witness, and at his or her option may testify or refuse to testify upon such trial. The neglect or refusal of an accused party to testify shall not be commented upon by the court or prosecuting official, except as provided in subsection (b) of this section. (b) Unless the accused requests otherwise, the court shall instruct the jury that they may draw no unfavorable inferences from the accused's failure to testify. In cases tried to the court, no unfavorable inferences shall be drawn by the court from the accused's silence. (1949 Rev., S. 8800; 1971, P.A. 237; 871, S. 122; P.A. 77-360; P.A. 80-313, S. 44.) History: 1971 acts applied provisions equally with respect to either spouse where previously applicable only to wives receiving personal violence from husbands or to women charged with violation of specified sections; P.A. 77-360 prohibited comment upon neglect or refusal to testify “by the court or prosecuting official, except as provided in subsection (b) of this section” rather than comments “to the court or jury” and added Subsec. (b); P.A. 80-313 deleted provisions re spouse's competency as witness and option to testify or not except in cases involving violence against spouse or specified violations where testimony may be compelled. Communication between husband and wife not privileged to extent of preventing one who overhears them from testifying thereto. 47 C. 540. Voluntary statements of accused before coroner or grand jury in no sense compulsory and are admissible in evidence. 56 C. 399. Attacking credit of accused where he does testify. 67 C. 290; 76 C. 94; 87 C. 22; 88 C. 150; 89 C. 417. Certain comments by state's attorney not objectionable. 73 C. 100; 96 C. 291. Commenting on refusal not always ground for new trial; accused must at once object. 79 C. 477. Effect of testimony by one of two jointly indicted. 82 C. 59. Remark by state's attorney in arguing question of evidence while putting in his own case, held not within rule. 83 C. 455. In absence of request, court need not charge as to rule. 90 C. 132. Proper course for accused to take to insure his rights under rule. 96 C. 291. Charge under rule. 108 C. 463, but see 127 C. 592. Does not prevent inference being drawn from failure to testify; but such failure must not be commented upon. 108 C. 463. Cited. 109 C. 134; *Id.*, 497. For violence received from husband before marriage, wife may refuse to testify against him. 113 C. 291. Court may comment to jury on failure of accused to testify. 119 C. 35; 127 C. 591. Reference by state's attorney to fact defendant's attorney offered no testimony to refute state's witnesses, not a violation of section. 130 C. 549. Court may take into consideration failure of an accused to testify only if state has made out a prima facie case against him. 139 C. 124. Does not preclude cross-examination of the accused as to inconsistent statements made to spouse. 145 C. 60. It is violation of fifth and fourteenth amendments for court to comment on failure of defendant in a criminal trial to testify; interpretation before *Griffin v. California*, 380 U.S. 609. 154 C. 41. Cited. 171 C. 12; *Id.*, 586. Section gives witness' spouse option of testifying against accused spouse. 172 C. 37. Cited. *Id.*, 74; 179 C. 327; 197 C. 369; 201 C. 462; 206 C. 300; *Id.*, 621; 213 C. 422; 222 C. 469; 223 C. 52; 233 C. 813. Prosecutorial comments on defendant's exercise of right not to testify discussed. 243 C. 324. State's attorney's comment in closing argument that “I gave you everything I had” not seen as comment on defendant's failure to testify. 244 C. 547. Cited. 7 CA 292; 9 CA 169; judgment reversed, see 205 C. 370; 13 CA 386; 16 CA 264; 22 CA 321; 24 CA 642; 26 CA 674; 27 CA 601; *Id.*, 643; 28 CA 369. Use of term “unfair” in lieu of term “unfavorable” inference discussed. 36 CA 41. Cited. 39 CA 96. Legislature could not have intended that instructions to venire panel would comply with dictates of section to give instructions to jury. 60 CA 301. Although the recorded out-of-court statement of defendant was not equivalent of in-court testimony where defendant puts his credibility in issue, prosecutor's admonition to jury to consider defendant's interest in the outcome of the case when evaluating defendant's statement was not a forbidden indirect comment on defendant's decision not to testify. 78 CA 535. Defendant's right to a no adverse inference instruction was violated by court's postcharge, supplemental instruction that materially and substantially misstated the nature of defendant's privilege not to testify. 83 CA 811. Prosecutor's statement that sexual assault cases are often decided on credibility of victim or defendant was not an improper comment on defendant's failure to testify. 86 CA 641. Prosecutor's comments made during rebuttal argument regarding defendant's failure to testify were a clear violation of section. 156 CA 138; judgment affirmed, see 324 C. 190. Where state's case rested entirely on defendant's testimony, held it was error not to inform defendant of his privilege against self-incrimination. 24 CS 353. Defendant does not have option to refuse to testify in civil proceeding for homicide by automobile on ground that he may be subject to criminal prosecution for some facts. 28 CS 59. Cited. 33 CS 505; *Id.*, 700. Defendant's failure to bring timely objection re comments on his refusal to testify results in waiver of right. 2 Conn. Cir. Ct. 68. Charge to jury that, if they concluded there was such a strong probability of defendant's guilt that denial or explanation by him was reasonably called for, then they would be entitled to consider his failure to testify, held in violation of due process and constituted reversible error. 3 Conn. Cir. Ct. 463, 464. Any comment by presiding judge or counsel forbidden; court's refusal to charge jury that no inference of guilt could be drawn or sinister meaning attached to defendant's failure to testify, proper. 4 Conn. Cir. Ct. 520, 522, 523. Cited. 5 Conn. Cir. Ct. 181. Defendants who took stand for limited purpose of testifying new counsel represented them entitled to assistance of counsel when questioning of them broadened out to other matters. *Id.*, 242. Subsec. (b): Even though defense counsel did not object to the court's failure to give the “no unfavorable inference” instruction, the judgment

was set. 182 C. 330. Cited. Id., 403. Failure to follow mandate of statute is reversible error despite failure to make a timely request or objection. Id., 580. Cited. 183 C. 444; 188 C. 681; 190 C. 1. Use of “unreasonable” instead of “unfavorable” in jury instruction constituted harmful error. 194 C. 594. Cited. 195 C. 421; Id., 444; 197 C. 574; Id., 588; 198 C. 77; 199 C. 322; 201 C. 659; 209 C. 636; 210 C. 751; 227 C. 910. Harmless error analysis applied to erroneous instruction under statute; judgment of Appellate Court in 31 CA 688 reversed. 229 C. 516. In context of entire jury charge re defendant's decision not to testify, reference to defendant's “failure to testify” was neither negative in substance nor improper; phrase “unless the defendant requests otherwise” does not obligate court to use defendant's requested language. 255 C. 581. When the jury charge contains no language that resembles the mandated instruction, it cannot be assumed that the jurors had sufficient knowledge of the law to be able to glean from the balance of instructions that they should draw no adverse inference from defendant's failure to testify. 322 C. 796. Although phrase “failure to testify” has slightly more negative connotation than the phrase “choice not to testify”, that slight difference does not have a material impact on a defendant's constitutional right to remain silent and Subsec. is not unconstitutional. 338 C. 705 Cited. 5 CA 79; 6 CA 124; 7 CA 477; 10 CA 302; 11 CA 425; 15 CA 342; Id., 749; 17 CA 490; 19 CA 48; Id., 618; 20 CA 721; 21 CA 162; 23 CA 28; Id., 151; 28 CA 290; 31 CA 688; judgment reversed, see 229 C. 516. Total omission of “no adverse interference” instruction is plain error that is not subject to harmless error analysis. 33 CA 126. Cited. 34 CA 153. Trial court's charge did not comply with requirements of statute because of improper reference to loss of defendant's presumption of innocence. Id., 250. Cited. 37 CA 672. Court will not infer a waiver of the mandatory instruction from defendant's silence. 59 CA 426. Where counsel had requested omission of instruction under section in the jury charge, it was not error for court to fail to inquire expressly of defendant if he also wanted the court to omit the instruction. 64 CA 340. Since trial court's instruction to jury not to draw any unfavorable inference from the fact that defendant did not testify given in the context of instructions concerning how jury was to find facts in general did not clearly inform jury that it could not use defendant's silence as a factor in its verdict and did not satisfy the statutory requirement that court convey a specific instruction to jury that no unfavorable inference could be drawn from the fact that defendant did not testify, and state failed to establish that the deficient instruction was clarified or remedied by the court and failed to demonstrate harmlessness of the constitutional violation beyond a reasonable doubt, judgment was reversed and the case remanded for new trial. 97 CA 266. Where lower court had inquired about specific instruction re failure to testify and court and defense counsel discussed instruction, such discussion constituted a request for a no unfavorable inference instruction; reiterated previous holding that provisions are not required to be waived personally by defendant but can be waived by defense counsel. 109 CA 679. Cited. 36 CS 583.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-84a. - Testimony against spouse.

(a) Except as provided in subsection (b) of this section, in any criminal proceeding, a person may elect or refuse to testify against his or her then lawful spouse. (b) The testimony of a spouse may be compelled, in the same manner as for any other witness, in a criminal proceeding against the other spouse for (1) joint participation with the spouse in criminal conduct, (2) bodily injury, sexual assault or other violence attempted, committed or threatened upon the spouse, or (3) bodily injury, sexual assault, risk of injury pursuant to section 53-21, or other violence attempted, committed or threatened upon the minor child of either spouse, or any minor child in the care or custody of either spouse. (P.A. 80-313, S. 45; P.A. 11-152, S. 14.) History: (Revisor's note: In 1993, obsolete reference to repealed Sec. 53-25 was deleted editorially by the Revisors); P.A. 11-152 replaced former provisions with Subsec. (a) authorizing person to elect or refuse to testify against then lawful spouse in any criminal proceeding and Subsec. (b) re when testimony of spouse may be compelled. Cited. 199 C. 631; 211 C. 555. Section codifies adverse spousal testimony privilege, as distinguished from marital communications privilege, and the privilege belongs to the witness spouse and is meant to protect against impact of the testimony on the marriage. 267 C. 710.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-84b. - Testimony of spouse re confidential communications.

(a) For the purposes of this section, “confidential communication” means any oral or written communication made between spouses during a marriage that is intended to be confidential and is induced by the affection, confidence, loyalty and integrity of the marital relationship. (b) Except as provided in subsection (c) of this section, in any criminal proceeding, a spouse shall not be (1) required to testify to a confidential communication made by one spouse to the other during the marriage, or (2) allowed to testify to a confidential communication made by one spouse to the other during the marriage, over the objection of the other spouse. (c) The testimony of a spouse regarding a confidential communication may be compelled, in the same manner as for any other witness, in a criminal proceeding against the other spouse for (1) joint participation with the spouse in what was, at the time the communication was made, criminal conduct or conspiracy to commit a crime, (2) bodily injury, sexual assault or other violence attempted, committed or threatened upon the spouse, or (3) bodily injury, sexual assault, risk of injury pursuant to section 53-21, or other violence attempted, committed or threatened upon the minor child of either spouse, or any minor child in the care or custody of either spouse. (P.A. 11-152, S. 15.) Language in Subsec. (a) re “induced by the affection, confidence, loyalty and integrity of the marital relationship” adds a separate element to, and effectively narrows the scope of, the common-law marital communications privilege; statements must be brought about or caused by the affection, confidence, loyalty and integrity of the marital relationship, and therefore, statements made by defendant for the purpose of furthering extramarital affair and attempting to murder her husband did not fall within language of Subsec. (a). 320 C. 123. “Induced by affection” requirement limits privilege to subset of those

confidential statements made between spouses in a valid marriage which are induced by the affection, confidence, loyalty and integrity of the marital relationship. 153 CA 419; judgment affirmed, see 320 C. 123.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-85. - Witness to testify with regard to bribery at elections.

A person summoned as a witness to testify regarding bribery at any election shall not be excused from testifying because his evidence may tend to disgrace or criminate him, nor shall he thereafter be prosecuted for anything connected with the transaction about which he so testifies, nor shall the evidence he may so give be used against him in any proceeding. (1949 Rev., S. 8801; P.A. 80-313, S. 46.) History: P.A. 80-313 restated provisions but made no substantive changes.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-85a. - Sequestering of witnesses in criminal prosecution.

In any criminal prosecution, the court, upon motion of the state or the defendant, shall cause any witness to be sequestered during the hearing on any issue or motion or any part of the trial of such prosecution in which he is not testifying. (1967, P.A. 498.) Sequestration order merely prohibits sequestered witness from being present in courtroom when he is not testifying. 169 C. 322. Cited. Id., 428; 185 C. 211; 187 C. 6; 199 C. 62; 211 C. 672; 230 C. 591; 235 C. 711; 236 C. 112; 237 C. 284. Cited. 11 CA 80; 13 CA 687; 16 CA 172; 20 CA 342; 21 CA 474; 32 CA 448; 33 CA 339; judgment reversed in part, see 232 C. 431; judgment reversed on issues of sufficiency of evidence and jury misconduct, see 235 C. 502; 34 CA 276; 38 CA 371. Scope of suppression order was not limited only to the suppression hearing and defendant did not establish that he had been prejudiced by police officers' discussion of their testimony with each other in the time between the hearing and the trial. 74 CA 802.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-85b. - Employment protection for witnesses and victims of crime. Penalty. Action for damages and reinstatement.

(a) An employer shall not deprive an employee of employment, penalize or threaten or otherwise coerce an employee with respect to employment, because (1) the employee obeys a legal subpoena to appear before any court of this state as a witness in any criminal proceeding, (2) the employee attends a court proceeding or participates in a police investigation related to a criminal case in which the employee is a crime victim, or attends or participates in a court proceeding related to a civil case in which the employee is a victim of family violence, as defined in section 46b-38a, (3) a restraining order has been issued on the employee's behalf pursuant to section 46b-15, (4) a protective order has been issued on the employee's behalf by a court of this state or by a court of another state, provided if issued by a court of another state, the protective order shall be registered in this state pursuant to section 46b-15a, or (5) the employee is a victim of family violence, as defined in section 46b-38a. For the purposes of this section, "crime victim" means an employee who suffers direct or threatened physical, emotional or financial harm as a result of a crime or an employee who is an immediate family member or guardian of (A) a person who suffers such harm and is a minor, physically disabled, as defined in section 46a-51, or incompetent, or (B) a homicide victim. (b) Any employer who violates subdivision (1) of subsection (a) of this section shall be guilty of criminal contempt and shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both. (c) If an employer discharges, penalizes or threatens or otherwise coerces an employee in violation of subsection (a) of this section, the employee, not later than one hundred eighty days from the occurrence of such action, may bring a civil action for damages and for an order requiring the employee's reinstatement or otherwise rescinding such action. If the employee prevails, the employee shall be allowed a reasonable attorney's fee to be fixed by the court. (P.A. 81-186; P.A. 02-136, S. 1; P.A. 10-144, S. 14.) History: P.A. 02-136 amended Subsec. (a) by designating existing language as Subdiv. (1) and adding new Subdivs. (2) to (4) prohibiting employers from firing, penalizing or threatening employees who are crime victims because of their attendance at court proceedings, participation in police investigations or securing of a restraining or protective order, amended Subsec. (b) by adding reference to Subsec. (a)(1), and made technical changes in Subsec. (c); P.A. 10-144 amended Subsec. (a) to make technical changes, to include attending or participating in court proceeding related to civil case where employee is victim of family violence in Subdiv. (2) and to add Subdiv. (5) re employee who is victim of family violence and amended Subsec. (c) to substitute "one hundred eighty days" for "ninety days" re time limitation to bring action.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-85c. - Representative of homicide victim entitled to be present at trial of defendant. Exclusion. Hearing.

(a) For the purposes of this section, "representative of a homicide victim" means the legal representative of a victim of a homicide or a member of such victim's immediate family selected by such family. In the event of a dispute, the court in its discretion may designate such representative. (b) A representative of a homicide victim shall be entitled to be present at the trial or any proceeding concerning the prosecution of the defendant for the homicide, except that a judge may remove such representative from the trial or proceeding or any portion thereof for the same causes and in the same manner as the rules of court or provisions of the general statutes provide for the exclusion or removal of the defendant. No representative of a homicide victim may be excluded from the proceedings under this section without a hearing. (c) The failure of a representative of a homicide victim to exercise any right

granted by the provisions of this section shall not be cause or ground for an appeal of a conviction by a defendant or for any court to set aside, reverse or remand a criminal conviction. (P.A. 88-278, S. 1.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-85d. - Employer not to discharge employee who attends court as family member of or person designated by homicide victim.

An employer shall not deprive an employee of employment, or threaten or otherwise coerce such employee with respect thereto, because the employee, as a parent, spouse, child or sibling of a victim of homicide, or as a person designated by the victim in accordance with section 1-56r, attends court proceedings with respect to the criminal case of the person or persons charged with committing the crime that resulted in the death of the victim. (P.A. 99-247, S. 2; P.A. 02-105, S. 12.) History: P.A. 02-105 added a person designated by a victim pursuant to Sec. 1-56r to employees protected in attending court proceedings.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-85e. - Photograph of deceased victim shown to jury during opening and closing arguments.

A photograph not to exceed eight inches by ten inches solely of a deceased victim prior to the date of the offense for which the defendant is being tried, that is a fair and accurate representation of the victim and is not of itself inflammatory in nature, may be shown to the jury during the opening and closing arguments by the prosecutor. (P.A. 00-200, S. 4.) Statute pertains only to the nonevidentiary presentation of an image of a deceased victim and contains no restriction on the admission into evidence of a photograph of a deceased victim; nor does it expressly abrogate or seek to supplant the rules of evidence adopted by the judiciary. 126 CA 239.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-85f. - Victim of violent crime or representative of deceased victim permitted to attend court proceedings.

Any victim of a violent crime or the legal representative or member of the immediate family of a victim who is deceased shall be permitted to attend all court proceedings that are part of the court record. (P.A. 00-200, S. 7.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-85g. - Advisement to crime victims re constitutional rights by judge at arraignment.

In order to ensure that any victim coming before the court has been advised of the victim's constitutional rights, any judge of the Superior Court shall, at the daily commencement of the regular criminal docket at which accused persons are arraigned, issue the following advisement: "If you are a victim of a crime with a case pending before this court, you are advised that you have the right: (1) To be treated fairly and with respect throughout the criminal justice process; (2) to timely disposition of the case; (3) to be protected from the accused; (4) to be notified of and attend court proceedings; (5) to speak with the prosecutor; (6) to object or support any plea agreement; (7) to make a statement to the court before the court accepts a plea agreement and at sentencing; (8) to restitution; and (9) to information about the arrest, conviction, sentence, imprisonment and release of the accused". (P.A. 01-35.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-86. - Depositions.

(a) In any case involving an offense for which the punishment may be imprisonment for more than one year, the Superior Court or a judge thereof may, upon the application of the accused, or of the state in the case of a witness who is infirm and seventy-five years of age or older, order that the deposition of a witness shall be taken before a commissioner, judge or magistrate, to be designated by the court or judge, if it appears that his or her testimony will be required at trial and that, by reason of bodily infirmity, age or residence out of this state, he or she will be unable to testify at trial. (b) Reasonable notice of the time when and place where the examination will be had and of the interrogatories to be propounded shall be given to the state's attorney or assistant state's attorney for the judicial district in which the prosecution is pending; and such attorney may, within such time as the court or judge limits, file with the clerk of the court additional interrogatories to be propounded to the witness to be examined. (c) Depositions so taken, opened by and filed with the clerk within such time as the court or judge directs, may be used at trial. (1949 Rev., S. 8802; 1963, P.A. 642, S. 71; P.A. 73-116, S. 27; 73-667, S. 1, 2; P.A. 74-48; P.A. 75-567, S. 34, 80; P.A. 76-436, S. 476, 681; P.A. 78-280, S. 1, 127; P.A. 80-313, S. 34; P.A. 21-102, S. 1.) History: 1963 act updated statute, deleting provisions for court of common pleas and prosecuting attorney; P.A. 73-116 added reference to judicial districts; P.A. 73-667 changed effective date of P.A. 73-667 from October 1, 1973, to December 31, 1973; P.A. 74-48 amended section to include depositions in circuit court cases involving Class D felonies, adding reference to prosecuting attorneys and circuits; P.A. 75-567 deleted changes enacted by P.A. 74-48, except for reference to prosecuting attorneys, reflecting reorganization of judicial system in P.A. 74-183; P.A. 76-436 applied provisions to cases where punishment may be imprisonment for more than one year and substituted assistant state's attorneys for prosecuting attorneys, effective July 1, 1978; P.A. 78-280 deleted reference to counties; P.A. 80-313 divided section into Subsecs. and restated provisions; P.A. 21-102 amended Subsec. (a) to add provision re witness who is infirm and 75 years of age or older, add " , judge" re deposition and " , age" re reason for inability to testify at trial, and make technical changes. State cannot take deposition. 90 C. 381.

Comment of state's attorney on accused's use of depositions held improper to extent of requiring new trial. 96 C. 165. Proper course of accused to protect his rights under statute. Id., 166, 168. Cited. 229 C. 716. Cited. 19 CA 594; 29 CA 642; 36 CA 250; 42 CA 186; judgment reversed, see 241 C. 823.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-86a. - Certain evidence to be made available to defendant.

(a) Upon motion of a defendant at any time after the filing of the indictment or information, and upon a showing that the items sought may be material to the preparation of his defense and that the request is reasonable, the court shall order the attorney for the state to permit the defendant to inspect and copy or photograph any relevant (1) written or recorded statements, admissions or confessions made by the defendant; (2) books, papers, documents or tangible objects obtained from or belonging to the defendant or obtained from others by seizure or process; (3) copies of records of any physical or mental examinations of the defendant; and (4) records of prior convictions of the defendant, or copies thereof, within the possession, custody or control of the state, the existence of which is known to the attorney for the state or to the defendant. (b) An order of the court granting relief under subsection (a) of this section shall specify the time, place and manner of making the discovery and inspection permitted and may prescribe such terms and conditions as are just. (c) A motion under subsection (a) of this section may be made only in a criminal case and shall include all relief sought under subsection (a) of this section. A subsequent motion may be made only upon a showing of cause why such motion would be in the interest of justice. (d) Prior to the arraignment of any arrested person before the court to determine the existence of probable cause to believe such person committed the offense charged or to determine the conditions of such person's release pursuant to section 54-64a, the attorney for the state shall provide the arrested person or his counsel with a copy of any affidavit or report submitted to the court for the purpose of making such determination; except that the court may, upon motion of the attorney for the state and for good cause shown, limit the disclosure of any such affidavit or report, or portion thereof. (1967, P.A. 706, S. 1, 2, 3; P.A. 78-289, S. 2; 78-290, S. 2; P.A. 91-242.) History: P.A. 78-289 amended Subsec. (a) to delete provision allowing inspection, copying etc. of defendant's recorded testimony before a grand jury; P.A. 78-290 deleted provision in Subsec. (a) which had allowed inspection, copying etc. of exculpatory information or material; P.A. 91-242 added Subsec. (d) requiring the attorney for the state to provide the arrested person or his counsel with a copy of any affidavit or report submitted to the court for the purpose of determining probable cause or the conditions of release. Cited. 158 C. 275; 159 C. 389. Examination in camera used to determine compliance. 166 C. 593. Cited. 187 C. 292; 190 C. 20; 200 C. 323; 229 C. 716. Cited. 34 CA 58; judgment reversed, see 232 C. 537. Section does not specifically require disclosure of name and address of the informant in trial of defendant charged with sale of marijuana. 28 CS 331. Cited. 33 CS 599; 42 CS 291. Motion for further bill of particulars after plea of not guilty denied as untimely; preliminary motions in criminal case should be filed prior to plea unless grounds are not then known. 5 Conn. Cir. Ct. 269. Unless prosecutor is under some constitutional obligation, he need not allow defense complete and unqualified access to state's files. 6 Conn. Cir. Ct. 437. Subsec. (a): Subdiv. (1): Indiscriminate, wholesale, and blanket demands for "exculpatory" material under motion of discovery is not permissible; must be shown that evidence would have tendency to clear defendant. 29 CS 86.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-86b. - Right of accused to examine statements.

(a) In any criminal prosecution, after a witness called by the prosecution has testified on direct examination, the court shall on motion of the defendant order the prosecution to produce any statement oral or written of the witness in the possession of the prosecution which relates to the subject matter as to which the witness has testified, and the court shall order said statement to be delivered directly to the defendant for his examination and use. (b) If the prosecution fails to comply with the order of the court, the court shall strike from the record the testimony of the witness and the trial shall proceed unless the court in its discretion shall determine that the interests of justice require that a mistrial be declared. (1969, P.A. 680.) Cited. 159 C. 264. Held unconstitutional, but assuming constitutional, procedure found to comply. 166 C. 593. Cited. 200 C. 323; 202 C. 259; 211 C. 555. Destruction of tapes discussed. 214 C. 161. Cited. 215 C. 257; 221 C. 300; 223 C. 731; 227 C. 641; 229 C. 716; 231 C. 195. Cited 10 CA 103. Destruction of tapes held to be in bad faith; burden on state to show defendant not prejudiced. 14 CA 108. Cited. 20 CA 586; 25 CA 255; Id., 503; 29 CA 68; judgment reversed, see 227 C. 566; Id., 304; Id., 455; 32 CA 483; 46 CA 118; Id., 545. Cited. 42 CS 10; Id., 291.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-86c. - Disclosure of exculpatory information or material.

(a) Not later than thirty days after any defendant enters a plea of not guilty in a criminal case, the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case shall disclose any exculpatory information or material which he may have with respect to the defendant whether or not a request has been made therefor. If prior to or during the trial of the case, the prosecutorial official discovers additional information or material which is exculpatory, he shall promptly disclose the information or material to the defendant. (b) Any state's attorney, assistant state's attorney or deputy assistant state's attorney may request an ex parte in camera hearing before a judge, who shall not be the same judge who presides at the hearing of the criminal case if the case is tried to the court, to determine whether any material or information is exculpatory. (c) Each peace officer, as defined in subdivision (9) of section 53a-3, shall disclose in writing any exculpatory information or material which he may have with respect to any criminal investigation to the prosecutorial official in charge of such case. (P.A. 78-290, S. 1; P.A. 80-313, S. 33.) History: P.A.

80-313 replaced “such” with “the” where appearing. Cited. 184 C. 258; 189 C. 183; 191 C. 12; 194 C. 258; 197 C. 17; Id., 298; 198 C. 285; 199 C. 207; Id., 399; 201 C. 517; 206 C. 512; 209 C. 143; 212 C. 387; 221 C. 264; 229 C. 716. Cited. 14 CA 586; 17 CA 525; 22 CA 329; 24 CA 57; Id., 195; 34 CA 58; judgment reversed, see 232 C. 537; 36 CA 417; 38 CA 777. Cited. 36 CS 89; 42 CS 291. Police officer lied in investigation of incident and therefore violated public policy; arbitration panel, in reinstating the police officer, violated this public policy. 50 CS 180.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-86d. - Nondisclosure of address and telephone number by victims of certain crimes.

Any person who has been the victim of a sexual assault under section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a, voyeurism under section 53a-189a, or injury or risk of injury, or impairing of morals under section 53-21, or of an attempt thereof, or family violence, as defined in section 46b-38a, shall not be required to divulge his or her address or telephone number during any trial or pretrial evidentiary hearing arising from the sexual assault, voyeurism or injury or risk of injury to, or impairing of morals of, a child, or family violence; provided the judge presiding over such legal proceeding finds: (1) Such information is not material to the proceeding, (2) the identity of the victim has been satisfactorily established, and (3) the current address of the victim will be made available to the defense in the same manner and time as such information is made available to the defense for other criminal offenses. (P.A. 81-448, S. 1; P.A. 82-472, S. 145, 183; P.A. 93-340, S. 9, 19; P.A. 15-211, S. 23; 15-213, S. 6; P.A. 17-87, S. 6; P.A. 18-75, S. 15; P.A. 19-189, S. 29.) History: P.A. 82-472 made technical corrections; P.A. 93-340 amended Subdiv. (3) to require the judge to find that the current address of the victim “will be made available to the defense in the same manner and time as such information is made available to the defense for other criminal offenses” rather than “is made available to the defense”, effective July 1, 1993; P.A. 15-211 added references to family violence, effective July 1, 2015; P.A. 15-213 added references to voyeurism and made technical changes; P.A. 17-87 added reference to Sec. 53a-70b; P.A. 18-75 added reference to Sec. 53a-70c; P.A. 19-189 replaced “53a-70b,” with “section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or”. Cited. 8 CA 387; 20 CA 115. Cited. 42 CS 291.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-86e. - Confidentiality of identifying information pertaining to victims of certain crimes. Availability of information to accused. Protective order information to be entered in registry.

The name and address of the victim of a sexual assault under section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a, voyeurism under section 53a-189a, or injury or risk of injury, or impairing of morals under section 53-21, or of an attempt thereof, or family violence, as defined in section 46b-38a and such other identifying information pertaining to such victim as determined by the court, shall be confidential and shall be disclosed only upon order of the Superior Court, except that (1) such information shall be available to the accused in the same manner and time as such information is available to persons accused of other criminal offenses, and (2) if a protective order is issued in a prosecution under any of said sections, the name and address of the victim, in addition to the information contained in and concerning the issuance of such order, shall be entered in the registry of protective orders pursuant to section 51-5c. (P.A. 81-448, S. 3; P.A. 93-340, S. 10, 19; May 25 Sp. Sess. P.A. 94-1, S. 42, 130; P.A. 02-132, S. 59; P.A. 03-202, S. 15; P.A. 15-211, S. 24; 15-213, S. 7; P.A. 17-87, S. 7; P.A. 18-75, S. 16; P.A. 19-189, S. 30.) History: P.A. 93-340 required name and address of victim to be available to the accused “in the same manner and time as such information is available to those accused of other criminal offenses”, effective July 1, 1993; May 25 Sp. Sess. P.A. 94-1 made technical change, effective July 1, 1994; P.A. 02-132 designated exception re availability of information to accused as Subdiv. (1), added Subdiv. (2) re entry of information into registry of protective orders pursuant to Sec. 51-5c and made a technical change, effective January 1, 2003; P.A. 03-202 added provision re other identifying information pertaining to the victim as determined by the court; P.A. 15-211 added reference to family violence, effective July 1, 2015; P.A. 15-213 added reference to voyeurism; P.A. 17-87 added reference to Sec. 53a-70b; P.A. 18-75 added reference to Sec. 53a-70c; P.A. 19-189 replaced “53a-70b,” with “section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or”. Cited. 230 C. 43; 233 C. 403; 235 C. 145. Cited. 8 CA 387; 20 CA 115; 26 CA 81; 37 CA 534; 39 CA 742; 46 CA 810. Statutory protection against disclosure of identities of sexual assault victims not limited to prosecutions for sexual assault and may be applied to protect victim's identity in a related witness tampering trial. 84 CA 48. Cited. 42 CS 291.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-86f. - Admissibility of evidence of sexual conduct.

(a) In any prosecution for sexual assault under sections 53a-70, 53a-70a and 53a-71 to 53a-73a, inclusive, no evidence of the sexual conduct of the victim may be admissible unless such evidence is (1) offered by the defendant on the issue of whether the defendant was, with respect to the victim, the source of semen, disease, pregnancy or injury, or (2) offered by the defendant on the issue of credibility of the victim, provided the victim has testified on direct examination as to his or her sexual conduct, or (3) any evidence of sexual conduct with the defendant offered by the defendant on the issue of consent by the victim, when consent is raised as a defense by the defendant, or (4) otherwise so relevant and material to a critical issue in the case that excluding it would violate the defendant's constitutional rights. Such evidence shall be admissible only after an in camera hearing on a motion to offer such evidence containing an offer of proof. If the proceeding is a trial with a jury, such hearing shall be held in the absence of the jury. If,

after a hearing, the court finds that the evidence meets the requirements of this section and that the probative value of the evidence outweighs its prejudicial effect on the victim, the court may grant the motion. The testimony of the defendant during a hearing on a motion to offer evidence under this section may not be used against the defendant during the trial if such motion is denied, except that such testimony may be admissible to impeach the credibility of the defendant if the defendant elects to testify as part of the defense. (b) Any motion and supporting document filed pursuant to this section shall be filed under seal and may be unsealed only if the court rules the evidence is admissible and the case proceeds to trial. If the court determines that only part of the evidence contained in the motion is admissible, only that portion of the motion and any supporting document pertaining to the admissible portion may be unsealed. The court shall maintain any document remaining under seal for delivery to the Appellate Court in the event of an appeal. (c) The court shall seal each court transcript, recording and record of a proceeding of a hearing held pursuant to this section. The court may unseal a transcript, recording or record only if the court rules the evidence in such transcript, recording or record is admissible and the case proceeds to trial. If the court determines that only part of such evidence is admissible, only the portion of such transcript, record or recording pertaining to the admissible evidence may be unsealed. (d) Evidence described in subsection (a) of this section shall be subject to such other terms and conditions as the court may provide. No defendant, defense counsel or agent of the defendant or defense counsel shall further disclose such evidence disclosed by the state, except to persons employed by defense counsel in connection with the investigation or defense of the case or any successor counsel, without the prior approval of the prosecuting authority or the court. (P.A. 82-230; P.A. 83-113; P.A. 85-347; P.A. 15-207, S. 2.) History: P.A. 83-113 added requirement that motion to offer evidence of prior sexual conduct contain an offer of proof and provision re admissibility of testimony of defendant to impeach credibility if defendant elects to testify; P.A. 85-347 deleted "prior" before "sexual conduct" and added "any" before "evidence"; P.A. 15-207 designated existing provisions as Subsec. (a) and amended same to add provision re court to conduct an in camera hearing on a motion to offer evidence of prior sexual conduct and delete former provision re hearing held in camera subject to Sec. 51-164x, added Subsec. (b) re any motion and supporting document to be filed under seal, added Subsec. (c) re each court transcript, recording and record of a proceeding of a hearing to be filed under seal, and added Subsec. (d) re other terms and conditions the court may prescribe re evidence of prior sexual conduct. Cited. 195 C. 253; 197 C. 280; 199 C. 193; Id., 481; 207 C. 403; 208 C. 365; 209 C. 143; 220 C. 345; 228 C. 456; 230 C. 43. Defendant failed to make an adequate preliminary showing of relevancy in order to justify cross examination of plaintiff's father about plaintiff's statement concerning a prior sexual assault investigation. 244 C. 640. Court sets forth standard applicable to child sexual abuse cases re determining whether prior sexual conduct should be admissible at trial for purposes of showing an alternative source for victim's sexual knowledge; standard also applicable for determining admissibility of evidence of prior sexual conduct for purposes of rebutting evidence offered by expert witness to show that a child exhibits behavior indicative of sexual abuse, by showing an alternative explanation for that behavior. 257 C. 156. Evidence of victim's prior history of prostitution admissible to establish consent to sexual relations or motive to provide false testimony but not to establish general unchaste character. 270 C. 826; overruled with respect to conclusion that "material" refers to the constitutional standard for materiality, see 320 C. 781. Court improperly excluded testimony proffered by defendant re victim's prior statements about past sexual conduct after victim testified to having no prior sexual experience at time of assault. 280 C. 36. Trial court properly exercised discretion by precluding inquiry into victim's prior sexual assaults, as they were not relevant to any critical issue in present case, and defendant never offered any specific evidence of falsity. 295 C. 758. Evidence of victim's prior sexual acts with a person other than defendant was not relevant to demonstrate alleged bias, motive or interest of victim and was properly excluded. 303 C. 589. Cited. 3 CA 374; 8 CA 44; Id., 190; 11 CA 673; 14 CA 451; Id., 688; 20 CA 263; 21 CA 411; 23 CA 221; Id., 225; 29 CA 409; Id., 642; 30 CA 56; 34 CA 473; 35 CA 173; 38 CA 100; 42 CA 445; 43 CA 667; Id., 680; Id., 715; 45 CA 116. Defendant's rights under statute were impermissibly impaired when trial court excluded evidence of victim's consensual sexual relations with the lead detective investigating her claim of sexual assault; such evidence was relevant to the substantive issue of consent raised by defendant and was offered for sole purpose of determining victim's credibility and the inconsistency of her behavior following an alleged traumatic sexual assault. 57 CA 32. Court did not improperly exclude evidence of semen from third party on victim's clothing. 68 CA 470. Legislative intent of rape shield statute discussed; legislature also provided for exceptions in rare instances; defendant entitled to proffer direct testimony re physical evidence tending to show misidentification; Subdiv. (1) does not specify that such evidence offered by defendant may be rebuttal evidence only. 85 CA 96. Court did not improperly exclude evidence concerning victim's prior sexual conduct because court found that such evidence was not credible and therefore not relevant. 85 CA 575. Exclusion of evidence relating to victim's alleged sexual interactions with his brothers did not violate defendant's sixth amendment rights because such evidence was properly excluded as irrelevant. 99 CA 274. Trial court abused its discretion in refusing to grant evidentiary hearing to determine admissibility of evidence of plaintiff's prior sexual conduct; evidence from police reports of two prior allegations, which presented facts that tended to demonstrate the falsity of plaintiff's prior allegations, sufficient as offers of proof and relevant to the issue of whether defendant used force in committing the sexual assault. 106 CA 517; judgment reversed, see 295 C. 758. Defendant was properly prohibited from questioning victims about their sexual histories. 126 CA 437. Section abrogates common law rule that character of woman as to chastity is of considerable probative value in judging likelihood of consent. 177 CA 369. Subsec. (a): Court improperly excluded DNA evidence re semen from individual other than defendant under Subdiv. (1) because evidence was offered by defendant to prove misidentification by victim, not to expose victim's past sexual conduct. 280 C. 285. Subdiv. (4): "Material" as used in section does not refer to the constitutional standard, but rather the evidentiary standard, that is, evidence is material when it has an influence, effect, or bearing on a fact in dispute at trial. 320 C. 781. Psychological injury is not recognized as an injury for purposes of Subdiv. (1); Subdiv. (2) does not apply where the only sexual conduct to which victim testifies is alleged sexual conduct by defendant; evidence admitted under

Subdiv. (4) must be both material and relevant in order to be so critical that its exclusion could lead to a violation of defendant's constitutional rights. 99 CA 274. Subdiv. (4): Trial court improperly precluded evidence of minor victim's sexual relationship with boyfriend because state conceded that defendant showed that victim may have had a motive to lie about defendant's sexual assault. 121 CA 534.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-86g. - Testimony of victim of child abuse. Court may order testimony taken outside courtroom. Procedure.

(a) In any criminal prosecution of an offense involving assault, sexual assault or abuse of a child twelve years of age or younger, the court may, upon motion of the attorney for any party, order that the testimony of the child be taken in a room other than the courtroom in the presence and under the supervision of the trial judge hearing the matter and be televised by closed circuit equipment in the courtroom or recorded for later showing before the court. Only the judge, the defendant, the attorneys for the defendant and for the state, persons necessary to operate the equipment and any person who would contribute to the welfare and well-being of the child may be present in the room with the child during his testimony, except that the court may order the defendant excluded from the room or screened from the sight and hearing of the child only if the state proves, by clear and convincing evidence, that the child would be so intimidated, or otherwise inhibited, by the physical presence of the defendant that a compelling need exists to take the testimony of the child outside the physical presence of the defendant in order to insure the reliability of such testimony. If the defendant is excluded from the room or screened from the sight and hearing of the child, the court shall ensure that the defendant is able to observe and hear the testimony of the child, but that the child cannot see or hear the defendant. The defendant shall be able to consult privately with his attorney at all times during the taking of the testimony. The attorneys and the judge may question the child. If the court orders the testimony of a child to be taken under this subsection, the child shall not be required to testify in court at the proceeding for which the testimony was taken. (b) In any criminal prosecution of an offense involving assault, sexual assault or abuse of a child twelve years of age or younger, the court may, upon motion of the attorney for any party, order that the following procedures be used when the testimony of the child is taken: (1) Persons shall be prohibited from entering and leaving the courtroom during the child's testimony; (2) an adult who is known to the child and with whom the child feels comfortable shall be permitted to sit in close proximity to the child during the child's testimony, provided such person shall not obscure the child from the view of the defendant or the trier of fact; (3) the use of anatomically correct dolls by the child shall be permitted; and (4) the attorneys for the defendant and for the state shall question the child while seated at a table positioned in front of the child, shall remain seated while posing objections and shall ask questions and pose objections in a manner which is not intimidating to the child. (P.A. 85-587, S. 1; P.A. 89-177, S. 1; P.A. 90-230, S. 94, 101.) History: P.A. 89-177 amended Subsec. (a) to permit the defendant to be present in the room during the child's testimony, to provide that the court may exclude the defendant from the room or screen him from the sight and hearing of the child only if the state proves by clear and convincing evidence that a compelling need exists to take the testimony of the child outside the physical presence of the defendant, to provide that the requirement that the defendant be able to observe and hear the child and that the child not be able to see or hear the defendant applies "if the defendant is excluded from the room or screened from the sight and hearing of the child", and to replace provision that the defendant "may consult with his attorney" with "shall be able to consult privately with his attorney at all times during the taking of the testimony", incorporated Subsec. (b) into Subsec. (a), and added a new Subsec. (b) authorizing the court to order that certain procedures be used when a child testifies in any criminal prosecution of an offense involving an assault, sexual assault or abuse of a child 12 years of age or younger and requiring the question of the competency of the child as a witness to be resolved prior to the time of the trial; P.A. 90-230 made technical change to Subsec. (b). Not effective at time action initiated; videotaping procedure essentially followed by trial court discussed in connection with federal and state constitutional confrontation clauses. 204 C. 683. Cited. 210 C. 51; Id., 244; Id., 359; 211 C. 185. Judgment of Appellate Court in 36 CA 803 reversed and case remanded to Appellate Court for consideration of trial court's denial of state's motion to videotape pursuant to section. 235 C. 659. In 36 CA 803, 233 C. 902, 42 CA 186, 239 C. 934, judgment of Appellate Court reversed; trial court properly exercised its discretion to deny motion on videotaped testimony. 241 C. 823. It is insufficient, without further inquiry, to determine that because victim cried on the witness stand, victim is not reliable as a witness. 258 C. 42. Section does not specifically authorize the use of a dog, but trial court may exercise its discretion to permit a dog to provide comfort and support to a testifying witness. 321 C. 656. Cited. 14 CA 333; 19 CA 445; 24 CA 146; 26 CA 674; 36 CA 803; judgment reversed, see 235 C. 659, see also 241 C. 823. Defendant not entitled to have a defense expert conduct a psychological or psychiatric examination of an alleged child victim as prerequisite to trial court's granting of motion filed pursuant to section. 42 CA 186; judgment reversed, see 241 C. 823. Cited. 39 CA 702. In this case, trial court properly permitted the state to videotape testimony of child victim outside the presence of defendant. 51 CA 753. Hearing re videotaping of remainder of the child's testimony outside the presence of defendant re her sexual assault pursuant to 204 C. 683 need not be conducted prior to trial or before testimony begins. 55 CA 717. Plain language of statute permits testimony via videotape of victim who is 12 years of age or younger at time of offense; victim's age at time of videotaping is not controlling under statute. 70 CA 171. Section does not give court specific authority to allow the presence of a dog while a child witness testifies. 150 CA 514; judgment reversed, see 321 C. 656. Subsec. (a): State's compelling interest in securing reliable testimony from a child victim may outweigh defendant's right of face-to-face confrontation. 284 C. 597. Cited. 42 CA 186; judgment reversed, see 241 C. 823. Trial court's finding of compelling need for videotaped testimony upheld. 47 CA 199.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-86h. - Competency of child as witness.

No witness shall be automatically adjudged incompetent to testify because of age and any child who is a victim of assault, sexual assault or abuse shall be competent to testify without prior qualification. The weight to be given the evidence and the credibility of the witness shall be for the determination of the trier of fact. (P.A. 85-587, S. 2.) Cited. 211 C. 555; 241 C. 823. Cited. 12 CA 585; 13 CA 368; 19 CA 36; 20 CA 737; 23 CA 509; 24 CA 146; 25 CA 21; 42 CA 186; judgment reversed, see 241 C. 823.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-86i. - Testimony of expert witness re mental state or condition of defendant.

No expert witness testifying with respect to the mental state or condition of a defendant in a criminal case may state an opinion or inference as to whether the defendant did or did not have the mental state or condition constituting an element of the crime charged or of a defense thereto, except that such expert witness may state his diagnosis of the mental state or condition of the defendant. The ultimate issue as to whether the defendant was criminally responsible for the crime charged is a matter for the trier of fact alone. (P.A. 85-605.) Cited. 207 C. 35; 209 C. 423; 210 C. 481; 216 C. 139; 224 C. 114; Id., 347; 225 C. 450; Id., 650. Cited. 17 CA 257; 26 CA 94; 28 CA 425; 32 CA 170; 34 CA 629.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-86j. - Polygraph examination of victims of sexual assault restricted.

(a) No member of any municipal police department, the state police or the Division of Criminal Justice may request or require any victim of a sexual assault under section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a to submit to or take a polygraph examination. (b) For the purposes of this section, "polygraph" means any mechanical or electrical instrument or device of any type used or allegedly used to examine, test or question individuals for the purpose of determining truthfulness. (P.A. 89-60; P.A. 19-189, S. 31.) History: P.A. 19-189 amended Subsec. (a) by replacing "53a-70b," with "section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or".

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-86k. - Admissibility of results of DNA analysis.

(a) In any criminal proceeding, DNA (deoxyribonucleic acid) testing shall be deemed to be a reliable scientific technique and the evidence of a DNA profile comparison may be admitted to prove or disprove the identity of any person. This section shall not otherwise limit the introduction of any relevant evidence bearing upon any question at issue before the court. The court shall, regardless of the results of the DNA analysis, if any, consider such other relevant evidence of the identity of the accused as shall be admissible in evidence. (b) If the results of the DNA analysis tend to exculpate the accused, the prosecuting authority shall disclose such exculpatory information or material to the accused in accordance with section 54-86c. (c) At least twenty-one days prior to commencement of the proceeding in which the results of a DNA analysis will be offered as evidence, the party intending to offer the evidence shall notify the opposing party, in writing, of the intent to offer the analysis and shall provide or make available copies of the profiles and the report or statement to be introduced. In the event that such notice is not given, and the person proffers such evidence, then the court may in its discretion either allow the opposing party a continuance or, under the appropriate circumstances, bar the person from presenting such evidence. The period of any such continuance shall not be counted for speedy trial purposes under section 54-82c. If the opposing party intends to object to the admissibility of such evidence he shall give written notice of that fact and the basis for his objections at least ten days prior to commencement of the proceedings. (d) No blood sample submitted to the Division of Scientific Services within the Department of Emergency Services and Public Protection for analysis and use as provided in this section and no results of the analysis performed shall be included in the DNA data bank established by the division pursuant to section 54-102j or otherwise used in any way with identifying information on the person whose sample was submitted. (P.A. 94-246, S. 7; P.A. 99-218, S. 9, 16; P.A. 11-51, S. 134.) History: P.A. 99-218 amended Subsec. (d) by replacing the State Police Forensic Science Laboratory with the Division of Scientific Services within the Department of Public Safety, effective July 1, 1999; pursuant to P.A. 11-51, "Department of Public Safety" was changed editorially by the Revisors to "Department of Emergency Services and Public Protection" in Subsec. (d), effective July 1, 2011. See Secs. 54-102g to 54-102l, inclusive, re DNA analysis procedures. Trial court did not abuse its discretion when it denied defendant's motion to preclude DNA testing results produced by the state shortly before the trial was scheduled to begin where trial court ordered a continuance of the trial because of state's failure to comply with statute's timing requirements and defendant did not establish he was prejudiced by the late disclosure. 304 C. 383.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-86l. - Admissibility in criminal or juvenile proceeding of statement by child twelve years of age or younger at time of statement relating to sexual offense or offense involving physical abuse against the child.

(a) Notwithstanding any other rule of evidence or provision of law, a statement by a child twelve years of age or younger at the time of the statement relating to a sexual offense committed against that child, or an offense involving physical abuse committed against that child by the child's parent or guardian or any other person exercising comparable authority over the child at the time of the offense, shall be admissible in a criminal or juvenile proceeding if: (1) The court finds, in a hearing conducted outside the presence

of the jury, if any, that the circumstances of the statement, including its timing and content, provide particularized guarantees of its trustworthiness, (2) the statement was not made in preparation for a legal proceeding, (3) the proponent of the statement makes known to the adverse party an intention to offer the statement and the particulars of the statement including the content of the statement, the approximate time, date and location of the statement, the person to whom the statement was made and the circumstances surrounding the statement that indicate its trustworthiness, at such time as to provide the adverse party with a fair opportunity to prepare to meet it, and (4) either (A) the child testifies and is subject to cross-examination at the proceeding, or (B) the child is unavailable as a witness and (i) there is independent nontestimonial corroborative evidence of the alleged act, and (ii) the statement was made prior to the defendant's arrest or institution of juvenile proceedings in connection with the act described in the statement. (b) Nothing in this section shall be construed to (1) prevent the admission of any statement under another hearsay exception, (2) allow broader definitions in other hearsay exceptions for statements made by children twelve years of age or younger at the time of the statement concerning any alleged act described in subsection (a) of this section than is done for other declarants, or (3) allow the admission pursuant to the residual hearsay exception of a statement described in subsection (a) of this section. (P.A. 07-143, S. 11; June Sp. Sess. P.A. 07-5, S. 42; P.A. 09-63, S. 1.) History: P.A. 07-143 effective July 1, 2007; June Sp. Sess. P.A. 07-5 deleted provision in Subsec. (a) re admissibility in civil proceedings, effective October 6, 2007; P.A. 09-63 amended Subsec. (a) to substitute "child twelve years of age or younger at the time of the statement" for "child under thirteen years of age" and replace provision re persons having authority or apparent authority over the child with provision re parent, guardian or other person exercising authority over the child at time of offense, and amended Subsec. (b) to substitute "children twelve years of age or younger" for "children under thirteen years of age". See Sec. 54-86g re courtroom testimony of child abused or sexually assaulted.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-86m. - Reproduction of property or material that constitutes child sexual abuse material prohibited.

Notwithstanding the provisions of section 54-86a, in any criminal proceeding, any property or material that constitutes child sexual abuse material shall remain in the care, custody and control of the state, and a court shall deny any request by the defendant to copy, photograph, duplicate or otherwise reproduce any property or material that constitutes child sexual abuse material provided the attorney for the state makes the property or material reasonably available to the defendant. Such property or material shall be deemed to be reasonably available to the defendant if the attorney for the state provides the defendant, the defendant's attorney or any individual the defendant may seek to qualify to furnish expert testimony at trial, ample opportunity for inspection, viewing and examination of the property or material at a state facility or at another facility agreed upon by the attorney for the state and the defendant. For the purposes of this section, "child sexual abuse material" has the same meaning as in section 53a-193. (P.A. 07-246, S. 2; P.A. 10-36, S. 27; P.A. 24-118, S. 9.) History: P.A. 10-36 made technical changes, effective July 1, 2010; P.A. 24-118 replaced references to "child pornography" with "child sexual abuse material" and redefined "child pornography" as "child sexual abuse material".

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-86n. - Appointment of advocate in proceeding re the welfare or custody of a cat or dog. Advocate's duties. Department of Agriculture to maintain list of eligible advocates.

(a) In any prosecution under section 53-247, or in any court proceeding pursuant to section 22-329a or in the criminal session of the Superior Court regarding the welfare or custody of a cat or dog, the court may order, upon its own initiative or upon request of a party or counsel for a party, that a separate advocate be appointed to represent the interests of justice. If a court orders that an advocate be appointed to represent the interests of justice, the court shall appoint such advocate from a list provided to the court by the Commissioner of Agriculture pursuant to subsection (c) of this section. A decision by the court denying a request to appoint a separate advocate to represent the interests of justice shall not be subject to appeal. (b) The advocate may: (1) Monitor the case; (2) consult any individual with information that could aid the judge or fact finder and review records relating to the condition of the cat or dog and the defendant's actions, including, but not limited to, records from animal control officers, veterinarians and police officers; (3) attend hearings; and (4) present information or recommendations to the court pertinent to determinations that relate to the interests of justice, provided such information and recommendations shall be based solely upon the duties undertaken pursuant to this subsection. (c) The Department of Agriculture shall maintain a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students, or anticipate having students, with an interest in animal issues and the legal system. Such attorneys and law students shall be eligible to serve on a voluntary basis as advocates under this section. The provisions of sections 3-14 to 3-21, inclusive, of the Connecticut Practice Book shall govern a law student's participation as an advocate under this section. (P.A. 16-30, S. 1.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-86o. - Jailhouse witnesses in a criminal prosecution.

(a) In any criminal prosecution, upon written request by a defendant filed with the court, but not requiring an order of the court, the defendant may request of the prosecutorial official whether such official intends to introduce testimony of a jailhouse witness. The prosecutorial official shall promptly, but not later than forty-five days after the filing of such motion, disclose to the defendant whether the official intends to introduce such testimony and, if so, the following information and material: (1) The complete criminal history of any such jailhouse witness, including any charges pending against such witness, or which were reduced or

dismissed as part of a plea bargain; (2) The jailhouse witness's cooperation agreement with the prosecutorial official and any benefit that the official has provided, offered or may offer in the future to any such jailhouse witness; (3) The substance, time and place of any statement allegedly given by the defendant to a jailhouse witness, and the substance, time and place of any statement given by a jailhouse witness implicating the defendant in an offense for which the defendant is indicted; (4) Whether at any time the jailhouse witness recanted any testimony subject to the disclosure and, if so, the time and place of the recantation, the nature of the recantation and the name of any person present at the recantation; and (5) Information concerning any other criminal prosecution in which the jailhouse witness testified, or offered to testify, against a person suspected as the perpetrator of an offense or defendant with whom the jailhouse witness was imprisoned or otherwise confined, including any cooperation agreement with a prosecutorial official or any benefit provided or offered to such witness by a prosecutorial official. (b) The prosecutorial official may move for an extension of time to make any disclosure pursuant to subsection (a) of this section. The court may agree to such extension of time if the court finds that the jailhouse witness was not known to the prosecutorial official at the time the defendant filed the written request under subsection (a) of this section, and that information or material required to be disclosed pursuant to subsection (a) of this section could not be disclosed with the exercise of due diligence within the period of time required under subsection (a) of this section. Upon good cause shown, the court may set a reasonable extension of time or may, upon the court's own motion, allow such extension. (c) If the court finds that a disclosure pursuant to subsection (a) of this section may result in the possibility of bodily harm to the jailhouse witness, the court may order that such information or material may only be viewed by the defense counsel, and not by the defendant or other parties. (d) For the purposes of this section, "benefit" means any plea bargain, bail consideration, reduction or modification of sentence or any other leniency, immunity, financial payment, reward or amelioration of current or future conditions of incarceration offered or provided in connection with, or in exchange for, testimony that is offered or provided by a jailhouse witness; and "jailhouse witness" means a person who offers or provides testimony concerning statements made to such person by another person with whom he or she was incarcerated, or an incarcerated person who offers or provides testimony concerning statements made to such person by another person who is suspected of or charged with committing a criminal offense. (P.A. 19-131, S. 1; 19-132, S. 6.) History: P.A. 19-132 redefined "jailhouse witness" in Subsec. (d). See Sec. 51-286 re tracking use of testimony by jailhouse witnesses. Subsec. (d): Procedural protections embodied in section are not dependent on the location where the defendant's alleged statements occurred, instead, they are applicable regardless of whether an incarcerated witness testifies as to statements the defendant made inside or outside of prison. 337 C. 486.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-86p. - Hearing re reliability and admissibility of jailhouse witness testimony in criminal prosecutions.

(a) In any criminal prosecution of a defendant for a violation of section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-70, 53a-70a or 53a-70c, upon a motion of the defendant before the start of a trial on any such offense, the court shall conduct a hearing at which hearsay or secondary evidence shall be admissible to determine whether any jailhouse witness's testimony is reliable and admissible. The court shall make a prima facie determination concerning the reliability of such testimony after evaluation of the evidence submitted at the hearing and the information or material disclosed pursuant to subdivisions (1) to (5), inclusive, of subsection (a) of section 54-86o, and may consider the following factors: (1) The extent to which the jailhouse witness's testimony is confirmed by other evidence; (2) The specificity of the testimony; (3) The extent to which the testimony contains details known only by the perpetrator of the alleged offense; (4) The extent to which the details of the testimony could be obtained from a source other than the defendant; and (5) The circumstances under which the jailhouse witness initially provided information supporting such testimony to a sworn member of a municipal police department, a sworn member of the Division of State Police within the Department of Emergency Services and Public Protection or a prosecutorial official, including whether the jailhouse witness was responding to a leading question. (b) If the prosecutorial official fails to make a prima facie showing that the jailhouse witness's testimony is reliable, the court shall not allow the testimony to be admitted. (c) For the purposes of this section, "jailhouse witness" means jailhouse witness, as defined in section 54-86o. (P.A. 19-131, S. 2; 19-132, S. 7.) History: P.A. 19-132 amended Subsec. (a) by adding provision re hearsay or secondary evidence admissible at hearing, adding reference to prima facie determination, replacing "reliability of the witness" with "reliability of such testimony", adding reference to evidence submitted at hearing, and adding "may consider" re factors, and amended Subsec. (b) by replacing "show by a preponderance of the evidence" with "make a prima facie showing". See Sec. 51-286 re tracking use of testimony by jailhouse witnesses. Subsec. (a): Trial court misunderstood "information" to include its own prior credibility assessment; trial courts must rely on objective criteria, to which all parties would have access through discovery process, in considering information disclosed pursuant to Sec. 54-86o(a)(5) for purpose of making prima facie reliability determination under Subsec. 349 C. 417.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-86q. - Use of deception or coercive tactics during an interrogation.

(a) As used in this section, "deception or coercive tactics" includes, but is not limited to, any tactic that: (1) Unreasonably deprives the person being interrogated of physical or mental health needs that were known, or should have been known to exist, including, but not limited to, food, sleep, use of the restroom or prescribed medications; (2) Uses or threatens the use of physical force upon the person being interrogated or another person for purposes of compelling an admission, confession or statement; (3) Uses or threatens the unlawful arrest of another person; (4) Uses or threatens the imposition of unlawful penalties upon the person being interrogated or another person; or (5) Uses or threatens the imposition of unlawful administrative or immigration sanctions upon the person being

interrogated or another person. (b) If the person being interrogated is under eighteen years of age, "deception or coercive tactics" further includes any tactic that: (1) Communicates false facts about evidence that were known to the law enforcement agency official or their agent or should have been known to the law enforcement agency official or their agent to be false; (2) Communicates false statements or misrepresentations of the law that were known or should have been known to be false statements or misrepresentations; or (3) Communicates false or misleading promises of leniency or some other benefit or reward that were known or should have been known to be false or misleading. (c) Except as provided in subsection (d) of this section, any admission, confession or statement, whether written or oral, made by any person during a custodial interrogation by a law enforcement agency official or such official's agent, shall be presumed to be involuntary and inadmissible in any proceeding if the law enforcement agency official or such official's agent engaged in deception or coercive tactics during such interrogation. (d) The presumption that any such admission, confession or statement is involuntary and inadmissible may be overcome if the state proves by clear and convincing evidence that (1) the admission, confession or statement was voluntary and not induced by the use of deception or coercive tactics, and (2) any alleged use of deception or coercive tactics did not undermine the reliability of the person's admission, confession or statement and did not create a substantial risk that the person might falsely incriminate such person's self. (P.A. 23-27, S. 1.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-87. - Demurrer.

Section 54-87 is repealed. (1949 Rev., S. 8803; P.A. 80-313, S. 61.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-88. - State to open and close arguments.

In any criminal trial, the counsel for the state shall be entitled to open and close the argument. (1949 Rev., S. 8804.) There is no rigid requirement that prosecutor's final summation must be limited solely to rebuttal of matters raised in defendant's argument. 170 C. 417. Cited. 230 C. 351.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-89. - Direction of court to jury.

The court shall decide all issues of law and all questions of law arising in the trial of criminal cases. In committing the cause to the jury, if in the opinion of the court the evidence is not sufficient to justify the finding of guilt beyond a reasonable doubt, the court may direct the jury to find a verdict of not guilty; otherwise the court shall submit the facts to the jury without directing how to find their verdict. (1949 Rev., S. 8806.) How far jury judges of the law and of its constitutionality. 40 C. 248; 47 C. 551, 552; 69 C. 127. Cited. 46 C. 339. Jury as much bound by the law as the judge. 47 C. 551, 552. Comments on evidence permissible so long as they do not amount to directions as to verdict. 57 C. 529; 64 C. 329; 103 C. 486; 105 C. 764. Instance of charge in violation of spirit of statute. 63 C. 47. Proper for judge to state that the statute under which accused was prosecuted was valid, until repealed or pronounced otherwise by higher court. 65 C. 287; 69 C. 127. A judge has complied with provision of statute when he has given the jury instructions required to enable it to understand the nature of the offense and the questions it is to decide, to weigh the evidence applicable thereto and to intelligently decide thereon. 72 C. 43. Instruction permitting jury to determine law is error. 75 C. 218, 234. Court may state opinion on evidence; 64 C. 330; 67 C. 581; 72 C. 40; 78 C. 28; 81 C. 98; 83 C. 160; Id., 601; 87 C. 5; Id., 285; 98 C. 467; 109 C. 91; thus, may give opinion that newspaper is within statute as to obscene literature; 73 C. 18; may comment on testimony as to good character of accused; 83 C. 597; so as to testimony of an accomplice; 72 C. 321; 75 C. 326; 76 C. 342; 84 C. 152; Id., 411. Granting new trial. 65 C. 274; 69 C. 190. Rules same as in civil action. 72 C. 109; 74 C. 638; 79 C. 481. Capital case. 81 C. 22. Prior to 1921, court could not direct verdict of not guilty. 96 C. 639. But otherwise under present law. 99 C. 244; 100 C. 643. How far court may go in charge without violating rule against directing verdict of guilty. 99 C. 244; 103 C. 486; 105 C. 764. Direction of verdict of not guilty in case of one defendant held erroneous. 100 C. 643. Cited. 146 C. 327; 169 C. 377; 186 C. 696; 196 C. 519. Cited. 8 CA 631; 10 CA 697; 15 CA 704; 19 CA 576. Court may direct verdict of not guilty when reasoning mind could not reasonably reach conclusion other than that the evidence, under the law, is not sufficient to justify finding of guilty beyond reasonable doubt. 4 Conn. Cir. Ct. 192. Court may not direct jury to find verdict of guilty. 5 Conn. Cir. Ct. 222. Cited. 6 Conn. Cir. Ct. 650.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-89a. - Court to inform jury on consequences of a finding of not guilty by reason of mental disease or defect.

If the court instructs the jury on a defense of mental disease or defect raised pursuant to section 53a-13, it shall, unless the defendant affirmatively objects, inform the jury of the consequences for the defendant if he is found not guilty by reason of mental disease or defect and of the confinement and release provisions of sections 17a-580 to 17a-602, inclusive, applicable to a person found not guilty by reason of mental disease or defect. (P.A. 81-301, S. 3; P.A. 83-486, S. 6; P.A. 85-506, S. 30, 32.) History: P.A. 83-486 replaced provision re court instructing jury "on the absence of criminal responsibility of a defendant on the grounds of mental disease or defect" with instruction "on a defense of mental disease or defect raised pursuant to section 53a-13", and replaced "a

finding of guilty but not criminally responsible” with a finding of “not guilty by reason” of mental disease or defect; P.A. 85-506 replaced reference to repealed Sec. 53a-47 with sections 17-257a to 17-257w, inclusive. Cited. 208 C. 125; 230 C. 183. Cited. 10 CA 50. Section enacted in derogation of common law and is to be construed narrowly; court's instructions satisfied section where effect was to inform jury of consequences of a successful insanity defense and to allay jurors' fears that defendant could be released while a danger to society. 50 CA 312.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-91. - When sentence to be passed.

Section 54-91 is repealed. (1949 Rev., S. 8807; P.A. 76-336, S. 10.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-91a. (Formerly Sec. 54-109). - Presentence investigation of defendant.

(a) No defendant convicted of a crime, other than a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, or murder with special circumstances under the provisions of section 53a-54b in effect on or after April 25, 2012, the punishment for which may include imprisonment for more than one year, may be sentenced, or the defendant's case otherwise disposed of, until a written report of investigation by a probation officer has been presented to and considered by the court, if the defendant is so convicted for the first time in this state or upon any conviction of a felony involving family violence pursuant to section 46b-38a for which the punishment may include imprisonment; but any court may, in its discretion, order a presentence investigation for a defendant convicted of any crime or offense other than a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, or murder with special circumstances under the provisions of section 53a-54b in effect on or after April 25, 2012. (b) A defendant who is convicted of a crime and is not eligible for sentence review pursuant to section 51-195 may, with the consent of the sentencing judge and the prosecuting official, waive the presentence investigation, except that the presentence investigation may not be waived when the defendant is convicted of a felony involving family violence pursuant to section 46b-38a and the punishment for which may include imprisonment. (c) Whenever an investigation is required, the probation officer shall promptly inquire into the circumstances of the offense, the attitude of the complainant or victim, or of the immediate family where possible in cases of homicide, and the criminal record, social history and present condition of the defendant. Such investigation shall include an inquiry into any damages suffered by the victim, including medical expenses, loss of earnings and property loss. All local and state police agencies shall furnish to the probation officer such criminal records as the probation officer may request. When in the opinion of the court or the investigating authority it is desirable, such investigation shall include a physical and mental examination of the defendant. If the defendant is committed to any institution, the investigating agency shall send the reports of such investigation to the institution at the time of commitment. (d) In lieu of ordering a full presentence investigation, the court may order an abridged version of such investigation, which (1) shall contain (A) identifying information about the defendant, (B) information about the pending case from the record of the court, (C) the circumstances of the offense, (D) the attitude of the complainant or victim, (E) any damages suffered by the victim, including medical expenses, loss of earnings and property loss, and (F) the criminal record of the defendant, and (2) may encompass one or more areas of the social history and present condition of the defendant, including family background, significant relationships or children, educational attainment or vocational training, employment history, financial situation, housing situation, medical status, mental health status, substance abuse history, the results of any clinical evaluation conducted of the defendant or any other information required by the court that is consistent with the provisions of this section. If the court orders an abridged version of such investigation for a felony involving family violence, as defined in section 46b-38a, the abridged version of such investigation shall, in addition to the information set forth in subdivision (1) of this subsection, contain the following information concerning the defendant: (A) Family background, (B) significant relationships or children, (C) mental health status, and (D) substance abuse history. (e) Any information contained in the files or report of an investigation pursuant to this section shall be available to the Court Support Services Division for the purpose of performing the duties contained in section 54-63d and to the Department of Mental Health and Addiction Services for purposes of diagnosis and treatment. (1955, S. 3337d; 1957, P.A. 639, S. 1; 1959, P.A. 615, S. 14; P.A. 76-336, S. 6; P.A. 78-188, S. 5, 8; P.A. 80-313, S. 48; P.A. 82-281; 82-298, S. 5; P.A. 85-98; P.A. 90-261, S. 12, 19; P.A. 95-225, S. 35; 95-261, S. 4; P.A. 00-64, S. 1; P.A. 02-132, S. 41; P.A. 03-48, S. 1; P.A. 12-5, S. 30; P.A. 17-31, S. 8; P.A. 19-64, S. 12; P.A. 21-40, S. 54.) History: 1959 act required report of probation officer's investigation prior to sentencing if defendant's record discloses a conviction obtained prior to three years from present conviction; P.A. 76-336 substituted references to capital felony for references to first degree murder where appearing; P.A. 78-188 required that criminal records be furnished to restitution specialists upon their request; P.A. 80-313 divided section into Subsecs. and substituted “may” for “shall” in provision re required reports of probation officer in Subsec. (a); Sec. 54-109 transferred to Sec. 54-91a in 1981; P.A. 82-281 amended Subsec. (a)(2) to increase from three to five years the period of time between convictions, and inserted a new Subsec. (b) authorizing certain defendants to waive the investigation, relettering former Subsec. (b) accordingly; P.A. 82-298 deleted references to restitution specialists in newly relettered Subsec. (c); P.A. 85-98 amended Subsec. (c) by adding provision requiring the investigation to include an inquiry into any damages suffered by the victim; P.A. 90-261 amended Subsec. (c) by adding provision requiring the investigation to include an inquiry into whether the department of correction recommends that the defendant participate in a special alternative incarceration program; P.A. 95-225 and P.A. 95-261 both added substantially identical provisions as new Subsec. (d) authorizing the disclosure of information in the files or report of an investigation to the Office of the Bail Commission for the purpose of performing the duties in Sec. 54-63d (Revisor's note: P.A.

95-225 provided that “Any information contained in the files or report of an investigation made pursuant to this section may be disclosed to the Office of the Bail Commission ...”, whereas P.A. 95-261 provided that “Any information contained in the files or report of an investigation pursuant to this section shall be available to the Office of the Bail Commission ...”; P.A. 00-64 amended Subsec. (a) by making technical changes and deleting provision that required investigation if record of defendant, as shown by prosecutor, discloses conviction obtained prior to five years from guilty finding in present prosecution, and amended Subsec. (d) by adding provision making information contained in files or report available to Department of Mental Health and Addiction Services for purposes of diagnosis and treatment; P.A. 02-132 amended Subsec. (d) by replacing “Office of the Bail Commission” with “Court Support Services Division”; P.A. 03-48 amended Subsec. (c) to delete provision requiring investigation to include an inquiry into whether the Department of Correction recommends that the defendant participate in a special alternative incarceration program in accordance with Sec. 53a-39b, reflecting repeal of said Sec. by the same public act; P.A. 12-5 amended Subsec. (a) to add references to provisions of Sec. 53a-54b in effect prior to April 25, 2012, re capital felony and add references to murder with special circumstances under Sec. 53a-54b, effective April 25, 2012; P.A. 17-31 amended Subsecs. (a) and (b) to add provisions re felony involving family violence; P.A. 19-64 added new Subsec. (d) re court's authority to order abridged version of presentence investigation of defendant and redesignated existing Subsec. (d) as Subsec. (e); P.A. 21-40 made a technical change in Subsec. (d). Annotations to former section 54-109: Refusal of court to allow defendant to question on the witness stand the probation officer who prepared report held not violation of right to be confronted by witnesses and to cross-examine them. 147 C. 125. Cited. 153 C. 673; 160 C. 151, 165. Request to withdraw nolo contendere plea after presentence report may validly be refused by court if it is deemed delaying action. 161 C. 20. Cited. 168 C. 623; 169 C. 263; 176 C. 270. Presentence investigation and report should have been made where minor defendant sentenced to reformatory for not more than 2 years for crime, the prescribed penalty for which is not more than 1 year. 26 CS 505. So, where term to be served was not more than 2 years where punishment for crime would include imprisonment for more than 1 year. 27 CS 81. Not error to order presentence report and consider it before motion in arrest of judgment was heard. 3 Conn. Cir. Ct. 153. Not an abuse of discretion to deny accused withdrawal of plea of nolo contendere after being given copy of presentence report. Id., 206. Annotations to present section: Cited. 197 C. 106; 199 C. 121; 234 C. 139; 236 C. 561. Cited. 5 CA 378; 8 CA 607; 10 CA 591; 19 CA 640; 22 CA 10; 37 CA 801; 40 CA 643; 42 CA 768; 43 CA 142. Any objection to presentence investigation report must be made prior to sentencing because trial court is required to consider information contained in the PSI prior to sentencing. 49 CA 702. Subsec. (c): Statute recognizes the wide range of information which a sentencing court should consider. 1 CA 724.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-91b. (Formerly Sec. 54-109a). - Defendant may request copy of prior record and presentence investigation report.

In any case, without a showing of good cause, upon the request of the defendant or his attorney, prior to sentencing, the court shall provide the defendant or his attorney with a copy of his record of prior convictions and in any case wherein a presentence investigation is ordered, without a showing of good cause, the court shall provide the defendant or his attorney with a copy of the presentence investigation report at least twenty-four hours prior to the date set for sentencing and in both such cases shall hear motions addressed to the accuracy of any part of such record or report. (1969, P.A. 129.) History: Sec. 54-109a transferred to Sec. 54-91b in 1981.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-91c. - Testimony of victim or representative of deceased victim prior to acceptance of plea agreement and at sentencing hearing. Terms of proposed plea agreement. Notification by state's attorney.

(a) For the purposes of this section, “victim” means a person who is a victim of a crime, the legal representative of such person, a member of a deceased victim's immediate family or a person designated by a deceased victim in accordance with section 1-56r. (b) Prior to the imposition of sentence upon any defendant who has been found guilty of any crime or has pleaded guilty or nolo contendere to any crime, and prior to the acceptance by the court of a plea of guilty or nolo contendere made pursuant to a plea agreement with the state, the court shall permit any victim of the crime to appear before the court for the purpose of making a statement for the record, which statement may include the victim's opinion of any plea agreement. In lieu of such appearance, the victim may submit a written statement or, if the victim of the crime is deceased, the legal representative or a member of the immediate family of such deceased victim may submit a statement of such deceased victim to the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case. Such state's attorney, assistant state's attorney or deputy assistant state's attorney shall file the statement with the sentencing court and the statement shall be made a part of the record at the sentencing hearing. Any such statement, whether oral or written, shall relate to the facts of the case, the appropriateness of any penalty and the extent of any injuries, financial losses and loss of earnings directly resulting from the crime for which the defendant is being sentenced. The court shall inquire on the record whether any victim is present for the purpose of making an oral statement or has submitted a written statement. If no victim is present and no such written statement has been submitted, the court shall inquire on the record whether an attempt has been made to notify any such victim as provided in subdivision (1) of subsection (c) of this section or, if the defendant was originally charged with a violation of section 53a-167c for assaulting a peace officer, whether the peace officer has been personally notified as provided in subdivision (2) of subsection (c) of this section. After consideration of any such statements, the court may refuse to accept, where appropriate, a negotiated plea or sentence, and the court shall give the

defendant an opportunity to enter a new plea and to elect trial by jury or by the court. (c) (1) Except as provided in subdivision (2) of this subsection, prior to the imposition of sentence upon such defendant and prior to the acceptance of a plea pursuant to a plea agreement, the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case shall notify the victim of such crime of the date, time and place of the original sentencing hearing or any judicial proceeding concerning the acceptance of a plea pursuant to a plea agreement, provided the victim has informed such state's attorney, assistant state's attorney or deputy assistant state's attorney that such victim wishes to make or submit a statement as provided in subsection (b) of this section and has complied with a request from such state's attorney, assistant state's attorney or deputy assistant state's attorney to submit a stamped, self-addressed postcard for the purpose of such notification. (2) Prior to the imposition of sentence upon a defendant originally charged with a violation of section 53a-167c for assaulting a peace officer, and prior to the acceptance of a plea pursuant to a plea agreement, the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case shall personally notify the peace officer who was the victim of such crime of the date, time and place of the original sentencing hearing or any judicial proceeding concerning the acceptance of a plea pursuant to a plea agreement. (3) If the state's attorney, assistant state's attorney or deputy assistant state's attorney is unable to notify the victim, such state's attorney, assistant state's attorney or deputy state's attorney shall sign a statement as to such notification. (d) Upon the request of a victim, prior to the acceptance by the court of a plea of a defendant pursuant to a proposed plea agreement, the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case shall provide such victim with the terms of such proposed plea agreement in writing. If the terms of the proposed plea agreement provide for a term of imprisonment which is more than two years or a total effective sentence of more than a two-year term of imprisonment, the state's attorney, assistant state's attorney or deputy assistant state's attorney in charge of the case shall indicate: (1) The maximum period of imprisonment that may apply to the defendant; (2) whether the defendant may be eligible to earn risk reduction credits pursuant to section 18-98e; (3) whether the defendant may be eligible to apply for release on parole pursuant to section 54-125a; and (4) whether the defendant may be eligible for automatic erasure of such defendant's criminal conviction pursuant to subsection (e) of section 54-142a. (e) The provisions of this section shall not apply to any proceedings held in accordance with section 46b-121 or section 54-76h. (P.A. 81-324, S. 1-3, 5; P.A. 85-117; P.A. 86-401, S. 2, 7; P.A. 98-53; P.A. 99-247, S. 1; P.A. 00-200, S. 3; P.A. 01-211, S. 10; P.A. 02-105, S. 13; P.A. 03-179, S. 1; P.A. 10-42, S. 1; P.A. 17-217, S. 2; P.A. 21-33, S. 14; P.A. 24-108, S. 21.) History: 85-117 amended Subsecs. (a) and (b) by adding "or a violation of section 53a-72a or 53a-72b"; P.A. 86-401 amended Subsecs. (b) and (c) permitting victim to make statement prior to acceptance plea of guilty or nolo contendere pursuant to plea agreement wherein defendant pleads to lesser offense and requiring state's attorney to notify victim of any such judicial proceeding; P.A. 98-53 amended Subsec. (b) by adding provision re statement by representative or family member of deceased victim and re inclusion of the appropriateness of penalty in any written or oral statement; P.A. 99-247 added new Subsec. (d) to require the prosecutorial official to provide a victim, upon such victim's request, with the terms of a proposed plea agreement in writing prior to the court's acceptance of the defendant's plea, relettering former Subsec. (d) as Subsec. (e), and made a technical change for purposes of gender neutrality; P.A. 00-200 amended Subsec. (b) by making a technical change and adding provision that statement of victim may include victim's opinion of plea agreement, and amended Subsec. (c) by providing that, if victim of crime is deceased, legal representative or family member shall inform prosecutor of wish to give statement and to be notified, and if prosecutor is unable to notify, such prosecutor shall sign statement as to notification; P.A. 01-211 amended Subsec. (a) to redefine "victim" as a person who is a victim of "a crime" rather than "a class A, B or C felony or a violation of section 53a-72a or 53a-72b", amended Subsec. (b) to make provisions applicable with respect to the sentencing of a defendant convicted of "any crime" rather than "any class A, B or C felony or a violation of section 53a-72a or 53a-72b" and amended Subsec. (c) to delete language re deceased crime victim; P.A. 02-105 amended Subsec. (a) by adding a person designated by a victim pursuant to Sec. 1-56r to definition of "victim"; P.A. 03-179 amended Subsec. (b) by replacing "permit the victim" with "permit any victim", adding provisions re inquiry of the court on the record and making technical changes; P.A. 10-42 amended Subsec. (b) to specify that notification of victim is as provided in Subsec. (c)(1) and add provision requiring court to inquire, if defendant was originally charged with violation of Sec. 53a-167c for assaulting a peace officer, whether peace officer has been personally notified as provided in Subsec. (c)(2) and amended Subsec. (c) to designate existing provisions re notification of victim as Subdiv. (1) and amend same by adding exception re Subdiv. (2) and replacing "advise" with "notify", add Subdiv. (2) re notification of peace officer assaulted in violation of Sec. 53a-167c and designate existing provision re statement of prosecutor if unable to notify victim as Subdiv. (3); P.A. 17-217 amended Subsec. (d) to add provision re terms of proposed plea agreement that provide for term of imprisonment of more than 2 years or total effective sentence of more than a 2-year term of imprisonment; P.A. 21-33 amended Subsec. (d) by adding Subdiv. (4) re defendant eligibility for automatic erasure of criminal conviction, effective January 1, 2023; P.A. 24-108 amended Subsec. (b) to delete "wherein the defendant pleads to a lesser offense than the offense with which such defendant was originally charged" re when victim permitted to make statement to court following plea agreement, effective July 1, 2024. See Sec. 54-91e re notification of victim through automated system prior to acceptance of plea agreement. Cited. 9 CA 686; 10 CA 591; 23 CA 431. Cited. 41 CS 229.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-91d. - Referral of persons to youth service bureaus.

Section 54-91d is repealed. (P.A. 93-432, S. 4, 6; P.A. 95-225, S. 51.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after

ConvictionSection 54-91e. - Notification of victim through automated system prior to acceptance of plea agreement.

On and after the date on which the state-wide automated victim information and notification (SAVIN) system mandated by section 54-235 becomes operational, a victim of a crime who has requested notification through the Office of Victim Services within the Judicial Department, the Board of Pardons and Paroles or the Victim Services Unit within the Department of Correction shall receive notification through the SAVIN system prior to acceptance of a plea agreement by the court. Such notification shall be deemed to have occurred once the SAVIN system has been updated to reflect the offer of a plea agreement. (Jan. Sp. Sess. P.A. 08-1, S. 32.) History: Jan. Sp. Sess. P.A. 08-1 effective January 25, 2008.

2024 Connecticut General StatutesTitle 54 - Criminal ProcedureChapter 961 - Trial and Proceedings after ConvictionSection 54-91f. - Apology to victim by person convicted of motor vehicle offense that resulted in death or serious physical injury to another. Inadmissibility in civil or criminal proceeding.

Any person convicted of a motor vehicle offense that resulted in the death or serious physical injury of another person may, prior to sentencing for the offense, make a statement, affirmation, gesture or expression of apology, fault, sympathy, commiseration, condolence, compassion or a general sense of benevolence to the victim of such offense, a relative of the victim or a representative of the victim. Such statement, affirmation, gesture or expression shall be made before the court in a courtroom closed to the public at a time set by the court. Such statement, affirmation, gesture or expression shall be inadmissible as evidence of an admission of liability or as evidence of an admission against interest in any civil or criminal proceeding. For the purposes of this section, "serious physical injury" has the same meaning as provided in section 53a-3. (P.A. 12-124, S. 1.)

2024 Connecticut General StatutesTitle 54 - Criminal ProcedureChapter 961 - Trial and Proceedings after ConvictionSection 54-91g. - Sentencing of a child for class A or B felony.

(a) If the case of a child, as defined in section 46b-120, is transferred to the regular criminal docket of the Superior Court pursuant to section 46b-127 and the child is convicted of a class A or B felony pursuant to such transfer, at the time of sentencing, the court shall: (1) Consider, in addition to any other information relevant to sentencing, the defendant's age at the time of the offense, the hallmark features of adolescence, and any scientific and psychological evidence showing the differences between a child's brain development and an adult's brain development; and (2) Consider, if the court proposes to sentence the child to a lengthy sentence under which it is likely that the child will die while incarcerated, how the scientific and psychological evidence described in subdivision (1) of this subsection counsels against such a sentence. (b) Notwithstanding the provisions of section 54-91a, no presentence investigation or report may be waived with respect to a child convicted of a class A or B felony. Any presentence report prepared with respect to a child convicted of a class A or B felony shall address the factors set forth in subparagraphs (A) to (D), inclusive, of subdivision (1) of subsection (a) of this section. (c) Whenever a child is sentenced pursuant to subsection (a) of this section, the court shall indicate the maximum period of incarceration that may apply to the child and whether the child may be eligible to apply for release on parole pursuant to subdivision (1) of subsection (f) of section 54-125a. (d) The Court Support Services Division of the Judicial Branch shall compile reference materials relating to adolescent psychological and brain development to assist courts in sentencing children pursuant to this section. (P.A. 15-84, S. 2.) Legislature did not intend for section to apply retroactively, and nothing in the text or legislative history of section suggests that legislature intended that all juveniles convicted of a class A or B felony who were sentenced without consideration of the age related mitigating factors identified in *Miller v. Alabama*, 132 S. Ct. 2455, would be sentenced. 323 C. 801. Section did not apply to defendant, who was seventeen years old when he committed his crimes, because section does not apply retroactively to defendants who, although under the age of eighteen when they committed their crimes, were initially charged and tried as adults and because he was not a child under the applicable law when his crimes were committed, was charged as an adult and prosecuted under the regular criminal docket, his case was not transferred from the juvenile docket to the regular criminal docket, and he was not convicted pursuant to such transfer. 341 C. 97. Express language of section makes no reference to a presumption or a specific finding that court was required to make in order to overcome that purported presumption. 190 CA 1. Section does not create presumption against the imposition of life imprisonment on a juvenile defendant and the court was not required to make finding that defendant was incorrigible, irreparably corrupt, or irretrievably depraved. 192 CA 738; judgment affirmed, see 341 C. 97.

2024 Connecticut General StatutesTitle 54 - Criminal ProcedureChapter 961 - Trial and Proceedings after ConvictionSection 54-91h. - Indication by court at sentencing of defendant's maximum period of imprisonment and eligibility re risk reduction credits and release on parole.

Whenever a defendant convicted of one or more crimes receives a definite sentence of more than a two-year term of imprisonment, or a total effective sentence of more than a two-year term of imprisonment, the court shall, at sentencing, indicate: (1) The maximum period of imprisonment that may apply to the defendant; (2) whether the defendant may be eligible to earn risk reduction credits pursuant to section 18-98e; and (3) whether the defendant may be eligible to apply for release on parole pursuant to section 54-125a. (P.A. 17-217, S. 1.)

2024 Connecticut General StatutesTitle 54 - Criminal ProcedureChapter 961 - Trial and Proceedings after ConvictionSection 54-92. - Pronouncement of sentence.

Any sentence to imprisonment shall be pronounced by the judge in the presence and hearing of the convicted person. (1949 Rev., S. 8809; P.A. 76-336, S. 13.) History: P.A. 76-336 reworded section to omit reference to imprisonment specifically in Somers correctional facility. Not error to impose sentence in capital case before passing on motion for new trial. 46 C. 339. Sentence for term of years, however long, not a life sentence. 60 C. 96. Sentence to be given before appeal is taken; suspending it; bail. 71 C. 457. Penalty of “fine and imprisonment” permits either. 75 C. 351. In capital case, if appeal decided before time set for execution, Supreme Court need not set day; 81 C. 22; in such case, not error to omit inquiry as to whether accused has anything to say. 47 C. 546. Appeal as supersedeas in capital case. 82 C. 68; 84 C. 566. Cited. 169 C. 13. Cited. 31 CA 660. Legislature has designated court, rather than jury, to impose sentences on criminal defendants. 81 CA 824. In absence of statute, sentences will be held to run concurrently where a person has received two or more separate sentences to imprisonment in the same penal institution and the judgments contain no provision that they shall run consecutively; where an accused is convicted on a number of counts, a general sentence is not invalid if the punishment does not exceed the maximum which could have been imposed for any single count. 23 CS 214. Habeas corpus brought on defendant's claim he had involuntarily agreed to lesser plea to obtain shorter sentence was denied where he had received sentence he anticipated and, on being sentenced, told court he had nothing he wanted to say. 28 CS 15.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-92a. (Formerly Sec. 54-120). - Commitment to custody of Commissioner of Correction.

Commitment on findings of probable cause or on adjournments and punishment by imprisonment, including imprisonment for nonpayment of a fine, when not otherwise provided, shall be by commitment to the custody of the Commissioner of Correction in such institution or facility of the Department of Correction as he determines. (1949 Rev., S. 8826; 1961, P.A. 580, S. 18; 1967, P.A. 152, S. 45.) History: 1961 act deleted stipulation imprisonment be in jail of county where offense was committed and provided for commitment to jail administrator; 1967 act made commitment to correction commissioner in institution which he determines upon rather than in State Prison for sentences of at least one year with optional confinement in jail where sentence was for less than one year; Sec. 54-120 transferred to Sec. 54-92a in 1981. Annotations to former section 54-120: Cited. 99 C. 120; 115 C. 597. Where the maximum sentence for an offense is imprisonment for 1 year, it cannot be to the state prison. Id., 603. Before section was adopted, most criminal statutes specified whether imprisonment should be in jail or state prison. 127 C. 720. Cited. 152 C. 470; 153 C. 208. Cited. 23 CS 296; 30 CS 71.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-92b. (Formerly Sec. 54-122). - Discharge from community correctional center when held for nonpayment of fine.

Any person held in a community correctional center for the nonpayment of fine only may, upon application, be discharged from such imprisonment by the court by which he was committed or, when the court is not sitting, by any judge thereof, provided such notice of such application and the hearing thereon as the court or judge may direct shall be given to the prosecuting officer of the court. (1949 Rev., S. 8822; 1967, P.A. 656, S. 63; 1969, P.A. 297.) History: 1967 act substituted “when the court is not sitting” for “in vacation”; 1969 act substituted “community correctional center” for “jail”; Sec. 54-122 transferred to Sec. 54-92b in 1981.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-92c. (Formerly Sec. 17-381). - Women attendants.

Whenever any female person is committed to the Commissioner of Correction or any reformatory institution for girls or women in this state, the court making such commitment shall, unless such person is to be accompanied by a member of her own family, direct that some responsible woman shall accompany her; provided, in emergency cases, where no such woman is available, the court may make such other order as security and respect for the person of the female may require. The necessary expenses and the compensation, if any is required, for such attendant shall be taxed and allowed by the court as costs in such action. (1949 Rev., S. 2763; 1967, P.A. 152, S. 22.) History: 1967 act substituted the commissioner of correction for correctional institutions, provided for court order in emergency cases and removed the exception of jails; Sec. 17-381 transferred to Sec. 54-92c in 1991.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-93. - Clerks to notify warden of Connecticut Correctional Institution, Somers, of sentences.

Section 54-93 is repealed, effective October 1, 2002. (1949 Rev., S. 8808; S.A. 02-12, S. 1.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-93a. - Court order to correct public record containing false information as a result of identity theft.

Whenever a person is convicted of a violation of section 53a-129a of the general statutes, revision of 1958, revised to January 1, 2003, section 53a-129b, 53a-129c, 53a-129d or 53a-129e, the court shall issue such orders as are necessary to correct a public record that contains false information as a result of such violation. (P.A. 03-156, S. 6; P.A. 09-239, S. 8.) History: P.A. 09-239 added reference to Sec. 53a-129e and replaced “may” with “shall” re court issuance of orders necessary to correct public record.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-94. - Sentence of persons between sixteen and seventeen.

Section 54-94 is repealed. (1949 Rev., S. 8810; 1961, P.A. 580, S. 17.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-94a. - Conditional nolo contendere plea. Appeal of denial of motion to suppress or dismiss.

When a defendant, prior to the commencement of trial, enters a plea of nolo contendere conditional on the right to take an appeal from the court's denial of the defendant's motion to suppress or motion to dismiss, the defendant after the imposition of sentence may file an appeal within the time prescribed by law provided a trial court has determined that a ruling on such motion to suppress or motion to dismiss would be dispositive of the case. The issue to be considered in such an appeal shall be limited to whether it was proper for the court to have denied the motion to suppress or the motion to dismiss. A plea of nolo contendere by a defendant under this section shall not constitute a waiver by the defendant of nonjurisdictional defects in the criminal prosecution. (P.A. 82-17; P.A. 88-19; P.A. 01-13.) History: P.A. 88-19 authorized the entry of a plea of nolo contendere conditional on the right to appeal the denial of a motion to suppress statements and evidence based on the involuntariness of a statement; P.A. 01-13 substituted "motion to suppress" for "motion to suppress evidence based on an unreasonable search or seizure, motion to suppress statements and evidence based on the involuntariness of a statement" and added proviso re determination by a trial court "that a ruling on such motion to suppress or motion to dismiss would be dispositive of the case". Cited. 189 C. 42; 194 C. 331; 197 C. 17; Id., 620. Voluntariness of confession is not within purview of statute. 198 C. 92. Cited. 199 C. 591; 200 C. 412; 202 C. 39; Id., 369; Id., 443; 203 C. 97; 205 C. 560; 206 C. 90; Id., 323; Id., 346; 209 C. 1; 210 C. 435; 212 C. 485; 214 C. 476; 215 C. 667; 216 C. 402; 218 C. 714; 220 C. 38; 221 C. 635; 224 C. 593; Id., 627; 226 C. 265; 227 C. 207; Id., 363; 229 C. 824; 230 C. 372; 232 C. 345; 234 C. 78; 236 C. 18; Id., 216. Conditional plea could qualify for review of substantive claims under Practice Book Sec. 4003(b) rather than this section; judgment of Appellate Court in 37 CA 252 reversed. Id., 388. Cited. 240 C. 365; Id., 489; 242 C. 211; 243 C. 115; Id., 205. Defendant had no nonfrivolous grounds for appeal and defense counsel was not ineffective for failing to consult with defendant regarding appellate rights section would have preserved. 267 C. 414. Defendant's claim that trial court improperly denied his request for a continuance to change counsel does not fall within the narrow scope of section. 269 C. 454. Defendant's nolo contendere plea was not conditional even though trial court treated the plea as if it were conditional by conducting a sua sponte hearing; statute does not apply and Appellate Court has no good cause to review claim outside scope of statute. 276 C. 503. Cited. 2 CA 219; 5 CA 207; Id., 441; 6 CA 394; 7 CA 265; Id., 354; 8 CA 330; Id., 361; Id., 542; 10 CA 7; Id., 561; Id., 667; 11 CA 11; Id., 140; Id., 540; judgment reversed, see 209 C. 1; 12 CA 427; 14 CA 134; Id., 205; Id., 356; 19 CA 296; Id., 626; 20 CA 168; judgment reversed, see 215 C. 667; Id., 336; 21 CA 210; 22 CA 10; 23 CA 50; Id., 215; Id., 495; 24 CA 115; Id., 438; 25 CA 3; Id., 99; 26 CA 103; Id., 481; judgment reversed, see 224 C. 494; 27 CA 128; Id., 248; Id., 370; Id., 461; Id., 741; 28 CA 508; 29 CA 207; 30 CA 712; Id., 917; 31 CA 669; 32 CA 656; judgment reversed in part, see 232 C. 345; Id., 849; 33 CA 107; Id., 409; Id., 590; 34 CA 492; Id., 557; 36 CA 106; judgment reversed, see 234 C. 78; Id., 710; 37 CA 205. Nothing in language of statute indicating that word "voluntariness" is meant to include claims of right to counsel. Id., 252; judgment reversed, see 236 C. 388. Cited. Id., 561; judgment reversed, see 236 C. 216; 38 CA 8; judgment reversed, see 236 C. 18; Id., 588; 39 CA 82; 40 CA 420; Id., 724; 41 CA 530; Id., 694; Id., 772; 42 CA 589; 43 CA 448; 44 CA 162; Id., 249; 45 CA 32; 46 CA 633. Trial court's exercise of discretion regarding youthful offender status not a claim encompassed by section. 51 CA 539. If defendant understood that, by entering a plea pursuant to statute, the only issue allowed on appeal was whether trial court improperly denied his motion to suppress, then defendant cannot raise other issues on appeal. 55 CA 217. Claim of insufficient evidence is not one of the particular claims that statute permits to be appealed. 67 CA 562. Although defendant's claim is cast as a challenge to court's denials of his motions to suppress and to dismiss, his claim is, in reality, a challenge to court's denial of his motion for disclosure; as such, his claim is not reviewable pursuant to section. 81 CA 492. Determination requirement of section is not a matter of convenience, but rather a matter of substance necessary to achieve the goals of statute, therefore, the requirement is mandatory. 83 CA 700. Statutory requirement that court make a determination that the ruling on a motion to suppress or dismiss would be dispositive of the case is a matter of substance necessary to achieve goals of statute and therefore is mandatory. 87 CA 122. In a matter where state stipulated before trial court that court's ruling on defendant's motion to suppress evidence of prior uncharged misconduct was dispositive of case, the state was estopped from asserting otherwise before Appellate Court, as the state waived any right it may have had to dispute whether trial court was correct in its determination. 104 CA 85. Defendant's appeal did not meet the requirements of section where sole basis for appeal was that the court improperly denied defendant's motion to present the defense of necessity and the court never made the mandatory finding that denial of this motion was dispositive of the case. 161 CA 850.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-95. - Appeal by defendant in criminal prosecution; stay of execution.

(a) Any defendant in a criminal prosecution, aggrieved by any decision of the Superior Court, upon the trial thereof, or by any error apparent upon the record of such prosecution, may be relieved by appeal, petition for a new trial or writ of error, in the same manner and with the same effect as in civil actions. No appeal may be taken from a judgment denying a petition for a new trial unless, within ten days after the judgment is rendered, the judge who heard the case or a judge of the Supreme Court or the Appellate Court, as the case may be, certifies that a question is involved in the decision which ought to be reviewed by the Supreme Court or by the Appellate Court. It shall be sufficient service of any such writ of error or petition for a new trial to serve it upon the state's attorney for the judicial district where it is brought. (b) When such defendant is convicted and sentenced to a term of imprisonment and, within two weeks after final judgment, files with the clerk of the court wherein the conviction was had an appeal to the Supreme

Court or gives oral or written notice of his intention to appeal to said court or to petition for a new trial, the appeal or the notice shall operate as a stay of execution pending the final determination of the case, provided the defendant is admitted to bail, except the appeal or the notice shall not operate as a stay of execution, if within five days after the filing of the appeal or notice thereof, the judge before whom the criminal prosecution was tried directs in writing that the appeal or the notice shall not operate as a stay of execution. Such order shall be accompanied by a written statement of the judge's reasons for denying the stay of execution. The order and the statement shall become a part of the files and record of the case. If any defendant has been admitted to bail following an oral or written notice of intent to appeal or petition for a new trial and such defendant has failed, within twenty days after the judgment from which the appeal is to be taken, or such further period as the court may grant, to perfect the appeal or petition, a mittimus for his arrest shall issue. If any defendant is imprisoned after sentencing and before he is admitted to bail, such period of imprisonment shall be counted toward satisfaction of his sentence. If any defendant is admitted to bail and subsequently surrendered and remitted to custody while his appeal is pending, the period of imprisonment following thereafter shall be counted toward satisfaction of his sentence. (c) In any criminal prosecution in which the defendant has been sentenced to death and has taken an appeal to the Supreme Court of this state or the Supreme Court of the United States or brought a writ of error, writ of certiorari or petition for a new trial, the taking of the appeal, the making of the application for a writ of certiorari or the return into court of the writ of error or petition for a new trial shall, unless, upon application by the state's attorney and after hearing, the Supreme Court otherwise orders, stay the execution of the death penalty until the clerk of the court where the trial was had has received notification of the termination of any such proceeding by decision or otherwise, and for thirty days thereafter. No appellate procedure shall be deemed to have terminated until the end of the period allowed by law for the filing of a motion for reargument, or, if such motion is filed, until the proceedings consequent thereon are finally determined. When execution is stayed under the provisions of this section, the clerk of the court shall forthwith give notice thereof to the warden of the institution in which such defendant is in custody. If the original judgment of conviction has been affirmed or remains in full force at the time when the clerk has received the notification of the termination of any proceedings by appeal, writ of certiorari, writ of error or petition for a new trial, and the day designated for the infliction of the death penalty has then passed or will pass within thirty days thereafter, the defendant shall, within said period of thirty days, upon an order of the court in which the judgment was rendered at a regular or special criminal session thereof, be presented before said court by the warden of the institution in which the defendant is in custody or his deputy, and the court, with the judge assigned to hold the session presiding, shall thereupon designate a day for the infliction of the death penalty and the clerk of the court shall issue a warrant of execution, reciting therein the original judgment, the fact of the stay of execution and the final order of the court, which warrant shall be forthwith served upon the warden or his deputy. (1949 Rev., S. 8811; 1953, S. 3328d; 1957, P.A. 483; 1959, P.A. 474; 1963, P.A. 416, S. 1; 642, S. 73; 1972, P.A. 66, S. 1; P.A. 76-336, S. 14; P.A. 78-280, S. 1, 127; 78-379, S. 22, 27; P.A. 80-313, S. 51; June Sp. Sess. P.A. 83-29, S. 51, 82.) History: 1959 act amended Subsec. (b) to provide appeal operate as a stay "provided the defendant is admitted to bail or makes an election in writing not to commence service of the sentence" and added provisions re filing of election not to commence service and re factors determining when sentence is satisfied; 1963 acts amended Subsec. (a) to delete obsolete references to the court of common pleas and amended Subsec. (b) to provide for filing of appeal two weeks after final judgment rather than one week after conviction; 1972 act specified that notice of intention to appeal may be oral or written and provision re issuance of mittimus for arrest of person who fails to perfect appeal within 20 days from judgment in Subsec. (b); P.A. 76-336 replaced specific references to Somers correctional facility with general references to "institution in which such defendant is in custody"; P.A. 78-280 substituted "judicial district" for "county" where appearing; P.A. 78-379 restated provision in Subsec. (b) re judge's direction that appeal shall not stay execution and deleted provisions re defendant's power to elect not to commence service of sentence; P.A. 80-313 made minor changes in wording but made no substantive changes; June Sp. Sess. P.A. 83-29 included reference to appellate court in Subsec. (a). See Sec. 52-582 re time limit for bringing petitions for new trial. Plaintiff in error may not be heard on any cause of error not specially assigned, but court finding fatal defect may reverse the judgment. 10 C. 371. Petition for new trial not granted on merely formal grounds. 11 C. 418. True rule. Id.; 48 C. 93. New evidence must be such as was not discoverable at former trial. Id. Power to grant new trial may be exercised when verdict is without evidence or manifestly against weight of evidence. 12 C. 489. State cannot move for new trial. 16 C. 59. New trial for error in charge of court or for verdict against evidence can only be granted by Supreme Court. 43 C. 516. New trial not granted on ex parte affidavits alone. 45 C. 272. Policy of law. 69 C. 190. Accused may file motion for new trial for verdict against evidence. Id., 192. Law regulating new trials same in criminal as in civil cases. 72 C. 116. Accused is entitled to every doubt as regards materiality of error. 75 C. 334. But he cannot complain of ruling that several counts state but one offense. Id., 267. Costs not taxable to defendant who prevails. 82 C. 392. Supreme Court cannot support judgment by presumption or intendment. 84 C. 93. Full discussion of proper method of taking appeal in criminal case tried to court. 105 C. 327; 109 C. 28; Id., 126, 139. Does not permit appeal from a city court in a criminal case. 128 C. 341. Time within which motions in arrest of judgment must be filed. 148 C. 57. Where appeal period had expired, convict could not by habeas corpus proceeding challenge validity of arrest warrant; by pleading to information against him, while represented by counsel, he waived defect in warrant and consented to jurisdiction of court. 155 C. 591, 627, 701, 703. Defendant's decision to waive his right to appeal must be voluntarily, knowingly and intelligently made. 175 C. 328. Denial of a motion for a new trial was not a final judgment and not appealable. 180 C. 141. Remedy of appeal afforded defendants in criminal prosecutions having been established by statute, state's delay in defending against appeal resulted in setting aside of the judgment and ordering of a new trial. 183 C. 586. Cited. 194 C. 510; 208 C. 420; 228 C. 552; 236 C. 388. Although trial court was not required to credit the reason offered by the petitioner for the delay in an untimely request for certification, it was required, at a minimum, to give some indication that it had at least considered whether the proffered reason excused the delay under the

circumstances. 338 C. 66. Cited. 1 CA 724; 12 CA 621; 19 CA 686; 37 CA 252; judgment reversed, see 236 C. 388; 41 CA 530. Statutory requirement that court make a determination that ruling on a motion to suppress or dismiss would be dispositive of the case is a matter of substance necessary to achieve goals of statute and therefore is mandatory. 87 CA 122. Denial of petition for certification made pursuant to section is not a bar to court's jurisdiction, but is a threshold issue on appeal. 88 CA 572. Term "execution" means "to put into effect". 15 CS 273. Cited. 24 CS 60; 29 CS 339; 38 CS 552; 41 CS 454. Cited. 2 Conn. Cir. Ct. 635; 5 Conn. Cir. Ct. 314. Subsec. (a): Cited. 183 C. 418; 229 C. 178; Id., 397. Since legislature did not expressly prohibit appellate review of the denial of certification to appeal, petitioner is entitled to appellate review of such denial; petitioner may establish an abuse of discretion in such denial if there are issues that are debatable among jurists of reason, if a court could resolve the issues in a different manner or if there are questions that are adequate to deserve encouragement to proceed further. 246 C. 514. Although petitioner's failure to seek certification to appeal pursuant to statute does not deprive appellate tribunal of jurisdiction over the appeal, appellate tribunal should nevertheless decline to entertain an appeal challenging denial of petition for a new trial until petitioner has satisfied the certification requirement of statute. 261 C. 533. Cited. 23 CA 559.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-95a. (Formerly Sec. 54-17). - Jurisdiction of Superior Court.

In any prosecution for the violation of any provision of any charter, ordinance or bylaw of a city or borough, the defendant shall have the right of appeal as in other cases. (1949 Rev., S. 8743; 1959, P.A. 28, S. 142; 1963, P.A. 642, S. 62; P.A. 74-183, S. 133, 291; P.A. 76-436, S. 524, 681.) History: 1959 act substituted circuit court for municipal court or trial justice, which were abolished; 1963 act updated statute, deleting provisions giving superior court jurisdiction of offenses not within jurisdiction of court of common pleas and concurrent jurisdiction of offense within its jurisdiction; P.A. 74-183 replaced circuit court with court of common pleas, reflecting reorganization of judicial system, effective December 31, 1974; P.A. 76-436 deleted provisions granting superior court sole jurisdiction of offenses not in common pleas court's jurisdiction and concurrent jurisdiction of offenses in common pleas court's jurisdiction, rendered obsolete by transfer of all trial jurisdiction to superior court, effective July 1, 1978; Sec. 54-17 transferred to Sec. 54-95a in 1981. Annotations to former section 54-17: Superior Court formerly had no power to try a criminal case without a jury, even on agreement of parties. 27 C. 281. General criminal jurisdiction of Superior Court. 97 C. 600; 106 C. 719. Cited. 145 C. 124; 153 C. 129. The general rule of jurisdiction is that nothing shall be intended to be out of the jurisdiction of the Superior Court but that which specially appears to be so; and, on the contrary, nothing shall be intended to be within the jurisdiction of an inferior court but that which is expressly so alleged. Id., 603, 612, 613. Cited. 154 C. 272, 278; 155 C. 595; 159 C. 150. Jurisdiction over the subject matter can neither be waived nor conferred by consent of the accused. 167 C. 228. Cited. 9 CS 167. Held proper for police court to yield jurisdiction to Superior Court in certain gambling arrests in light of state's attorney's drive against gambling being carried on through Superior Court. 21 CS 246. Cited. 33 CS 708. Cited. 5 Conn. Cir. Ct. 119. Annotation to present section: Cited. 14 CA 574.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-95b. - Reopening judgment in certain motor vehicle and criminal cases.

Any judgment rendered in the Superior Court in any case involving prosecution for a motor vehicle violation or criminal offense adjudging the defendant to pay a fine only, may be reopened, provided a motion to reopen is filed within four months succeeding the date on which it was rendered. (P.A. 82-153.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-95c. - Application to vacate certain convictions on basis of being a victim of trafficking in persons. Notification to victims of crimes for which vacatur is sought. Prosecutor's response. Court order. Not grounds for an award of compensation.

(a) At any time after a court enters a judgment of conviction for any misdemeanor offense or a class C, D or E felony or any unclassified felony offense carrying a term of imprisonment of not more than ten years, the defendant may apply to the Superior Court to vacate such judgment of conviction on the basis that his or her participation in the offense was a result of having been a victim of conduct of another person that constitutes (1) trafficking in persons under section 53a-192a, or (2) a criminal violation of 18 USC Chapter 77, as amended from time to time. (b) Any person seeking to have a judgment vacated pursuant to this section shall send notice by registered or certified mail on a form prescribed by the Office of the Chief Court Administrator to any victim of the crime for which such person was convicted. The notice shall inform each victim that such person has applied to vacate such conviction and the victim has the opportunity to be heard by the court on the application. (c) Prior to rendering a decision on a defendant's application to vacate any judgment of conviction, the court shall afford the prosecutor a reasonable opportunity to investigate the defendant's claim, and shall provide the victim and the prosecutor an opportunity to be heard regarding the defendant's application. (d) If the defendant proves that he or she was a victim of trafficking in persons pursuant to section 53a-192a, or a victim of a criminal violation of 18 USC Chapter 77, as amended from time to time, at the time of any offense described in subsection (a) of this section for which the defendant has applied for vacatur, (1) the court shall vacate any judgment of conviction entered for a violation of section 53a-82 and dismiss the charge related to such conviction, and (2) the court may, in its discretion, vacate any judgment of conviction entered for any other misdemeanor offense or a class C, D or E felony or any unclassified felony offense carrying a term of imprisonment of not more than ten years for which the defendant has applied for vacatur pursuant to this

section and shall dismiss the charge related to any such conviction. (e) The vacating of a judgment of conviction and dismissal of charges pursuant to this section shall not constitute grounds for an award of compensation for wrongful arrest, prosecution, conviction or incarceration pursuant to section 54-102uu or any other provision of the general statutes. (P.A. 13-166, S. 5; P.A. 16-71, S. 15; P.A. 21-103, S. 7; 21-104, S. 62.) History: P.A. 16-71 replaced provision re at time of offense defendant was a victim of human trafficking with provision re defendant's participation in offense was a result of having been a victim of human trafficking and made technical changes; P.A. 21-103 designated existing provisions as Subsec. (a) and amended same to replace reference to Sec. 53a-82 re judgment of conviction with provision re misdemeanor offenses or certain felonies, delete provisions re prosecutor's reasonable opportunity to investigate defendant's claim, court vacating judgment of conviction and vacating of judgment and dismissal of charges not to constitute grounds for award of compensation, and make technical changes, added Subsec. (b) re notice to victims, added Subsec. (c) re prosecutor's reasonable opportunity to investigate defendant's claim, added Subsec. (d) re process for vacatur and added Subsec. (e) re vacating of judgment and dismissal of charges not to constitute grounds for award of compensation; P.A. 21-104 amended Subsec. (d) to change "18 USC Chapter 433" to "18 USC Chapter 77" and "misdemeanor" to "other misdemeanor".

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-96. - Appeals by the state from Superior Court in criminal cases.

Appeals from the rulings and decisions of the Superior Court, upon all questions of law arising on the trial of criminal cases, may be taken by the state, with the permission of the presiding judge, to the Supreme Court or to the Appellate Court, in the same manner and to the same effect as if made by the accused. (1949 Rev., S. 8812; 1963, P.A. 642, S. 74; P.A. 80-442, S. 23, 28; June Sp. Sess. P.A. 83-29, S. 52, 82.) History: 1963 act deleted provisions re appeals from common pleas court; P.A. 80-442 allowed appeals to be taken to appellate session of superior court, effective July 1, 1981; June Sp. Sess. P.A. 83-29 deleted reference to appellate session of the superior court and added reference to appellate court. Right of appeal not limited to errors during trial alone, but extends to errors in earlier part of proceedings. 58 C. 100. Section authorizes an appeal in the nature of a motion for a new trial after acquittal; bail. 65 C. 278; 106 C. 115. Proper method to pursue to secure rulings on evidence for appeal; asking prejudicial questions before jury to secure rulings on evidence held error. 100 C. 215. Proper method to be pursued by state in taking an appeal in a criminal case discussed. 106 C. 115. To review judgment of city court, state may bring writ of error. 118 C. 373. Statute held constitutional. 122 C. 542; 302 U.S. 319. Cited. 150 C. 246; 163 C. 230; 164 C. 637. Rulings and decisions appealable under section include any proceeding from which either criminal defendant or party to civil trial could appeal. 170 C. 337. State has right to appeal in criminal cases only from Superior Court on questions of law with permission of presiding judge. 171 C. 417. Cited. Id., 600; 174 C. 100; 176 C. 224. Double jeopardy does not attach as long as a retrial is not required in the event the state prevails in its appeal. 178 C. 450. Cited. 181 C. 284; 187 C. 109; 188 C. 183; Id., 626. State's motion for dismissal with prejudice in order to allow appeal from suppression order discussed. 189 C. 42. Cited. Id., 228; Id., 360; Id., 717; 191 C. 506; 192 C. 471; 194 C. 594; 197 C. 436. Jurisdictional predicate for appeal exists only if trial court abused discretion in denying motion for permission to appeal. 202 C. 300. Cited. 209 C. 23; 210 C. 110; 213 C. 66; Id., 708; 214 C. 657; Id., 692; 215 C. 189; 219 C. 752; 223 C. 411; 224 C. 656, see also 31 CA 452; 225 C. 355; 226 C. 514; 229 C. 178; 230 C. 427; Id., 608; 236 C. 659. Judgment of Appellate Court in 33 CA 550 reversed on appeal of state with respect to suppression of evidence pursuant to section. 238 C. 380. Cited. Id., 828; 240 C. 317; Id., 708; 241 C. 823. Trial court abuses its discretion in denying state permission to appeal under section if state demonstrates that the issues are debatable among jurists of reason, that a court could resolve the issues in a different manner, or that the questions are adequate to deserve encouragement to proceed further. 261 C. 395. In denying state permission to appeal, trial court misconstrued the law of unanimity in context of a capital felony penalty hearing and, by doing so, improperly concluded that jury reached a lawful verdict. 271 C. 338. Cited. 1 CA 378; 2 CA 605; 3 CA 477; 4 CA 520; 7 CA 131; 10 CA 147; Id., 532; 15 CA 289; 17 CA 385; 18 CA 658; 19 CA 631; Id., 686; 20 CA 321. Appeal period runs from date permission to appeal is granted. 23 CA 559. Cited. 25 CA 235; 26 CA 667; 27 CA 427; 29 CA 512; 32 CA 1; 34 CA 1; 36 CA 803; judgment reversed, see 235 C. 659, see also 241 C. 823; 39 CA 550; judgment reversed with respect to suppression of evidence, see 238 C. 380; 40 CA 544; Id., 789; 42 CA 1; Id., 17; Id., 186; judgment reversed, see 241 C. 823; 43 CA 698; 45 CA 722; 46 CA 350. Probation revocation hearing is a criminal case that can be appealed under section. 50 CA 187. Trial court improperly denied state permission to appeal on the bases of inadequacy of record where state rectified record, lack of jurisdiction over defendant solely for prosecutor's failure to sign the information pursuant to Sec. 36-12, and state's failure to indicate its intention to appeal on date of dismissal of charges where state impliedly expressed its intent by seeking "one week" and planned to file motion to appeal within that period. 51 CA 676. In the absence of either permission to appeal or challenge to trial court's denial of permission to appeal, Appellate Court lacks subject matter jurisdiction to hear an appeal pursuant to section. 55 CA 250. Where there was sufficient basis in the evidence to support court's finding on a motion to suppress and there had been a full evidentiary hearing on such motion, the record was such that there was no clear, arbitrary and extreme abuse of discretion such that an injustice appears to have been done and, therefore, trial court's denial of state's request for permission to appeal was not an abuse of discretion. 64 CA 495. Despite the statutory language of section permitting the state to appeal "with the permission of the court", the state may directly appeal a question of law without the permission of the court after requesting permission to appeal if the request is expressly denied. 147 CA 465. Cited. 38 CS 521.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-96a. (Formerly Sec. 54-13). - Appeal vacated by payment of fine.

Any person appealing from the judgment of the Superior Court, adjudging him to pay a fine only, may pay the same at any time before the hearing in the Supreme Court or Appellate Court, without further cost, which payment shall vacate the appeal and restore the judgment. (1949 Rev., S. 8734; 1959, P.A. 28, S. 139; P.A. 74-183, S. 131, 291; P.A. 76-436, S. 522, 681; June Sp. Sess. P.A. 83-29, S. 53, 82.) History: 1959 act substituted circuit court for trial justice and municipal courts, which were abolished and changed technical operation of statute; P.A. 74-183 replaced circuit court with court of common pleas and specified appellate session as that of superior court, reflecting reorganization of judicial system, effective December 31, 1974; P.A. 76-436 replaced court of common pleas with superior court and appellate session of superior court with hearing in supreme court, effective July 1, 1978; Sec. 54-13 transferred to Sec. 54-96a in 1981; June Sp. Sess. P.A. 83-29 included reference to appellate court. Annotations to former section 54-13: Cited. 171 C. 417. Section by implication may be sufficient to hold that payment of fine precludes a review. 23 CS 135. Partial execution of sentence by payment of fine does not deprive court of power to open judgment. Id., 179. Annotations to present section: Section does not govern involuntary payment of fines. 76 CA 169. Defendant's payment of fine on basis of directive of court clerk was an involuntary payment for purposes of section. 51 CS 91.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-96b. (Formerly Sec. 54-14). - Withdrawal of appeal of person committed to community correctional center.

Any person appealing from any judgment of the superior court under which judgment such person may be committed to a community correctional center may, at any time before the hearing in the Supreme Court or Appellate Court, notify the Superior Court that such appeal is withdrawn, and, if such person is in a community correctional center in default of bail awaiting trial upon such appeal, the court shall forthwith forward a mittimus to the Community Correctional Center Administrator, and the term of such sentence shall run from the date of such notice, provided such term shall not run concurrently with any other sentence or term imposed upon such person unless so directed by such court. If any person taking such appeal is at large, such person shall forthwith surrender himself to the court from which such appeal was taken and such court shall issue a mittimus in the same manner as though no appeal had been taken. Upon the issuance of such mittimus, such appeal shall be vacated and the judgment shall be in force. In any case in which the judgment from which an appeal has been taken includes a community correctional center sentence and a fine, such appeal may be vacated upon compliance with the provisions of section 54-96a and of this section, and thereupon such judgment shall be in effect. (1949 Rev., S. 8735; 1959, P.A. 28, S. 140; 1963, P.A. 642, S. 60; 1969, P.A. 297; P.A. 74-183, S. 132, 291; P.A. 76-436, S. 523, 681; June Sp. Sess. P.A. 83-29, S. 54, 82.) History: 1959 act substituted circuit court for trial justice or municipal court and changed technical language of statute; 1963 act substituted jail administrator for keeper of the jail; 1969 act substituted community correctional centers and their administrators for jails and their administrators; P.A. 74-183 replaced circuit court with court of common pleas and specified appellate session as that of superior court, reflecting reorganization of judicial system, effective December 31, 1974; P.A. 76-436 replaced court of common pleas with superior court and appellate session of superior court with hearing in supreme court, effective July 1, 1978; Sec. 54-14 transferred to Sec. 54-96b in 1981; June Sp. Sess. P.A. 83-29 included reference to appellate court. Annotations to former section 54-14: Cited. 171 C. 417. Section by implication may be sufficient to hold that, on the carrying out of sentence, litigation is ended, and a review is precluded. 23 CS 135. Partial execution of sentence by payment of fine does not deprive court of power to open judgment. Id., 179.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-97. - Mittimus required for commitment to correctional facility.

No person may be committed to a correctional institution or a community correctional center without a mittimus signed by the judge or clerk of the court which committed such person or, with respect to a person sentenced to a period of special parole, signed by the chairperson of the Board of Pardons and Paroles, declaring the cause of commitment and requiring the warden or Community Correctional Center Administrator to receive and keep such person in the correctional institution or the community correctional center, as the case may be, for the period fixed by the judgment of said court or said board or until such person is legally discharged; and such mittimus shall be sufficient authority to the officer to commit such person, and to the warden or Community Correctional Center Administrator to receive and hold such person in custody, except that any community correctional center may receive any person as provided in section 7-135 without such mittimus. (1949 Rev., S. 8813; 1959, P.A. 28, S. 194; 1961, P.A. 1, S. 3; 566, S. 3; 1963, P.A. 642, S. 75; 1969, P.A. 297; P.A. 80-313, S. 49; P.A. 04-234, S. 2, 7.) History: 1959 act deleted obsolete reference to trial justice; 1961 acts added exception re Sec. 7-135; 1963 act deleted obsolete references to workhouses and substituted state jail administrator for warden or master; 1969 act replaced jails and their administrators with community correctional centers and their administrators; P.A. 80-313 substituted "may" for "shall" and added reference to incarceration in Somers facility for period fixed by court's judgment or until discharge effected; P.A. 04-234 replaced references to the Connecticut Correctional Institution, Somers with "correctional institution", authorized the commitment by a mittimus signed by the chairperson of the Board of Parole of a person sentenced to a period of special parole, authorized retention of the person for the period fixed by "said board" and made technical changes for purposes of gender neutrality, effective June 8, 2004, and replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004. As to service of process of U.S. courts. 5 D. 193; 7 Cranch 550. Upon proceedings of habeas corpus, sheriff is proper party defendant; issuing of mittimus is a judicial act; interested justice of the peace is disqualified; a mittimus, valid on its face, seems a protection to the officer. 60 C. 426; 91 C. 510. All persons participating in proceedings under void mittimus are liable. 64 C. 319. Nature of mittimus; justice may issue after adjournment of court. 67 C. 359. Mittimus may issue pending appeal.

84 C. 566. Cited. 132 C. 303; 185 C. 540; 215 C. 418; 230 C. 17. "Mittimus" distinguished from "execution". 15 CS 271. Cited. 16 CS 79.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-98. - Execution of mittimus for commitment to Connecticut Correctional Institution, Somers.

The Chief Court Administrator or the administrator's designee shall execute each mittimus for the commitment of convicts to the Connecticut Correctional Institution, Somers, by delivering such convicts to the warden of said institution or such warden's agent at said institution. (1949 Rev., S. 8814; 1959, P.A. 615, S. 11; 1969, P.A. 297; P.A. 00-99, S. 121, 154; P.A. 01-195, S. 71, 181.) History: 1959 act substituted mittimus for warrant; 1969 act replaced "jail" with "community correctional center"; P.A. 00-99 replaced reference to sheriffs with the Chief Court Administrator or the administrator's designee and deleted provisions re fees payable to sheriffs for prisoner transportation, effective December 1, 2000; P.A. 01-195 made a technical change for the purpose of gender neutrality, effective July 11, 2001. Cited. 185 C. 540. Cited. 16 CS 79.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961 - Trial and Proceedings after Conviction Section 54-99. - Period within which death penalty inflicted.

Unless a reprieve or stay of execution is granted by competent authority, the penalty of death shall be inflicted within a period of not less than one month nor more than six months after conviction and sentence. All executions of the death penalty shall take place according to the provisions of this section and section 54-100 on the day, or within five days after the day, designated by the judge passing sentence. (1949 Rev., S. 8815.) Cited. 121 C. 197.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142a. (Formerly Sec. 54-90). - Erasure of criminal records.

(a) Whenever in any criminal case, on or after October 1, 1969, the accused, by a final judgment, is found not guilty of the charge or the charge is dismissed, all police and court records and records of any state's attorney pertaining to such charge shall be erased upon the expiration of the time to file a writ of error or take an appeal, if an appeal is not taken, or upon final determination of the appeal sustaining a finding of not guilty or a dismissal, if an appeal is taken. Nothing in this subsection shall require the erasure of any record pertaining to a charge for which the defendant was found not guilty by reason of mental disease or defect or guilty but not criminally responsible by reason of mental disease or defect. (b) Whenever in any criminal case prior to October 1, 1969, the accused, by a final judgment, was found not guilty of the charge or the charge was dismissed, all police and court records and records of the state's or prosecuting attorney or the prosecuting grand juror pertaining to such charge shall be erased by operation of law and the clerk or any person charged with the retention and control of such records shall not disclose to anyone their existence or any information pertaining to any charge so erased; provided nothing in this subsection shall prohibit the arrested person or any one of his heirs from filing a petition for erasure with the court granting such not guilty judgment or dismissal, or, where the matter had been before a municipal court, a trial justice, the Circuit Court or the Court of Common Pleas in the Superior Court where venue would exist for criminal prosecution and thereupon all police and court records and records of the state's attorney, prosecuting attorney or prosecuting grand juror pertaining to such charge shall be erased. Nothing in this subsection shall require the erasure of any record pertaining to a charge for which the defendant was found not guilty by reason of mental disease or defect. (c) (1) Whenever any charge in a criminal case has been nolle in the Superior Court, or in the Court of Common Pleas, if at least thirteen months have elapsed since such nolle, all police and court records and records of the state's or prosecuting attorney or the prosecuting grand juror pertaining to such charge shall be erased, except that in cases of nolles entered in the Superior Court, Court of Common Pleas, Circuit Court, municipal court or by a justice of the peace prior to April 1, 1972, such records shall be deemed erased by operation of law and the clerk or the person charged with the retention and control of such records shall not disclose to anyone their existence or any information pertaining to any charge so erased, provided nothing in this subsection shall prohibit the arrested person or any one of his heirs from filing a petition to the court to have such records erased, in which case such records shall be erased. (2) Whenever any charge in a criminal case has been continued at the request of the prosecuting attorney, and a period of thirteen months has elapsed since the granting of such continuance during which period there has been no prosecution or other disposition of the matter, the charge shall be nolle upon motion of the arrested person and such erasure may thereafter be effected or a petition filed therefor, as the case may be, as provided in this subsection for nolle cases. (d) (1) Whenever prior to October 1, 1974, any person who has been convicted of an offense in any court of this state has received an absolute pardon for such offense, such person or any one of his heirs may, at any time subsequent to such pardon, file a petition with the Superior Court at the location in which such conviction was effected, or with the Superior Court at the location having custody of the records of such conviction or if such conviction was in the Court of Common Pleas, Circuit Court, municipal court or by a trial justice court, in the Superior Court where venue would exist for criminal prosecution, for an order of erasure, and the Superior Court shall direct all police and court records and records of the state's or prosecuting attorney pertaining to such offense be erased. (2) Whenever such absolute pardon was received on or after October 1, 1974, such records shall be erased. (e) (1) (A) Except as provided in subdivisions (2) and (3) of this subsection, whenever any person has been convicted in any court of this state of a classified or unclassified misdemeanor offense or a motor vehicle violation for which a maximum term of imprisonment of not more than one year could have been imposed, or a class D or E felony or an unclassified felony offense for which a maximum term of imprisonment of not more than five years could have been imposed or a motor vehicle violation for which a maximum term of

imprisonment greater than one year and not more than five years could have been imposed, any police or court record and record of the state's or prosecuting attorney or the prosecuting grand juror pertaining to such conviction, or any record pertaining to court obligations arising from such conviction held by the Board of Pardons and Paroles shall be erased as follows: (i) For any classified or unclassified misdemeanor offense or a motor vehicle violation for which a maximum term of imprisonment of not more than one year could have been imposed, except for a violation of section 14-227a, such records shall be erased seven years from the date on which the court entered the convicted person's most recent judgment of conviction (I) by operation of law, if such offense occurred on or after January 1, 2000, or (II) upon the filing of a petition on a form prescribed by the Office of the Chief Court Administrator, if such offense occurred prior to January 1, 2000; and (ii) for any class D or E felony, unclassified felony offense for which a maximum term of imprisonment of not more than five years could have been imposed or a motor vehicle violation for which a maximum term of imprisonment in excess of one year and not more than five years could have been imposed, or any violation of section 14-227a, such records shall be erased ten years from the date on which the court entered the convicted person's most recent judgment of conviction (I) by operation of law, if such offense occurred on or after January 1, 2000, or (II) upon the filing of a petition on a form prescribed by the Office of the Chief Court Administrator, if such offense occurred prior to January 1, 2000. (B) For purposes of subparagraph (A) of this subdivision, the classification of the offense, and the maximum sentence that could have been imposed for a conviction of such offense, shall be determined based on the law that was in effect at the time the offense was committed. (2) Convictions for the following offenses shall not be eligible for erasure pursuant to this subsection: (A) Any conviction, on or after January 1, 2000, designated as a family violence crime, as defined in section 46b-38a; (B) Any conviction for an offense that is a nonviolent sexual offense or a sexually violent offense, each as defined in section 54-250; (C) Any conviction for a violation of section 29-33, 53a-60a, 53a-60b, 53a-60c, 53a-61a, 53a-64bb, 53a-64cc, 53a-72a, 53a-90a, 53a-103a, 53a-181c, 53a-191, 53a-196, 53a-196d, 53a-196f, 53a-211, 53a-212, 53a-216, 53a-217, 53a-217a, 53a-217c, 53a-322, 53a-323, 54-251, 54-252, 54-253 or 54-254 or subdivision (1) of subsection (a) of section 53a-189a; or (D) Any conviction for a violation of section 14-227a if the defendant has been convicted for another violation of section 14-227a within the ten years following such conviction. (3) The provisions of subdivision (1) of this subsection shall not apply to any conviction for any offense until the defendant: (A) Has completed serving any period of incarceration, parole, special parole, medical parole, compassionate parole or transitional supervision associated with any sentence for such offense and any other offense for which the defendant has been convicted on or after January 1, 2000, in this state; (B) Has completed serving any period of probation for any sentence for any crime or crimes for which the defendant has been convicted on or after January 1, 2000, in this state; and (C) Is not the subject of any pending state criminal charge in this state. (4) If a person has been convicted of a violation of subsection (c) of section 21a-279 prior to October 1, 2015, such conviction shall not be considered as a most recent offense when evaluating whether a sufficient period of time has elapsed for an offense to qualify for erasure pursuant to this subsection. (5) Nothing in this subsection shall limit any other procedure for erasure of criminal history record information, as defined in section 54-142g, or prohibit a person from participating in any such procedure, even if such person's criminal history record information has been erased pursuant to this section. (6) Nothing in this subsection shall be construed to require the Department of Motor Vehicles to erase criminal history record information on an operator's driving record. When applicable, the Department of Motor Vehicles shall make such criminal history record information available through the Commercial Driver's License Information System. (7) Nothing in this subsection shall terminate a defendant's obligation to register as a person convicted of an offense committed with a deadly weapon pursuant to section 54-280a, a felony for a sexual purpose pursuant to section 54-254 or a criminal offense against a victim who is a minor pursuant to section 54-251. (8) No erasure under this subsection shall be construed to terminate a defendant's obligation to abide by a standing criminal protective order imposed under section 53a-40e or terminate a defendant's obligation to pay any unremitted fine imposed as part of the court's sentence. (9) Notwithstanding any provision of this section and the provisions of section 54-142c, any record required to substantiate any defendant's conviction shall be available to law enforcement, the court and the state's attorney for the purpose of (A) verifying such defendant's obligation to register pursuant to section 54-251, 54-254 or 54-280a and prosecuting any such defendant for violating any provision of such sections, and (B) verifying such defendant's obligation to abide by any standing criminal protective order imposed under section 53a-40e and prosecuting any such defendant for a violation of section 53a-223a. (f) (1) Whenever a person was convicted of one or more misdemeanors committed while such person was under eighteen years of age, and the offense or offenses occurred on or after January 1, 2000, and before July 1, 2012, all police and court records and records of the state's or prosecuting attorney shall be (A) erased, if such record is in an electronic record other than a scanned copy of a physical document, or (B) deemed erased by operation of law if such record is a scanned copy of a physical document or another record that is not electronic. This subdivision shall not apply to a motor vehicle offense, a violation under title 14 or a violation of section 51-164r. The clerk of the court or any law enforcement agency having information contained in such erased records shall not disclose to anyone, except the subject of the record, upon submission pursuant to guidelines prescribed by the Office of the Chief Court Administrator of satisfactory proof of the subject's identity, information pertaining to any charge erased under this subdivision and such clerk shall forward a notice of such erasure to any law enforcement agency and the state's or prosecuting attorney to which he or she knows information concerning the arrest has been disseminated directing that all law enforcement and records of the state's or prosecuting attorney pertaining to such case to be so erased or so deemed erased by operation of law. (2) Whenever a person was convicted of one or more misdemeanors committed while such person was under eighteen years of age, and the offense or offenses occurred before January 1, 2000, such person may file a petition with the Superior Court at the location in which such conviction was effected for an order of erasure, and the Superior Court shall direct all police and court records and records of the state's or prosecuting attorney pertaining to such case to be erased. (3) Notwithstanding subsection (i) of this section, the provisions of this

subsection shall not apply in cases in which there has been a conviction for any charge for which erasure would not apply arising from the same information as any erased conviction. (g) (1) The clerk of the court or any law enforcement agency having information contained in such erased records shall not disclose to anyone, except the subject of the record, upon submission pursuant to guidelines prescribed by the Office of the Chief Court Administrator of satisfactory proof of the subject's identity, information pertaining to any charge erased under any provision of this section and such clerk shall forward a notice of such erasure to any law enforcement agency to which he knows information concerning the arrest has been disseminated and such disseminated information shall be erased from the records of such law enforcement agency. Such clerk shall provide adequate security measures to safeguard against unauthorized access to or dissemination of such records or upon the request of the accused cause the actual physical destruction of such records, except that such clerk shall not cause the actual physical destruction of such records until three years have elapsed from the date of the final disposition of the criminal case to which such records pertain. (2) Any person who shall have been the subject of such an erasure shall be deemed to have never been arrested within the meaning of the general statutes with respect to the proceedings so erased and may so swear under oath. (h) Upon motion properly brought, the court or a judge of such court, if such court is not in session, shall order disclosure of such records (1) to a defendant in an action for false arrest arising out of the proceedings so erased, or (2) to the prosecuting attorney and defense counsel in connection with any perjury charges which the prosecutor alleges may have arisen from the testimony elicited during the trial, or any false statement charges, or any proceeding held pursuant to section 53a-40b, or (3) counsel for the petitioner and the respondent in connection with any habeas corpus or other collateral civil action in which evidence pertaining to a nolle or dismissed criminal charge may become relevant. Such disclosure of such records is subject also to any records destruction program pursuant to which the records may have been destroyed. The jury charge in connection with erased offenses may be ordered by the judge for use by the judiciary, provided the names of the accused and the witnesses are omitted therefrom. (i) (1) Except as provided in subdivision (2) of this subsection, the provisions of this section shall not apply to any criminal history record information, as defined in section 54-142g, referencing more than one count of the criminal case or, in the case of a police record, referencing more than one defendant (A) while the criminal case is pending, or (B) when the criminal case is disposed of unless and until all counts on such criminal case and, in the case of a police record, on the relevant criminal cases for all referenced defendants are entitled to erasure in accordance with the provisions of this section. (2) When a criminal case is disposed of, qualified electronic records or portions of qualified electronic records released to the public that reference a charge that would otherwise be entitled to erasure under this section shall be erased in accordance with the provisions of this section. (3) Nothing in this section shall require the erasure of any information contained in the registry of protective orders established pursuant to section 51-5c, published memoranda of decision of the Superior Court or any records of the Appellate Court or Supreme Court related to matters considered by such courts. (4) For the purposes of this subsection, "qualified electronic record" means any police or court record or the record of any state's attorney or prosecuting attorney that is an electronic record, as defined in section 1-267, or a printout of any such electronic record, but does not include any portion of a police record that is a narrative description, including, but not limited to, any such description contained in an investigative report. (j) An attorney of any person (1) who is the subject of any immigration matter in which disclosure of such person's criminal history record information may be required under federal law, (2) who has been convicted of an offense in any court of this state, and (3) whose criminal history record information has been erased pursuant to this chapter for such offense, may petition the Superior Court at the location in which such conviction was effected, or the Superior Court at the location having custody of the records of such conviction or if such conviction was in the Court of Common Pleas, Circuit Court, municipal court or by a trial justice court, the Superior Court where venue would exist for criminal prosecution, for such records, and the Superior Court shall direct that all police and court records and records of the state's or prosecuting attorney pertaining to such offense be made available to such person's attorney, to the degree that such information has been retained. (k) No fee shall be charged in any court with respect to any petition under this section. (l) For the purposes of this section, "court records" shall not include a record or transcript of the proceedings made or prepared by an official court reporter, assistant court reporter or monitor or any audio or video recording of any court proceeding. (1949 Rev., S. 8840; 1963, P.A. 482; 642, S. 72; 1967, P.A. 181; 663; 1969, P.A. 229, S. 1; 1971, P.A. 635, S. 1; 1972, P.A. 20, S. 2; P.A. 73-276, S. 1, 2; P.A. 74-52, S. 1, 2; 74-163, S. 1-3; 74-183, S. 152, 291; P.A. 75-541, S. 1, 2; P.A. 76-345; 76-388, S. 4, 6; 76-436, S. 10a, 551, 681; P.A. 77-429; 77-452, S. 40, 41, 42, 72; P.A. 81-218, S. 1; P.A. 83-486, S. 7; P.A. 91-3; P.A. 93-142, S. 3, 8; P.A. 95-133, S. 1; P.A. 96-63, 96-79, S. 1; P.A. 99-215, S. 18, 29; P.A. 02-132, S. 60; P.A. 08-151, S. 1; P.A. 12-133, S. 23; P.A. 17-216, S. 5; P.A. 21-32, S. 3; 21-33, S. 10; P.A. 22-26, S. 34; P.A. 23-134, S. 1-3; 23-169, S. 2; 23-204, S. 119.) History: 1963 acts substituted circuit court for court of common pleas, added provision for case when accused is found not guilty and provided for erasure of court records; 1967 acts added provisions re cases in common pleas, municipal and justice courts, reduced period to elapse before petition from three years to one year and added provisions requiring that petition have summons and proposed order appended, that copy of petition, summons and order be served at least 14 days before return day on specified persons, that clerk not disclose information pertaining to erased charge, that fee not be charged with respect to petition and that person subject of erasure order shall not be deemed to have been arrested ab initio with respect to erased proceedings; 1969 act inserted new provisions designated as Subsecs. (a) and (b) re final judgment of not guilty or dismissal of charges, designated previous provisions as Subsecs. (c) and (e), amending Subsec. (c) to remove references to judgments of not guilty and dismissal of charge for which application was previously same as for nolle and rephrasing Subsec. (e), and inserted new provisions re pardons as Subsec. (d); 1971 act deleted requirement that petition have summons and proposed order appended and that copy of petition, summons and proposed order be served at least 14 days before return day on specified persons; 1972 act added provisions applicable to continued cases in Subsec. (c); P.A. 73-276 deleted provisions re filing of petition with court granting nolle or with circuit court

in matters pertaining to municipal court or justice of the peace and required that 13 months rather than one year have elapsed since nolle before petition filed; P.A. 74-52 amended Subsec. (c) to delete reference to nolle in common pleas court, municipal court or by justice of the peace, adding provision re nolle entered in those courts and in superior and circuit courts prior to April 1, 1972; P.A. 74-163 amended Subsec. (d) to specify applicability before or on and after October 1, 1974, added provisions in Subsec. (e) re forwarding of erasure notices, etc. and re storage or destruction of records and added Subsec. (f) re disclosure of records to accused or defendant; P.A. 74-183 amended section to reflect transfer of circuit court jurisdiction to common pleas court, reflecting reorganization of judicial system, effective December 31, 1974; P.A. 75-541 restated Subsec., prohibiting law enforcement agencies from disclosing information, referring to law enforcement agencies generally, rather than to persons, bodies or agencies including state department of police and required that court records and records of state's or prosecuting attorneys be sealed, replacing reference to unspecified records and added Subsec. (g) clarifying applicability of provisions re police or court records or records of state's or prosecuting attorneys; P.A. 76-345 added provisions in Subsec. (b) re police and court records and records of state's or prosecuting attorney, substituted nolle in common pleas court for those in circuit court in Subsec. (c) pursuant to requirements of P.A. 74-183 and added provisions in Subsec. (f) re disclosure of records in connection with perjury charge, re disclosure subject to records destruction program and re use of jury charge; P.A. 76-388 specified applicability re office of chief judge of court of common pleas; P.A. 76-436 amended section to reflect transfer of all trial jurisdiction to superior court, deleting references to chief judge, clerk and prosecuting attorneys of common pleas and other lesser courts and adding references to chief court administrator, effective July 1, 1978; P.A. 77-429 authorized disclosure to hospital or institution where accused confined in Subsec. (f); P.A. 77-452 confirmed substitution of chief court administrator for chief judge of common pleas court and other related changes made in Subsecs. (b), (c) and (e); Sec. 54-90 transferred to Sec. 54-142a in 1979; P.A. 81-218 provided that in a criminal case where the accused is found not guilty, the charge shall be erased upon expiration of time to file a writ of error or appeal or upon final determination of the appeal sustaining a finding of not guilty, required retention and control of records in the records center of the judicial department rather than in the office of chief court administrator, allowed a charge to be construed as nolle only if the charge has been continued at the request of the prosecuting attorney, rather than continued in superior or common pleas court, allowed court to order disclosure of records upon application of the accused, replacing provision which allowed disclosure if court finds that nondisclosure "may be harmful to the accused in a civil action" and added references to indictments in Subsec. (g); P.A. 83-486 amended Subsec. (a) by adding provision that erasure is not required of record pertaining to a charge for which the defendant was found, by reason of mental disease or defect, not guilty or guilty but not criminally responsible, amended Subsec. (b) by adding provision that erasure is not required of record pertaining to a charge for which the defendant was found not guilty by reason of mental disease or defect, and amended Subsec. (f) by deleting provision which authorized court to disclose records to "any hospital or institution to which an accused is confined under the provisions of section 53a-47"; P.A. 91-3 amended Subsec. (e) to permit disclosure of records to subject of record pursuant to guidelines of chief court administrator of satisfactory proof of identity and amended Subsec. (f) by deleting language re disclosure of records by the court to the accused; P.A. 93-142 added "or dismissed" after "nolle"; P.A. 95-133 amended Subsec. (g) by deleting language re any count of any information which was nolle or dismissed and substituted indictment or information "containing more than one count" and added provision re disclosure and nonerasure of such information or indictment; P.A. 96-63 added Subsec. (h) to provide that the term "court records" does not include a record or transcript of the proceedings made or prepared by an official court reporter, assistant court reporter or monitor; P.A. 96-79 amended Subsec. (e) to add exception prohibiting the actual physical destruction of such records until three years have elapsed from the date of the final disposition of the criminal case to which such records pertain; P.A. 99-215 amended Subsec. (g) by deleting former provision prohibiting erasure if conviction upon one or more counts of information and permitting disclosure of information or indictment and substituting provision prohibiting erasure while criminal case is pending or when criminal case is disposed unless and until all counts are entitled to erasure in accordance with the provisions of this section, effective June 29, 1999; P.A. 02-132 amended Subsec. (g) by adding provision re information contained in the registry of protective orders established pursuant to Sec. 51-5c, effective January 1, 2003; P.A. 08-151 inserted Subdiv. designators in Subsecs. (c), (d) and (e), substituted "except that" for "However" in Subsec. (c)(1), made a technical change in Subsec. (f), and amended Subsec. (g) to insert exception for electronic records released to the public in Subdiv. (2) and define "electronic record", effective October 1, 2009; P.A. 12-133 amended Subsec. (c)(2) by substituting "nolle upon motion of the arrested person" for "construed to have been nolle as of the date of termination of such thirteen-month period"; P.A. 17-216 amended Subsec. (f) by substituting "shall order" for "may order", adding provision re false statement charges in Subdiv. (2), adding Subdiv. (3) re habeas corpus or other collateral civil action, and making technical changes; P.A. 21-32 amended Subsec. (b) by replacing "with the records center of the Judicial Department" with "in the Superior Court where venue would exist for criminal prosecution", amended Subsecs. (c)(1) and (d)(1) by deleting references to records center of Judicial Department and further amended Subsec. (d)(1) by adding reference to Superior Court where venue would exist and making technical changes, added new Subsec. (e) re erasure by operation of law or by petitioning process for misdemeanor or certain felony offenses, added new Subsec. (f) re erasure of misdemeanor offenses committed by person while under 18 years of age, redesignated existing Subsecs. (e) to (g) as Subsecs. (g) to (i), amended redesignated Subsec. (g) by deleting references to any person charged with retention and control of records in records center of Judicial Department in Subdiv. (1), deleting former Subdiv. (2) re prohibition on fee and redesignating existing Subdiv. (3) as Subdiv. (2), added Subsec. (j) re person subject to any immigration matter, added Subsec. (k) re prohibition on fee, and redesignated existing Subsec. (h) as Subsec. (l), effective January 1, 2023; P.A. 21-33 amended Subsec. (e)(2) by making a technical change in Subpara. (B), and adding Subpara. (C) re conviction of certain Class D felonies, Subpara. (D) re conviction of certain Class A misdemeanor offenses and Subpara. (E)

re conviction of offense for which defendant has not served or completed serving sentence, effective January 1, 2023; P.A. 22-26 amended Subsec. (e)(1) by adding reference to Subdiv. (3), amended Subsec. (e)(2) by making a technical change in Subpara. (D) and deleting former Subpara. (E) re conviction of offense for which defendant has not served or completed serving sentence, added new Subsec. (e)(3) re provisions of Subsec. (e)(1) not applying to conviction for offense until defendant has completed serving sentence imposed and redesignated existing Subsecs. (e)(3) to (e)(5) as Subsecs. (e)(4) to (e)(6), effective January 1, 2023; P.A. 23-134 amended Subsec. (e) by adding provisions re motor vehicle violations, making technical and conforming changes throughout, redesignating Subdiv. (1) as Subdiv. (1)(A) and therein replacing “carrying a” with “for which a maximum”, redesignating Subdivs. (1)(A) and (1)(B) as Subdiv. (1)(A)(i) and (1)(A)(ii), Subdiv. (1)(A)(i) and (1)(A)(ii) as Subdiv. (1)(A)(i)(I) and (1)(A)(i)(II) and Subdiv. (1)(B)(i) and (1)(B)(ii) as Subdiv. (1)(B)(i)(I) and (1)(B)(i)(II), adding new Subdiv. (1)(B) re classification of an offense for purposes of redesignated Subpara. (A), adding “on or after January 1, 2000,” in Subdiv. (2)(A), deleting “a class D felony offense that is” and adding references to Secs. 29-33, 53a-61a, 53a-64cc, 53a-196d, 53a-212, 53a-217, 53a-217c and 53a-323 in Subdiv. (2)(C), replacing language re a class A misdemeanor offense of Sec. 53a-61a, 53a-64cc or 53a-323 with provision re a violation of Sec. 14-227a in Subdiv. (2)(D), deleting “has completed serving the sentence imposed for any offense or offenses for which the defendant has been convicted” in Subdiv. (3), adding provisions re completion of sentences based on timing of conviction and not being subject of pending charges as Subdiv. (3)(A) to (C) and adding Subdiv. (7) re defendant's obligation to register, Subdiv. (8) re defendant's obligation to abide by standing criminal protective order and Subdiv. (9) re availability of certain records to law enforcement, amended Subsec. (i) by redesignating existing Subdivs. (1) and (2) as Subdivs. (1) to (4), amending redesignated Subdiv. (1) by adding exception for Subdiv. (2), replacing language re police or court records or records of a state's or prosecuting attorney with language re criminal history record information referencing more than 1 count or 1 defendant, redesignating “while the criminal case is pending” as Subdiv. (1)(A), redesignating Subdiv. (2) as Subdiv. (1)(B) and therein making conforming changes and deleting “except that when the”, making conforming changes in redesignated Subdiv. (2), adding language re published memoranda of decision in redesignated Subdiv. (3) and redefining “electronic record” as “qualified electronic record” in redesignated Subdiv. (4), and amended Subsec. (l) by redefining “court records”, effective July 1, 2023; P.A. 23-169 amended Subsec. (e) by adding language re a violation of Sec. 14-227a in Subdiv. (1)(A)(i) and (1)(A)(ii) and replacing language re conviction for violation within 10 years preceding an arrest with language re a conviction for another violation within 10 years following such conviction in Subdiv. (2)(D), effective July 1, 2023; P.A. 23-204 made identical changes as P.A. 23-169, effective July 1, 2023.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142b. (Formerly Sec. 54-90a). - Erasure of record of girl found guilty of being in manifest danger.

Any person who has been found guilty under section 17-379 or any statute predecessor thereto, if she has been convicted of no other offense prior to her twenty-first birthday, may file a petition with the court by which she was found guilty, or, if such finding was by a trial justice or municipal court or the Circuit Court, to the Office of the Chief Court Administrator for an order of erasure, and such court shall thereupon order all police and court records and records of the state's or prosecuting attorney pertaining to such case to be erased. (1971, P.A. 192; P.A. 74-183, S. 153, 291; P.A. 75-567, S. 23, 80; P.A. 76-336, S. 12; 76-436, S. 552, 681; P.A. 77-452, S. 43, 72.) History: P.A. 74-183 revised section to reflect transfer of circuit court jurisdiction to court of common pleas, effective December 31, 1974; P.A. 75-567 specified applicability of Sec. 17-379 of “Revision of 1958, Revised to 1968” but added language was not codified; P.A. 76-336 applied provisions to persons “found guilty” under Sec. 17-379 rather than to persons “committed to any institution” under that section; P.A. 76-436 referred to persons “convicted” under Sec. 17-379 rather than to those “found guilty” and required filing of erasure petition to office of chief court administrator rather than to common pleas court for commitments by trial justice, municipal court or circuit court, reflecting transfer of all trial jurisdiction to superior court and reorganization of judicial system, effective July 1, 1978; P.A. 77-452 restored reference to persons “found guilty” under Sec. 17-379; Sec. 54-90a transferred to Sec. 54-142b in 1979.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142c. - Disclosure of erased records.

(a) The clerk of the court or any person charged with retention and control of erased records by the Chief Court Administrator or any criminal justice agency having information contained in such erased records shall not disclose to anyone the existence of such erased records or information pertaining to any charge erased under any provision of this part, except as otherwise provided in this chapter. (b) Notwithstanding any provision of this chapter, not later than two years from the date on which the records of any case are erased, the clerk of the court or any person charged with retention and control of erased records by the Chief Court Administrator or any criminal justice agency having information contained in such erased records may disclose to the victim of a crime or the victim's legal representative the fact that the case was dismissed. If such disclosure contains information from erased records, the identity of the defendant or defendants shall not be released, except that any information contained in such records, including the identity of the person charged may be released to the victim of the crime or the victim's representative upon written application by such victim or representative to the court stating (1) that a civil action has been commenced for loss or damage resulting from such act, (2) the intent to bring a civil action for such loss or damage, (3) that a civil action has been commenced pursuant to section 53a-28a for enforcement of an order of financial restitution, or (4) the intent to bring a civil action pursuant to section 53a-28a for an order of financial restitution. Any person who obtains criminal history record information by falsely representing to be the victim of a crime

or the victim's representative shall be guilty of a class D felony. (P.A. 78-200, S. 15; P.A. 81-117; 81-218, S. 2; P.A. 88-278, S. 3, 4; P.A. 99-277, S. 2; P.A. 00-196, S. 43; P.A. 03-19, S. 128; P.A. 13-258, S. 119; P.A. 22-26, S. 35.) History: P.A. 81-117 added Subsec. (b) re release of information contained in erased records to crime victim or his legal representative; P.A. 81-218 prohibited disclosure of information re any charge erased under part I, rather than part II, of this chapter, except as otherwise provided in chapter; P.A. 88-278 amended Subsec. (b) to permit information and identity of person contained in erased records to be released to victim upon written application stating civil action has been commenced or intent to bring civil action; P.A. 99-277 amended Subsec. (b) by changing "one year" to "two years" from the date of disposition of the case and making technical changes; P.A. 00-196 made a technical change in Subsec. (b); P.A. 03-19 made technical changes in Subsec. (a), effective May 12, 2003; P.A. 13-258 amended Subsec. (b) to change penalty from fine of not more than \$5,000 or imprisonment of not less than 1 year or more than 5 years to a class D felony; P.A. 22-26 amended Subsec. (b) by replacing "within two years from the date of disposition of any case" with "not later than two years from the date on which the records of any case are erased", adding Subdivs. (3) and (4) re release of information to victim or representative for civil action relating to restitution pursuant to Sec. 53a-28a and making technical changes, effective January 1, 2023. Cited. 183 C. 183; 200 C. 440; 237 C. 339. This section and Sec. 54-142a do not categorically preclude the state from seeking to establish basis for sentence enhancement by use of evidence other than erased records. 319 C. 494. Cited. 20 CA 737; 40 CA 705; judgment reversed, see 240 C. 590.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142d. - Erasure of record of decriminalized offense. Exceptions.

Whenever any person has been convicted of an offense in any court in this state and such offense has been decriminalized subsequent to the date of such conviction, such person may file a petition with the Superior Court at the location in which such conviction was effected, or with the Superior Court at the location having custody of the records of such conviction if such conviction was in the Court of Common Pleas, Circuit Court, municipal court or by a trial justice, in the Superior Court where venue would currently exist for criminal prosecution, for an order of erasure, and the Superior Court shall immediately direct all police and court records and records of the state's or prosecuting attorney pertaining to such offense to be erased. The provisions of this section shall not apply to any police or court records, or the records of any state's attorney, with respect to any information containing more than one count, unless and until all counts in the information are entitled to erasure, except that electronic records or portions of electronic records released to the public that reference a charge that would otherwise be entitled to erasure under this section shall be erased in accordance with the provisions of this section. (P.A. 83-6; P.A. 21-32, S. 4; P.A. 22-26, S. 36; 22-37, S. 40.) History: P.A. 21-32 deleted references to records center of Judicial Department, added "in the Superior Court where venue would currently exist for criminal prosecution," added "immediately" re directing destruction of certain records, and made a technical change, effective January 1, 2023; P.A. 22-26 replaced "physically destroyed" with "erased" and added provision re section not applying to certain records containing more than one count until all counts in the information are entitled to erasure, effective January 1, 2023; P.A. 22-37 made technical changes, effective January 1, 2023. Sec. 21a-279a reduced penalty for possessing less than one-half ounce of marijuana to a fine and therefore decriminalized said possession for purposes of this section. 315 C. 861. In the absence of a factual record, trial court directed to conduct an evidentiary hearing to determine whether defendant possessed less than one-half ounce of marijuana and, thus, whether defendant's record of conviction is entitled to erasure under section. 323 C. 756. Section does not compel erasure of probation violation that was premised on now decriminalized offense of possession of less than one-half ounce of marijuana under Sec. 21a-279a; "such case" can refer only to the case in which the person has been convicted of an offense in any court in this state and such offense has been decriminalized subsequent to the date of such conviction; "such case" cannot refer to a probation violation, which is more akin to a civil proceeding. 332 C. 639. An act that constitutes a crime under the Penal Code is an offense under section; decriminalization of an act under Sec. 53a-71(a)(1) in P.A. 07-143 entitled person with prior conviction for committing such act to erasure and destruction of records under this section, and repeal of Sec. 53a-71 in its entirety was not required for such erasure and destruction of records. 142 CA 21. Offense was not decriminalized when reclassified as a violation because actual legalization was necessary to constitute decriminalization under section. 147 CA 232; judgment reversed in part, see 315 C. 861.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142e. - Judicial Department or criminal justice agency to make available information to identify erased records. Duty of consumer reporting agency or background screening provider to update and delete erased criminal records.

(a) Notwithstanding the provisions of subsection (g) of section 54-142a and section 54-142c, with respect to any person, including, but not limited to, a consumer reporting agency as defined in subsection (i) of section 31-51i, or a background screening provider or similar data-based service or company, that purchases records of or files mass requests under the provisions of chapter 14 for information pertaining to criminal matters of public record, as defined in said subsection (i), from the Judicial Department or any criminal justice agency pursuant to subsection (b) of section 54-142g, the department or such criminal justice agency shall make available to such person information concerning such criminal matters of public record that have been erased pursuant to section 54-142a. Such information may include docket numbers or other information that permits the person to identify and permanently delete records that have been erased pursuant to section 54-142a. (b) Each person, including, but not limited to, a consumer reporting agency or background screening provider or similar data-based service or company, that has purchased records of or filed a mass request under the provisions of chapter 14 for information pertaining to criminal matters of public record from the Judicial

Department or any criminal justice agency shall, prior to disclosing such records, (1) purchase from the Judicial Department or such criminal justice agency, on a monthly basis or on such other schedule as the Judicial Department or such criminal justice agency may establish, any updated criminal matters of public record or information available for the purpose of complying with this section, and (2) update its records of criminal matters of public record to permanently delete such erased records not later than thirty calendar days after receipt of information on the erasure of criminal records pursuant to section 54-142a. Such person shall not further disclose such erased records, except to the subject of the records as required under 15 USC 1681g, as amended from time to time, or as otherwise required by applicable law. This subsection shall not apply to persons or entities filing a mass request under the provisions of chapter 14 for information pertaining to criminal matters of public record if the person or entity making the request is only obtaining information that does not personally identify the subjects of the criminal matters of public records and is not using the information for commercial purposes. (c) If any consumer reporting agency, background screening provider or similar data-based service or company discloses an erased record in violation of subsection (b) of this section after thirty calendar days from the date such agency, provider, service or company received notice pursuant to subsection (a) of this section that such record had been erased, the Attorney General may send notice ordering such agency, provider, service or company to remove such erased record from any such disclosure not later than five business days following receipt of such order. (d) For purposes of this section, "mass request" means a request concerning fifty or more criminal matters of public record. (e) Any violation of any provision of this section shall be deemed an unfair or deceptive trade practice under subsection (a) of section 42-110b. (P.A. 08-53, S. 2; P.A. 10-32, S. 152; P.A. 16-83, S. 2; P.A. 21-32, S. 6; June Sp. Sess. P.A. 21-1, S. 10; P.A. 22-26, S. 37; P.A. 23-134, S. 4.) History: P.A. 08-53 effective May 1, 2008; P.A. 10-32 made a technical change in Subsec. (a), effective May 10, 2010; P.A. 16-83 replaced reference to Sec. 31-51i(h) with reference to Sec. 31-51i(i), effective June 1, 2016; P.A. 21-32 added references to background screening provider or similar data-based service or company and criminal justice agency throughout, changed reference to Sec. 54-142a(e) to reference to Sec. 54-142a(g) in Subsec. (a) and added 30 calendar day deadline for deletion in Subsec. (b)(2), effective January 1, 2023; June Sp. Sess. P.A. 21-1 added references to background screening provider or similar data-based service or company and criminal justice agency throughout and added 30 calendar day deadline for deletion in Subsec. (b)(2), effective January 1, 2023; P.A. 22-26 amended Subsec. (a) by making a technical change, effective January 1, 2023; P.A. 23-134 amended Subsecs. (a) and (b) by adding language re mass requests, added Subsec. (c) re violation of Subsec. (b) after 30 calendar days from receipt of notice pursuant to Subsec. (a), added Subsec. (d) defining "mass request" and added Subsec. (e) re violation being deemed an unfair or deceptive trade practice, effective July 1, 2023.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142f. - Council on the Collateral Consequences of a Criminal Record. Established. Membership. Chairpersons. Administrative staff. Report.

(a) There is established a Council on the Collateral Consequences of a Criminal Record, which shall be part of the Legislative Department. The Council on the Collateral Consequences of a Criminal Record shall study discrimination faced by people in Connecticut living with a criminal record and develop recommendations for legislation to reduce or eliminate discrimination based on a person's criminal history. (b) The council shall consist of the following members: (1) The House chairperson of the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees or the chairperson's designee, who shall be a member of the General Assembly; (2) the Senate chairperson of the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees or the chairperson's designee, who shall be a member of the General Assembly; (3) the House and Senate ranking members or their designees, who shall be members of the General Assembly; (4) the undersecretary of the Office of Policy and Management Criminal Justice Policy and Planning Division, or the undersecretary's designee; (5) the Commissioner of Correction, or the commissioner's designee; (6) The Labor Commissioner, or the commissioner's designee; (7) the Commissioner of Consumer Protection, or the commissioner's designee; (8) the executive director of the Connecticut Commission on Human Rights and Opportunities, or the executive director's designee; (9) the executive director of the Commission on Women, Children, Seniors, Equity and Opportunity, or the executive director's designee; (10) a justice-impacted person, to be appointed by the House chairperson of the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees; (11) a representative from the American Civil Liberties Union of Connecticut, to be appointed by the Senate chairperson of the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees; (12) a representative from the Connecticut Coalition for Achievement Now, to be appointed by the House chairperson of the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees; (13) a representative from the Connecticut Coalition to End Homelessness, to be appointed by the Senate chairperson of the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees; (14) a representative from the Institute for Municipal and Regional Policy at The University of Connecticut, to be appointed by the House chairperson of the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees; (15) a representative from the Katal Center for Health, Equity, and Justice, to be appointed by the Senate chairperson of the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees; (16) a representative from the National Council for Incarcerated and Formerly Incarcerated Women and Girls, to be appointed by the House chairperson of the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees; (17) a representative from the New Haven Legal Assistance Association Reentry Clinic, to be appointed by the Senate chairperson of the joint standing committee of

the General Assembly having cognizance of matters relating to labor and public employees; (18) a representative from the Service Employees' International Union, Local 32BJ, to be appointed by the House chairperson of the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees; and (19) a representative from Voices of Women of Color, to be appointed by the Senate chairperson of the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees. (c) The House and Senate chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees shall serve as the chairpersons of the council. (d) The chairpersons of the council shall schedule the first meeting of the council, which shall be held not later than sixty days after July 1, 2019. Thereafter, the council shall meet upon the call of the chairpersons or upon the call of a majority of the council members. The council shall hold not less than three public forums in Connecticut communities to allow the public to provide input on the focus of the council. (e) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees shall serve as administrative staff of the council. (f) Not later than February 1, 2020, the council shall submit a report, in accordance with the provisions of section 11-4a, on its legislative recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees. (P.A. 19-142, S. 1; June Sp. Sess. P.A. 21-2, S. 27.) History: P.A. 19-142 effective July 1, 2019 (Revisor's note: Pursuant to P.A. 19-117, "Commission on Equity and Opportunity" was changed editorially by the Revisors to "Commission on Women, Children, Seniors, Equity and Opportunity"); June Sp. Sess. P.A. 21-2 amended Subsec. (b)(14) by adding "at The University of Connecticut".

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142g. - Definitions.

For purposes of this part and sections 29-11 and 54-142c, the following definitions shall apply: (a) "Criminal history record information" means court records and information compiled by criminal justice agencies for purposes of identifying criminal offenders and of maintaining as to each such offender notations of arrests, releases, detentions, indictments, informations, or other formal criminal charges or any events and outcomes arising from those arrests, releases, detentions, including pleas, trials, sentences, appeals, incarcerations, correctional supervision, paroles and releases; but does not include intelligence, presentence investigation, investigative information or any information which may be disclosed pursuant to subsection (f) of section 54-63d. (b) "Criminal justice agency" means any court with criminal jurisdiction, the Department of Motor Vehicles or any other governmental agency created by statute which is authorized by law and engages, in fact, as its principal function in activities constituting the administration of criminal justice, including, but not limited to, organized municipal police departments, the Division of Criminal Justice, the Department of Emergency Services and Public Protection, including the Division of State Police, the Department of Correction, the Court Support Services Division, the Office of Policy and Management, the state's attorneys, assistant state's attorneys and deputy assistant state's attorneys, the Board of Pardons and Paroles, the Chief Medical Examiner and the Office of the Victim Advocate. "Criminal justice agency" includes any component of a public, noncriminal justice agency if such component is created by statute and is authorized by law and, in fact, engages in activities constituting the administration of criminal justice as its principal function. (c) "Conviction information" means criminal history record information which has not been erased, as provided in section 54-142a, and which discloses that a person has pleaded guilty or nolo contendere to, or was convicted of, any criminal offense, and the terms of the sentence. (d) "Current offender information" means information on the current status and location of all persons who (1) are arrested or summoned to appear in court; (2) are being prosecuted for any criminal offense in Superior Court; (3) have an appeal pending from any criminal conviction; (4) are detained or incarcerated in any correctional facility in this state; or (5) are subject to the jurisdiction or supervision of any probation, parole or correctional agency in this state, including persons transferred to other states for incarceration or supervision. (e) "Nonconviction information" means (1) criminal history record information that has been "erased" pursuant to section 54-142a; (2) information relating to persons granted youthful offender status; (3) continuances which are more than thirteen months old. Nonconviction information does not mean conviction information or current offender information. (f) "Disclosure" means the communication of information to any person by any means. (g) "Dismissal" means (1) prosecution of the charge against the accused was declined pursuant to rules of court or statute; or (2) the judicial authority granted a motion to dismiss pursuant to rules of court or statute; or (3) the judicial authority found that prosecution is no longer possible due to the limitations imposed by section 54-193. (P.A. 78-200, S. 1; 78-303, S. 85, 136; P.A. 79-398; P.A. 80-190, S. 13; 80-193; P.A. 81-437, S. 5, 12; 81-472, S. 96, 159; P.A. 82-346, S. 4, 7; 82-472, S. 170, 183; P.A. 83-587, S. 80, 96; June Sp. Sess. P.A. 98-1, S. 75, 121; P.A. 99-186, S. 12; P.A. 00-20, S. 1, 4; P.A. 02-132, S. 49; P.A. 04-234, S. 2; P.A. 21-32, S. 33.) History: P.A. 78-303 allowed substitution of division of state police for state police department in Subdiv. (b) reflecting department's incorporation as division within the department of public safety pursuant to P.A. 77-614; P.A. 79-398 redefined "nonconviction information" to exclude nolle prosequi that have not been erased and information with a substitute information which were previously expressly included; P.A. 80-190 deleted coroners from definition of "criminal justice agency"; P.A. 80-193 included court records as "criminal history record information"; P.A. 81-437 amended Subsec. (a) to include any information which may be disclosed pursuant to Subsec. (d) of Sec. 54-63d; P.A. 81-472 made technical corrections; P.A. 82-346 deleted the Connecticut justice commission from the definition of "criminal justice agency"; P.A. 82-472 changed effective date of P.A. 82-346 from July 1, 1982, to January 1, 1983; P.A. 83-587 included the office of policy and management within the definition of "criminal justice agency"; June Sp. Sess. P.A. 98-1 made technical changes in Subsec. (b), effective June 24, 1998; P.A. 99-186 amended Subsec. (a) to make a technical change in a statutory reference; P.A. 00-20 amended Subsec. (b) to include the Office of the Victim Advocate

within the definition of “criminal justice agency”, effective April 25, 2000; P.A. 02-132 amended Subsec. (b) by replacing “Office of Adult Probation” with “the Court Support Services Division”, deleting “bail commissioners” and making technical changes; P.A. 04-234 replaced Board of Pardons and Board of Parole with Board of Pardons and Paroles, effective July 1, 2004; P.A. 21-32 redefined “criminal justice agency” in Subsec. (b), effective January 1, 2023. Cited. 183 C. 183; 186 C. 153, 158. Cited. 40 CA 705; judgment reversed, see 240 C. 590; 41 CA 649.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142h. - Data collection; audit; maintenance of records and log.

(a) All criminal justice agencies that collect, store or disseminate criminal history record information shall institute a process of data collection, entry, storage and systematic audit that will minimize the possibility of recording and storing inaccurate criminal history record information, and shall notify, upon the discovery of any such inaccuracy, all criminal justice agencies known to have received such information. The Division of Criminal Justice may give advice to criminal justice agencies concerning the collection, storage and dissemination of criminal history record information, provided the giving of such advice shall not interfere with the duties or supersede the authority of the state librarian or public records administrator with respect to public records. (b) For the purpose of verifying the completeness and accuracy of criminal history record information collected and maintained by criminal justice information agencies subject to Title 28, Chapter 1, Part 20 of the Code of Federal Regulations, the Division of Criminal Justice shall conduct an annual audit of the records maintained by such agencies. Said division shall provide for a random sample of criminal justice agencies to be audited each year. (c) Criminal justice agencies subject to such audits shall maintain and retain records that will facilitate such audits, including, but not limited to, the keeping of a log which chronologically records the date nonconviction record information was disclosed, the information disclosed, how or where the information was obtained and the person or criminal justice agency to whom the information was disseminated. Such log shall be maintained for a minimum period of twelve months. It shall not be necessary to log the disclosure of nonconviction record information to any authorized officer or employee within such agency. (P.A. 78-200, S. 8; P.A. 82-346, S. 5, 7; 82-472, S. 170, 183; P.A. 92-134, S. 1.) History: P.A. 82-346 replaced Connecticut justice commission with the division of criminal justice as auditor of records in Subsec. (b); P.A. 82-472 changed effective date of P.A. 82-346 from July 1, 1982, to January 1, 1983; P.A. 92-134 amended Subsec. (a) to add provision authorizing the division of criminal justice to give advice to criminal justice agencies re collection, storage and dissemination of criminal history record information. Cited. 183 C. 183.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142i. - Duties of criminal justice agencies re collection, storage and dissemination of criminal history record information.

All criminal justice agencies which collect, store or disseminate criminal history record information shall: (1) Screen and have the right to reject for employment, based on good cause, all personnel to be authorized to have direct access to criminal history record information; (2) Initiate or cause to be initiated administrative action that could result in the transfer or removal of personnel authorized to have direct access to such information when such personnel violate the provisions of these regulations or other security requirements established for the collection, storage or dissemination of criminal history record information; (3) Provide that direct access to computerized criminal history record information shall be available only to authorized officers or employees of a criminal justice agency, and, as necessary, other authorized personnel essential to the proper operation of a criminal history record information system, except that the Judicial Branch may provide disclosable information from its combined criminal and motor vehicle information systems or from its central computer system containing issued warrants and other criminal process as provided in section 54-2a to the public electronically, including through the Internet, in accordance with guidelines established by the Chief Court Administrator; (4) Provide that each employee working with or having access to criminal history record information shall be made familiar with the substance and intent of the provisions in this section; (5) Whether manual or computer processing is utilized, institute procedures to assure that an individual or agency authorized to have direct access is responsible for the physical security of criminal history record information under its control or in its custody, and for the protection of such information from unauthorized access, disclosure or dissemination. The State Police Bureau of Identification shall institute procedures to protect both its manual and computerized criminal history record information from unauthorized access, theft, sabotage, fire, flood, wind or other natural or man-made disasters; (6) Where computerized data processing is employed, institute effective and technologically advanced software and hardware designs to prevent unauthorized access to such information and restrict to authorized organizations and personnel only, access to criminal history record information system facilities, systems operating environments, systems documentation, and data file contents while in use or when stored in a media library; and (7) Develop procedures for computer operations which support criminal justice information systems, whether dedicated or shared, to assure that: (A) Criminal history record information is stored by the computer in such a manner that it cannot be modified, destroyed, accessed, changed purged, or overlaid in any fashion by noncriminal justice terminals; (B) operation programs are used that will prohibit inquiry, record updates, or destruction of records, from any terminal other than criminal justice system terminals which are so designated; (C) the destruction of records is limited to designated terminals under the direct control of the criminal justice agency responsible for creating or storing the criminal history record information; (D) operational programs are used to detect and store for the output of designated criminal justice agency employees all unauthorized attempts to penetrate any criminal history record information system, program or file; (E) the programs specified in subparagraphs (B) and (D) of this subdivision are known only to criminal justice agency employees responsible for criminal history record information system control or individuals or agencies pursuant to a specific agreement with the criminal

justice agency to provide such programs and the programs are kept continuously under maximum security conditions. (P.A. 78-200, S. 6; P.A. 99-215, S. 19, 29; P.A. 10-43, S. 28.) History: P.A. 99-215 amended Subsec. (c) by adding exception for judicial branch to provide disclosable information from combined criminal and motor vehicle systems to the public electronically in accordance with guidelines by Chief Court Administrator, effective June 29, 1999; P.A. 10-43 replaced alphabetic Subdiv. designators with numeric designators, amended Subdiv. (3) to include in exception disclosable information from Judicial Branch's central computer system containing issued warrants and other criminal process and amended Subdiv. (7) to replace numeric Subpara. designators with alphabetic designators and make technical changes.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142j. - Adoption of regulations and procedures.

The Commissioner of Emergency Services and Public Protection shall adopt regulations to establish procedures for criminal justice agencies to query the central repository prior to dissemination of any criminal history disposition information to assure that the most up to date disposition data is being used. Inquiries to the State Police Bureau of Identification shall be made prior to any dissemination except in those cases where time is of the essence and the repository is technically incapable of responding within the necessary time period. (P.A. 78-200, S. 9; P.A. 11-51, S. 134.) History: Pursuant to P.A. 11-51, "Commissioner of Public Safety" was changed editorially by the Revisors to "Commissioner of Emergency Services and Public Protection", effective July 1, 2011.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142k. - Availability of conviction information and nonconviction information.

(a) Each person or agency holding conviction information or nonconviction information shall establish reasonable hours and places of inspection of such information. (b) Each person or agency holding conviction information or nonconviction information shall (1) update such information promptly whenever related criminal history record information is erased, modified or corrected or when a pardon is granted; and (2) post on any conviction information or nonconviction information available to the public a notice that the criminal history record information may change daily due to erasures, corrections, pardons and other modifications to individual criminal history record information and that the person or agency cannot guarantee the accuracy of the information except with respect to the date the information is disclosed or obtained. (c) Conviction information shall be available to the public for any purpose. (d) Nonconviction information shall be available to the subject of the information and to the subject's attorney pursuant to this subsection and subsection (e) of this section. Any person shall, upon satisfactory proof of the person's identity, be entitled to inspect, for purposes of verification and correction, any nonconviction information relating to the person and upon the person's request shall be given a computer printout or photocopy of such information for which a reasonable fee may be charged, provided no erased record may be released except as provided in subsection (h) of section 54-142a. Before releasing any exact reproductions of nonconviction information to the subject of the information, the agency holding such information may remove all personal identifying information from such reproductions. (e) Any person may authorize, in writing, an agency holding nonconviction information pertaining directly to the person to disclose such information to the person's attorney. The holding agency shall permit such attorney to inspect and obtain a copy of such information if both the attorney's identity and that of the attorney's client are satisfactorily established, provided no erased record may be released unless the attorney attests to such attorney's client's intention to challenge the accuracy of such record. (f) Any person who obtains nonconviction information by falsely representing to be the subject of the information shall be guilty of a class D felony. (P.A. 78-200, S. 10; P.A. 79-631, S. 12, 111; P.A. 80-218; June Sp. Sess. P.A. 83-29, S. 78, 82; P.A. 85-604; P.A. 89-28; P.A. 90-104; P.A. 92-134, S. 2; 92-262, S. 16, 42; P.A. 93-91, S. 1, 2; 93-262, S. 1, 87; 93-381, S. 9, 39; P.A. 94-117, S. 2; P.A. 05-152, S. 10; P.A. 07-243, S. 2; P.A. 21-32, S. 8.) History: P.A. 79-631 substituted reference to Sec. 54-142a(f) for reference to Sec. 54-90(j) in Subsec. (c); P.A. 80-218 added Subsec. (f) re disclosure of criminal conviction information to department of children and youth services or other youth service agencies; June Sp. Sess. P.A. 83-29 added Subsec. (g) re disclosure of criminal conviction record information to the department of mental retardation and confidentiality of such information; P.A. 85-604 added Subsecs. (h) and (i) re disclosure of criminal conviction information to the departments of human resources and health services and confidentiality of such information; P.A. 89-28 added Subsec. (j) re disclosure of criminal conviction information to family division of superior court and confidentiality of such information; P.A. 90-104 added Subsec. (k) re access to records by department of mental health; P.A. 92-134 added Subsec. (l) re disclosure of criminal conviction information to Attorney General or an attorney representing a party in any juvenile matter and confidentiality of such information; P.A. 92-262 added Subsec. (m) concerning the department of education's right to criminal conviction records of applicants for certification and persons certified under Sec. 10-145b; P.A. 93-91 substituted commissioner and department of children and families for commissioner and department of children and youth services, effective July 1, 1993; P.A. 93-262 authorized substitution of commissioner and department of social services for commissioner and department of human resources, effective July 1, 1993; P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993; P.A. 94-117 amended Subsec. (b) to provide that conviction information shall be available to public for any purpose, amended Subsec. (e) by adding phrase "other than conviction information" and changed "record" to "information" and deleted Subsecs. (f) to (m), inclusive, re access of various agencies to criminal conviction records of certain people; P.A. 05-152 amended Subsec. (a) by replacing "criminal history record information" with "conviction information or nonconviction information", amended Subsec. (c) by adding provision re availability of nonconviction information to the subject of the information and such person's attorney and by making technical changes, made a technical change in Subsec. (d) and amended Subsec. (e) by

replacing “criminal history record information other than conviction information” with “nonconviction information”; P.A. 07-243 added new Subsec. (b) re update of information and posting of notice, redesignated existing Subsecs. (b) to (e) as Subsecs. (c) to (f) and made technical changes; P.A. 21-32 substituted reference to Sec. 54-142a(h) for reference to Sec. 54-142a(f) in Subsec. (d), effective January 1, 2023. Cited. 183 C. 183. Cited. 36 CS 89.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142l. - Challenge to completeness or accuracy of record.

(a) A person may challenge the completeness and accuracy of such information by giving written notice of his challenge to the State Bureau of Identification and to the agency at which he inspected the information, if other than the State Police Bureau of Identification. The notice shall contain a sworn statement that the information in or supporting the challenge is accurate and that the challenge is made in good faith. (b) Upon receipt of the notice, the State Police Bureau of Identification shall conduct an audit of the part of such person's criminal history record information which is necessary to determine the accuracy of the challenge, and may require any criminal justice agency which was the source of the challenged information to verify such information. Within sixty days after the notice is received, the State Bureau of Identification shall notify the person in writing of the results of the audit, and of his right to appeal if the challenge is rejected. (P.A. 78-200, S. 7.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142m. - Disclosure of nonconviction information by criminal justice agency.

(a) A criminal justice agency holding nonconviction information may disclose it to persons or agencies not otherwise authorized (1) for the purposes of research, evaluation or statistical analysis, or (2) if there is a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to such agreement. The Judicial Branch may disclose nonconviction information to a state agency pursuant to an agreement to provide services related to the collection of moneys due. Any such disclosure of information shall be limited to that information necessary for the collection of moneys due. Pursuant to an agreement, the Judicial Branch may disclose nonconviction information to the Department of Mental Health and Addiction Services for the administration of court-ordered evaluations and the provision of programs and services to persons with psychiatric disabilities and substance abuse treatment needs. Pursuant to an agreement, the Judicial Branch may disclose nonconviction information to advocates for victims of family violence to allow such advocates to develop plans to provide for the safety of victims and victims' minor children, provided such agreement prohibits such advocates from disclosing such nonconviction information to any person, including, but not limited to, a victim of family violence. (b) No nonconviction information may be disclosed to such persons or agencies except pursuant to a written agreement between the agency holding it and the persons to whom it is to be disclosed. (c) The agreement shall specify the information to be disclosed, the persons to whom it is to be disclosed, the purposes for which it is to be used, the precautions to be taken to insure the security and confidentiality of the information and the sanctions for improper disclosure or use. (d) Persons to whom information is disclosed under the provisions of this section shall not without the subject's prior written consent disclose or publish such information in such manner that it will reveal the identity of such subject. (P.A. 78-200, S. 11; P.A. 80-483, S. 139, 186; P.A. 95-133, S. 2; P.A. 00-64, S. 2; P.A. 12-114, S. 15.) History: P.A. 80-483 made technical correction; P.A. 95-133 amended Subsec. (a) by adding provision permitting judicial branch to disclose nonconviction information to state agency pursuant to agreement for collection of moneys due; P.A. 00-64 amended Subsec. (a) by adding provision that, pursuant to agreement, judicial branch may disclose nonconviction information to Department of Mental and Addiction Services for administration of court-ordered evaluations and provision of programs and services to persons with psychiatric disabilities and substance abuse treatment needs; P.A. 12-114 amended Subsec. (a) by adding provision re disclosure of nonconviction information to advocates for victims of family violence and making a technical change. Cited. 183 C. 183.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142n. - Further provisions for disclosure of nonconviction information.

Nonconviction information other than erased information may be disclosed only to: (1) Criminal justice agencies in this and other states and the federal government; (2) agencies and persons which require such information to implement a statute or executive order that expressly refers to criminal conduct; (3) agencies or persons authorized by a court order, statute or decisional law to receive criminal history record information. Whenever a person or agency receiving a request for nonconviction information is in doubt about the authority of the requesting agency to receive such information, the request shall be referred to the State Police Bureau of Investigation. (P.A. 78-200, S. 13.) History: (Revisor's note: In 1995 the indicators (a), (b) and (c) were changed editorially by the Revisors to (1), (2) and (3) respectively for consistency with statutory usage).

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142o. - Dissemination of nonconviction information to noncriminal justice agencies.

(a) Nonconviction information disseminated to noncriminal justice agencies shall be used by such agencies only for the purpose for which it was given and shall not be redisseminated. (b) No agency or individual shall confirm the existence or nonexistence of nonconviction information to any person or agency that would not be eligible to receive the information itself. (P.A. 78-200, S. 12.) See Sec. 54-142c re disclosure of erased records.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142p. - Letter of criminal record or no criminal record to enter United States or foreign nation.

(a) Any criminal justice agency may furnish criminal history record information or a no criminal record letter to an individual in conjunction with an application to enter the United States or any foreign nation when the subject of the record (1) certified that the information is needed to complete an application to enter the United States or a foreign nation, and (2) provides proof that he is the subject of the record. (b) The disseminating agency shall certify that the information released is accurate as of ninety days prior to release and is being disclosed only for the purpose of assisting the subject of the record in gaining entry into the United States or a foreign nation. (P.A. 78-200, S. 14.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142q. - Criminal Justice Information System Governing Board. Membership. Duties and responsibilities. Access to information.

(a) As used in this section, (1) “governing board” means the Criminal Justice Information System Governing Board established in this section, (2) “offender-based tracking system” means an information system that enables, as determined by the governing board and subject to this chapter, criminal justice agencies, as defined in subsection (b) of section 54-142g, the Division of Public Defender Services and the Office of the Federal Public Defender to share criminal history record information, as defined in subsection (a) of section 54-142g, and to access electronically maintained offender and case data involving felonies, misdemeanors, violations, motor vehicle violations, motor vehicle offenses for which a sentence to a term of imprisonment may be imposed, and infractions, and (3) “criminal justice information systems” means the information systems designed and implemented pursuant to section 54-142s. (b) There shall be a Criminal Justice Information System Governing Board which shall be within the Department of Emergency Services and Public Protection for administrative purposes only and shall oversee criminal justice information systems. (c) The governing board shall be composed of the Chief Court Administrator, the Commissioner of Emergency Services and Public Protection, the Secretary of the Office of Policy and Management, the Commissioner of Correction, the chairperson of the Board of Pardons and Paroles, the Chief State’s Attorney, the Chief Public Defender, the Commissioner of Administrative Services, the Victim Advocate, the Commissioner of Motor Vehicles, the chairpersons and ranking members of the joint standing committee of the General Assembly on judiciary and the president of the Connecticut Police Chiefs Association. The Chief Court Administrator and a person appointed by the Governor from among the membership shall serve as cochairpersons. Each member of the governing board may appoint a designee who shall have the same powers as such member. (d) The governing board shall meet at least once during each calendar quarter and at such other times as the chairperson deems necessary. A majority of the members shall constitute a quorum for the transaction of business. (e) The governing board shall hire an executive director of the board who shall not be a member of the board and who shall serve at the pleasure of the board. The executive director shall be qualified by education, training or experience to oversee the design and implementation of a comprehensive, state-wide information technology system for the sharing of criminal justice information as provided in section 54-142s. The Department of Emergency Services and Public Protection shall provide office space and such staff, supplies and services as necessary for the executive director to properly carry out his or her duties under this subsection. (f) The governing board shall develop plans, maintain policies and provide direction for the efficient operation and integration of criminal justice information systems, whether such systems service a single agency or multiple agencies. The governing board shall establish standards and procedures for use by agencies to assure the interoperability of such systems, authorized access to such systems and the security of such systems. (g) In addition to the requirements of subsection (f) of this section, the duties and responsibilities of the governing board shall be to: (1) Oversee the operations and administration of criminal justice information systems; (2) establish such permanent and ad hoc committees as it deems necessary, with appointments to such committees not restricted to criminal justice agencies; (3) recommend any legislation necessary for implementation, operation and maintenance of criminal justice information systems; (4) establish and implement policies and procedures to meet the system-wide objectives, including the provision of appropriate controls for data access and security; and (5) perform all necessary functions to facilitate the coordination and integration of criminal justice information systems. (h) A member of the governing board, a member of a permanent or an ad hoc committee established by the governing board, and any person operating and administering the criminal justice information system shall be deemed to be “state officers and employees” for the purposes of chapter 53 and section 5-141d. (i) Information that may be accessed by the Division of Public Defender Services or the Office of the Federal Public Defender pursuant to subsection (a) of this section shall be limited to: (1) Conviction information, as defined in subsection (c) of section 54-142g, (2) information that is otherwise available to the public, and (3) information, including nonconviction information, concerning a client whom the division has been appointed by the court to represent and is representing at the time of the request for access to such information. (P.A. 99-14, S. 1, 2; P.A. 00-20, S. 2-4; P.A. 04-219, S. 24; 04-234, S. 2; P.A. 05-178, S. 1; June Sp. Sess. P.A. 07-4, S. 25; Jan. Sp. Sess. P.A. 08-1, S. 39; P.A. 09-26, S. 1; P.A. 11-51, S. 76, 181; June Sp. Sess. P.A. 17-2, S. 100, 101, 103, 104.) History: P.A. 99-14 effective May 12, 1999; P.A. 00-20 amended Subsec. (a) to authorize the Division of Public Defender Services to participate in the offender-based tracking system and added Subsec. (f) to limit the types of information that the division may access, effective April 25, 2000; P.A. 04-219 amended Subsec. (b) to add the Commissioner of Emergency Management and Homeland Security, effective January 1, 2005; P.A. 04-234 replaced Board of Pardons and Board of Parole with Board of Pardons and Paroles, effective July 1, 2004; P.A. 05-178 inserted definitions of “governing board” and “offender-based tracking system” as new Subsec. (a), redesignated existing Subsecs. (a) to (f) as Subsecs. (b) to (g) and amended redesignated Subsec. (b) to require that governing board be within the Office of Policy and Management for administrative purposes

only, to delete definition of “offender-based tracking system” and to make technical changes; June Sp. Sess. P.A. 07-4 amended Subsec. (a) to redefine “offender-based tracking system” in Subdiv. (2) and add Subdiv. (3) defining “criminal justice information systems”, amended Subsec. (b) to provide that board “shall oversee criminal justice information systems” and delete language re information system, added new Subsec. (e) to require board to develop plans, maintain policies and provide direction for the efficient operation and integration of criminal justice information systems and establish standards and procedures re interoperability of, access to and security of such systems, redesignated existing Subsecs. (e), (f) and (g) as Subsecs. (f), (g) and (h), and amended Subsec. (f) to provide that duties and responsibilities enumerated are “In addition to the requirements of subsection (e) of this section” and replace “offender-based tracking system” with “criminal justice information systems”; Jan. Sp. Sess. P.A. 08-1 amended Subsec. (c) to replace provision re Chief Court Administrator shall serve as chairperson with provision re Chief Court Administrator and person appointed by the Governor from among the membership shall serve as cochairpersons and add chairpersons and ranking members of the judiciary committee as members of governing board, added new Subsec. (e) re hiring and qualifications of an executive director and the provision of office space, staff, supplies and services for executive director to carry out his or her duties, redesignated existing Subsecs. (e) to (h) as new Subsecs. (f) to (i), and made a technical change in new Subsec. (g), effective January 25, 2008; P.A. 09-26 referenced the Office of the Federal Public Defender in Subsecs. (a) and (i) and made a technical change; P.A. 11-51 amended Subsec. (c) to replace “Commissioner of Public Safety” and “Commissioner of Emergency Management and Homeland Security” with “Commissioner of Emergency Services and Public Protection”, effective July 1, 2011; pursuant to P.A. 11-51, “Chief Information Officer of the Department of Information Technology” was changed editorially by the Revisors to “Commissioner of Administrative Services”, effective July 1, 2011; June Sp. Sess. P.A. 17-2 amended Subsec. (a)(3) to redefine “criminal justice information systems”, amended Subsec. (b) to replace “Office of Policy and Management” with “Department of Emergency Services and Public Protection”, amended Subsec. (e) to replace “Office of Policy and Management” with “Department of Emergency Services and Public Protection”, and amended Subsec. (h) to replace “offender-based tracking system” with “criminal justice information system”, effective October 31, 2017. See Sec. 4-38f for definition of “administrative purposes only”.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142r. - Availability of data in criminal justice information system. Procedures for obtaining data.

(a) Any data in a criminal justice information system, as defined in section 54-142q, shall be available to the Commissioner of Administrative Services and the executive director of a division or unit within the Judicial Department that oversees information technology, or to such persons' designees, for the purpose of maintaining and administering said system. (b) Any data in said system from an information system of a criminal justice agency, as defined in subsection (b) of section 54-142g, that is available to the public under the provisions of the Freedom of Information Act, as defined in section 1-200, shall be obtained from the agency from which such data originated. The Commissioner of Emergency Services and Public Protection shall provide to any person who submits a request for such data to the Criminal Justice Information System Governing Board, pursuant to said act, the name and address of the agency from which such data originated. (P.A. 05-178, S. 2; P.A. 06-196, S. 187; P.A. 11-51, S. 76; June Sp. Sess. P.A. 17-2, S. 102, 105.) History: P.A. 06-196 made technical changes, effective June 7, 2006; pursuant to P.A. 11-51, “Chief Information Officer of the Department of Information Technology” was changed editorially by the Revisors to “Commissioner of Administrative Services” in Subsec. (a), effective July 1, 2011; June Sp. Sess. P.A. 17-2 amended Subsec. (a) to replace “the offender-based tracking system” with “a criminal justice information system” and amended Subsec. (b) to replace “Secretary of the Office of Policy and Management” with “Commissioner of Emergency Services and Public Protection”, effective October 31, 2017.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142s. - State-wide information technology system for sharing of criminal justice information.

(a) The Criminal Justice Information System Governing Board shall design and implement a comprehensive, state-wide information technology system to facilitate the immediate, seamless and comprehensive sharing of information between all state agencies, departments, boards and commissions having any cognizance over matters relating to law enforcement and criminal justice, and organized local police departments and law enforcement officials. (b) Such information technology system shall include, without limitation, a central tracking and information database, a central electronic document repository and centralized analytical tools, as provided in subsections (c) to (e), inclusive, of this section, all of which shall be developed with state-of-the-art technology, as provided in subsection (f) of this section, and such other components or elements as are determined to be appropriate or necessary by the board after development of a plan for the design and implementation of such system. (c) Such information technology system shall include a central, integrated criminal justice tracking and information database that provides: (1) Complete biographical information and vital statistics for all offenders and former offenders still living; and (2) Tracking information for all offenders in the criminal justice system, from investigation through incarceration and release, and seamless integration with any electronic monitoring systems, global positioning systems and any offender registries. (d) Such information technology system shall include a central, integrated electronic repository of criminal justice records and documents that provides: (1) Access to all state and local police reports, presentence investigations and reports, psychological and medical reports, criminal records, incarceration and parole records, and court records and transcripts, whether such records and documents normally exist in electronic or hard copy form; and (2) Access to scanning and processing facilities to ensure that such records and documents are integrated into the system and updated immediately. (e) Such information technology system shall include centralized analytical tools, bundled together in a

custom-designed enterprise system that includes: (1) Analytical tools that empower and enhance criminal case assessment, sentencing and plea agreement analysis and pardon, parole, probation and release decisions; (2) Analytical tools that empower and enhance forecasting concerning recidivism and future offenses for each individual offender; and (3) Collaborative functionality that enables seamless cross-department communication, information exchange, central note-taking and comment capabilities for each offender. (f) Such information technology system shall be developed with state-of-the-art relational database technology and other appropriate software applications and hardware, and shall be: (1) Completely accessible by any authorized criminal justice official through the Internet; (2) Completely integrated with the state police, organized local police departments, law enforcement agencies and such other agencies and organizations as the governing board deems necessary and appropriate, and their information systems and database applications; (3) Indexed and cross-referenced by offender name, residence, community, criminal offense and any other data points necessary for the effective administration of the state's criminal justice system; (4) Fully text searchable for all records; (5) Secure and protected by high-level security and controls; (6) Accessible to the public subject to appropriate privacy protections and controls; and (7) Monitored and administered by the Criminal Justice Information Systems Governing Board, with the assistance of the Department of Administrative Services, provided major software and hardware needs may be provided and serviced by private, third-party vendors. (g) Any third-party vendor or contractor of criminal justice-related record management systems, assisting in the design and implementation of the state-wide information technology system pursuant to this section, that requires access to criminal history record information maintained on the state's criminal justice information technology system shall, prior to being allowed to access such information, obtain written approval from the Criminal Justice Information System Governing Board to access such information in the manner prescribed by said board. Any contract, subcontract or amendment to a contract or subcontract entered into by the Criminal Justice Information System Governing Board and a third-party vendor or contractor concerning criminal justice-related record management systems shall include specifications established by said board that ensure that all policies, procedures, processes and control systems, including hardware, software and protocols that are provided by the third-party vendor or contractor are compatible with, and support, the state's criminal justice information technology system. (h) Not later than January first, annually, the Criminal Justice Information System Governing Board shall report, in accordance with section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and appropriations and the budgets of state agencies concerning the status of the design and implementation of such information technology system. In conjunction with the report, the board shall also make a presentation to said committees during the ensuing regular session concerning the status of the design and implementation of such information technology system and a specific itemization of the additional resources, if any, that are needed to achieve such design and implementation. (Jan. Sp. Sess. P.A. 08-1, S. 40; P.A. 11-51, S. 76; P.A. 23-36, S. 1.) History: Jan. Sp. Sess. P.A. 08-1 effective January 25, 2008; pursuant to P.A. 11-51, "Department of Information Technology" was changed editorially by the Revisors to "Department of Administrative Services" in Subsec. (f)(7), effective July 1, 2011; P.A. 23-36 amended Subsec. (c)(2) by deleting "(GPS)", amended Subsec. (g) by replacing provision re use of request for proposals and consultant to design and implement the state's criminal justice information technology system with provisions requiring a third-party vendor or contractor requiring access to the system to obtain prior written approval for such access from Criminal Justice Information System Governing Board and by requiring said board to establish contract specifications to ensure that services provided by a third-party vendor or contractor are compatible with and support the system and amended Subsec. (h) by making technical changes.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142t. - Automated process for erasure of criminal records. Liability re actions taken in reliance upon criminal history record information. Claims against the state. Request for review of criminal history records for erasure.

(a) The Department of Emergency Services and Public Protection, in consultation with the Judicial Branch and the Criminal Justice Information System Governing Board established pursuant to section 54-142q, shall develop and implement automated processes for erasure pursuant to section 54-142a. (b) The Commissioner of Emergency Services and Public Protection shall, not later than January 1, 2024, post information on an Internet web site operated by the department, regarding records that are subject to erasure under the provisions of this section, including a list of any section of the general statutes for which a violation of such section may be subject to erasure pursuant to subsection (e) of section 54-142a. The commissioner shall annually review, and if necessary, update such list. (c) Nothing in this section shall be construed to require the destruction of paper records. (d) Nothing in the provisions of sections 46a-80a to 46a-80m, inclusive, or sections 8-265c, 8-315, 10a-6, 31-51i, 38a-358, 38a-447, 46a-51, 46a-74, 46a-79, 46a-80 and 46a-81 of the general statutes, revision of 1958, revised to January 1, 2023, shall be construed to make the state, any state agency, any municipality or any person liable for any action taken on the basis of criminal history record information required to be erased or deemed erased by operation of law if: (1) Such action is taken in good faith reliance on such criminal history record information; (2) Such criminal history record information has not yet been marked as erased by the automated system required under this section, or, in the case of a municipality or other person, such erasure marking has not been communicated to such municipality or other person; and (3) Such action is taken before January 1, 2024. (e) No person, prior to January 1, 2024, shall have any claim against the state or any state agency for failure to erase a record pursuant to the provisions of this section and subsection (e) of section 54-142a of the general statutes, revision of 1958, revised to January 1, 2023. (f) On and after January 1, 2024, nothing in the provisions of sections 46a-80a to 46a-80m, inclusive, or sections 8-265c, 8-315, 10a-6, 31-51i, 38a-358, 38a-447, 46a-51, 46a-74, 46a-79, 46a-80 and 46a-81 shall be construed to make the state, any state agency, any municipality or any person liable for any action taken on the basis of criminal history record information required to be erased or deemed erased by

operation of law if within the immediate thirty-day period after such records should have been marked as erased: (1) Such action is taken in good faith reliance on such criminal history record information; and (2) Such criminal history record information has not yet been marked as erased by the automated system required under this section, or, in the case of a municipality or other person, such erasure marking has not been communicated to such municipality or other person. (g) On and after January 1, 2024, if a person (1) believes any of such person's criminal history record information was required to be deemed erased by operation of law pursuant to the provisions of subsection (e) of section 54-142a, and (2) submits a copy of such person's criminal history record information search demonstrating that such criminal history record information has not been marked as erased to the Department of Emergency Services and Public Protection in a form and manner determined by the department, the department shall, following a contested hearing, make a determination on whether such criminal history information should be deemed erased by operation of law. Such determination shall constitute a final decision for the purposes of the provisions of chapter 54. (P.A. 21-32, S. 5; P.A. 23-134, S. 6.) History: P.A. 21-32 effective January 1, 2023; P.A. 23-134 amended Subsec. (b) by replacing "department may, within available appropriations, disseminate information, including posting" with "Commissioner of Emergency Services and Public Protection shall, not later than January 1, 2024, post", adding provision re list of any section of the general statutes for which a violation of such section may be subject to erasure and review of such list and making conforming and technical changes, added Subsec. (d) re liability for actions taken prior to January 1, 2024, added Subsec. (e) re a claim against the state, added Subsec. (f) re liability on or after January 1, 2024, and added Subsec. (g) re request for review and erasure of criminal history record if such record should be deemed erased by operation of law, effective June 27, 2023.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142u. - Automatic erasure of record of person for certain cannabis possession convictions.

(a) Whenever on or after January 1, 2000, but prior to October 1, 2015, any person has been convicted in any court of this state of possession under subsection (c) of section 21a-279, all police and court records and records of the state's or prosecuting attorney pertaining to such a conviction in any court of this state shall be, pursuant to the provisions of section 54-142a, (1) erased, if such records are electronic records; or (2) deemed erased by operation of law, if such records are not electronic records. (b) The provisions of this section shall not apply to any police or court records or the records of any state's attorney or prosecuting attorney with respect to any record referencing more than one count unless and until all counts are entitled to erasure in accordance with the provisions of this section, except that electronic records or portions of electronic records released to the public that reference a charge that would otherwise be entitled to erasure under this section shall be erased in accordance with the provisions of this section. (c) Nothing in this section shall limit any other procedure for erasure of criminal history record information, as defined in section 54-142g, or prohibit a person from participating in any such procedure, even if such person's electronic criminal history record information has been erased pursuant to this section. (d) For the purposes of this section, "electronic record" means any police or court record or record of any state's attorney or prosecuting attorney that is an electronic record, as defined in section 1-267, other than a scanned copy of a physical document. (e) For the purposes of this section, "court records" shall not include a record or transcript of the proceedings made or prepared by an official court reporter, court recording monitor or any other entity designated by the Chief Court Administrator. (f) Nothing in this section shall be construed to require the partial redaction of physical documents or scanned copies of such documents held internally by any criminal justice agency. (g) Nothing in this section shall be construed to require the Department of Motor Vehicles to erase criminal history record information on an operator's driving record. When applicable, the Department of Motor Vehicles shall make such criminal history record information available through the Commercial Driver's License Information System. (h) A person whose records have been erased pursuant to this section may represent to any entity other than a criminal justice agency that they have not been arrested or convicted for the purposes of any such conviction for which such records have been erased. (June Sp. Sess. P.A. 21-1, S. 9.) History: June Sp. Sess. P.A. 21-1 effective January 1, 2023.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142v. - Erasure of record of person for certain cannabis convictions for possession, possession or use of paraphernalia or manufacture or for distribution, sale, prescription, administration or growing of cannabis.

(a)(1) Any person who has been convicted in any court in this state (A) (i) on October 1, 2015, or thereafter, and prior to July 1, 2021, or (ii) prior to January 1, 2000, of a violation of section 21a-279 for possession of a cannabis-type substance and the amount possessed was less than or equal to four ounces of such substance, (B) prior to July 1, 2021, of a violation of subsection (a) of section 21a-267, for use or possession with intent to use of drug paraphernalia to store, contain or conceal, or to ingest, inhale or otherwise introduce into the human body cannabis, or (C) prior to July 1, 2021, of a violation of subsection (b) of section 21a-277 for manufacturing, distributing, selling, prescribing, compounding, transporting with the intent to sell or dispense, possessing with the intent to sell or dispense, offering, giving or administering to another person a cannabis-type substance and the amount involved was less than or equal to four ounces or six plants grown inside such person's own primary residence for personal use may file a petition with the Superior Court at the location in which such conviction was effected, or with the Superior Court at the location having custody of the records of such conviction or if such conviction was in the Court of Common Pleas, Circuit Court, municipal court or by a trial justice, in the Superior Court where venue would currently exist for criminal prosecution, for an order of erasure. (2) As part of such petition, such person shall include a copy of the arrest record or an affidavit supporting such person's petition that, in the case of a violation of section 21a-279, such person possessed four ounces or less of a cannabis-type substance for which

such person was convicted, in the case of a violation of subsection (a) of section 21a-267, such person used or possessed with intent to use such drug paraphernalia only to store, contain or conceal, or to ingest, inhale or otherwise introduce into the human body cannabis or in the case of a violation of subsection (b) of section 21a-277, such person manufactured, distributed, sold, prescribed, compounded, transported with the intent to sell or dispense, possessed with the intent to sell or dispense, offered, gave or administered to another person less than or equal to four ounces of a cannabis-type substance or six cannabis plants grown inside such person's own primary residence for personal use. (3) If such petition is in order, the Superior Court shall direct all police and court records and records of the state's or prosecuting attorney pertaining to such offense to be erased pursuant to the provisions of section 54-142a. (4) No fee may be charged in any court with respect to any petition under this subsection. (b) The provisions of this section shall not apply to any police or court records or records of the state's or prosecuting attorney pertaining to such offense (1) while the criminal case is pending, or (2) in instances where the case contains more than one count, until the records pertaining to all counts are entitled to erasure, except that when the criminal case is disposed of, electronic records or portions of electronic records released to the public that reference a charge that would otherwise be entitled to erasure under this section shall be erased in accordance with the provisions of this section. (c) For the purposes of this section, "court records" shall not include a record or transcript of the proceedings made or prepared by an official court reporter, court recording monitor or any other entity designated by the Chief Court Administrator. (June Sp. Sess. P.A. 21-1, S. 8.) History: June Sp. Sess. P.A. 21-1 effective July 1, 2022.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 961a - Criminal Records Section 54-142w. - Police or court record of a state's attorney or prosecuting attorney not marked as erased under automated system.

If the automated processes required to be developed under section 54-142t have not marked a police or court record or the record of any state's attorney or prosecuting attorney erased, or no petition has been filed seeking to have such record erased, as of July 1, 2023, the provisions of section 54-142a shall determine (1) whether such record is eligible or not eligible for erasure, and (2) the eligibility of defendants who must file a petition for the erasure of records, and not the provisions of section 54-142a of the general statutes, revision of 1958, revised to January 1, 2023. (P.A. 23-134, S. 5.) History: P.A. 23-134 effective June 27, 2023.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 962 - Costs, Fees and Expenses in Criminal Proceedings or Prosecutions Section 54-143. - Costs imposed in prosecutions.

(a) A cost of twenty dollars shall be imposed against any person convicted of a felony, and a cost of fifteen dollars shall be imposed against any person convicted of a misdemeanor or convicted under section 14-219, 14-222, 14-224, 14-225, 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n, or who pleads nolo contendere to a violation of section 14-219 and pays the fine by mail, and the taxation of costs or the collection of fees and expenses as provided by law may be imposed on appeal to the Supreme Court or Appellate Court. (b) A cost of fifteen dollars shall be imposed against any person not a resident of this state who is summoned for allegedly having committed an infraction or a violation under section 14-219 and forfeits a cash bond or guaranteed bail bond certificate posted under section 14-140a or under reciprocal agreements made with other states. Such cost shall be included in the amount of such bond. (c) Under no condition shall a political subdivision be held liable for the payment of any cost imposed under this section. The words "felony" and "misdemeanor" as used in this section do not include infractions or violations of any state or local housing code or violation of the regulations of the Department of Energy and Environmental Protection. (1949 Rev., S. 8842; P.A. 76-336, S. 9; P.A. 78-261, S. 15, 17; P.A. 79-505, S. 4, 7; P.A. 80-276, S. 3, 6; 80-390, S. 4, 5; 80-483, S. 181, 186; P.A. 81-23, S. 2; June Sp. Sess. P.A. 83-29, S. 55, 82; P.A. 84-313, S. 3; P.A. 11-80, S. 1; P.A. 16-126, S. 36.) History: P.A. 76-336 deleted provision which had specified that section does not act to prevent dismissal of complaint or information or entry of nolle prosequi upon payment of sum fixed by court and rephrased provision re taxation of costs and collection of fees and expenses upon appeal to supreme court; P.A. 78-261 imposed \$10 cost imposed against persons convicted of crime or convicted under specified sections in title 14, replacing provision which prohibited imposition of prosecution costs except on appeals to supreme court, and added Subsec. (b) protecting political subdivisions from liability for costs and specifying that crime does not include infractions or violations of housing codes or violation of environmental protection department regulations; P.A. 79-505 added reference to Sec. 14-219 in Subsec. (a); P.A. 80-276 applied Subsec. (a) to persons who plead nolo contendere to violation of Sec. 14-219 and pays fine by mail, inserted new Subsec. (b) re \$10 cost imposed against nonresidents and relettered Subsec. (c) accordingly; P.A. 80-390 replaced \$10 cost in Subsec. (a) with \$20 cost for felony conviction and \$15 cost for other convictions and applied provision to persons convicted of misdemeanors; P.A. 80-483 raised cost imposed in Subsec. (b) from \$10 to \$15 and amended Subsec. (c) to refer to "felony" and "misdemeanor" rather than to crime; P.A. 81-23 amended Subsec. (b) to include violations under Sec. 14-219 and forfeitures of bond required under reciprocal agreements with other states; June Sp. Sess. P.A. 83-29 included reference to appellate court in Subsec. (a); P.A. 84-313 amended Subsec. (b) to replace "required to be posted under section 51-164o" with "posted under section 14-140a"; pursuant to P.A. 11-80, "Department of Environmental Protection" was changed editorially by the Revisors to "Department of Energy and Environmental Protection" in Subsec. (c), effective July 1, 2011; P.A. 16-126 amended Subsec. (a) by adding references to Secs. 14-227m and 14-227n(a)(1) and (2) and by making technical changes. Annotations to former statute: Town not liable for support of prisoner legally committed to jail. 5 C. 185; 7 C. 529. Payment of costs part of punishment. 16 C. 50. Assumpsit will not lie for recovery of officer's fees. 46 C. 498. Costs not taxable in favor of accused who prevails on appeal to Supreme Court. 82 C. 392. Cited. 127 C. 58. Annotation to present section: Cited. 34 CS 275.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 962 - Costs, Fees and Expenses in Criminal Proceedings or Prosecutions Section 54-143a. - Cost imposed for infractions and certain motor vehicle violations.

A cost of twenty dollars shall be imposed against any person convicted of a violation, as defined in section 53a-27, under any provision of section 12-487 or sections 13b-410a to 13b-410c, inclusive; any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410; or a violation of subsection (a) or (e) of section 14-147, section 14-219, 14-266, 14-267a, 14-269 or 14-270, chapter 268 or subsection (a) of section 22a-250, or any section of the general statutes the violation of which is deemed an infraction, or who forfeits a cash bond or guaranteed bail bond certificate posted under section 14-140a or under reciprocal agreements made with other states for the alleged violation of any of said sections, or who pleads nolo contendere to a violation of any of said sections and pays the fine by mail; except that such cost shall be thirty-five dollars for a violation of any section of the general statutes the violation of which is deemed an infraction and carries a fine of thirty-five dollars or more. The costs imposed by this section shall be deposited in the General Fund and shall be in addition to any costs imposed by section 54-143. (P.A. 81-63, S. 1, 2; P.A. 84-313, S. 4; 84-429, S. 77; P.A. 90-213, S. 6; May Sp. Sess. P.A. 92-6, S. 83, 117; P.A. 93-307, S. 28, 34; June 30 Sp. Sess. P.A. 03-1, S. 104; June 30 Sp. Sess. P.A. 03-6, S. 165; P.A. 23-40, S. 22.) History: P.A. 84-313 added provision to impose the cost against a person who forfeits a cash bond or guaranteed bail bond certificate or under reciprocal agreements with other states; P.A. 84-429 made technical changes for statutory consistency; P.A. 90-213 increased the cost from \$10 to \$20 and expanded applicability of section by imposing cost against any person convicted under Sec. 14-219 and replacing provision imposing cost against any person convicted under Sec. 14-36, 14-80, 14-80b, 14-80h or 14-80i, Secs. 14-96a to 14-96cc, inclusive, or Sec. 14-99f, 14-217, 14-218a, 14-230, 14-251 or 14-299 with provision imposing cost against any person convicted of “any section of the general statutes the violation of which is deemed an infraction”; May Sp. Sess. P.A. 92-6 added violations under Secs. 12-487, 13b-404, 13b-404a, 13b-405, 14-147, 14-219, 14-266, 14-267a, 14-269 or 14-270, chapter 268 or Sec. 22a-250(a) or under regulations adopted pursuant to Secs. 12-484, 12-487 and 13b-410; P.A. 93-307 amended the section by deleting references to Secs. 13b-404, 13b-404a and 13b-405 which were repealed by the same act, substituting references to Secs. 13b-410a to 13b-410c, inclusive, effective June 29, 1993; June 30 Sp. Sess. P.A. 03-1 added provision re cost of \$35 for infraction if fine is \$35 as provided by statute or if fine is established by Superior Court judges pursuant to Sec. 51-164m; June 30 Sp. Sess. P.A. 03-6 replaced provision re cost of \$35 for infraction if fine is \$35 as provided by statute or if fine is established by Superior Court judges pursuant to Sec. 51-164m with provision re cost of \$35 for violation of statute which is deemed an infraction and carries a fine of \$35 or more; P.A. 23-40 replaced reference to Sec. 14-147 with reference to Sec. 14-147(a) and (e) and made a conforming change.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 962 - Costs, Fees and Expenses in Criminal Proceedings or Prosecutions Section 54-143b. - Forfeited bonds for motor vehicle violations.

The total amount of any forfeited bond for a motor vehicle violation, when such bond is composed in part of an additional fee established under subsection (c) or (d) of section 51-56a, any cost established under subsection (b) of section 54-143 or any cost established under section 54-143a, shall be deposited in the General Fund as one undifferentiated lump sum amount or deposited in the Special Transportation Fund as one undifferentiated lump sum amount as may be required by statute. (P.A. 88-103, S. 3, 4; P.A. 12-133, S. 24.) History: P.A. 12-133 substituted “subsection (c) or (d) of section 51-56a” for “subsection (c) of section 51-56a”.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 962 - Costs, Fees and Expenses in Criminal Proceedings or Prosecutions Section 54-143c. - Additional fine for sexual assault offenses.

In addition to any fine, fee or cost that may be imposed pursuant to any provision of the general statutes, the court shall impose a fine of one hundred fifty-one dollars on any person who, on or after July 1, 2004, is convicted of or pleads guilty or nolo contendere to a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a. Fines collected under this section shall be deposited in the sexual assault victims account established under section 19a-112d. (P.A. 04-121, S. 2; P.A. 19-189, S. 36.) History: P.A. 04-121 effective July 1, 2004; P.A. 19-189 replaced “53a-70b,” with “section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or”.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 962 - Costs, Fees and Expenses in Criminal Proceedings or Prosecutions Section 54-144. - Payment of expenses.

Any expenses necessarily incurred in any criminal proceeding or prosecution, except such expenses as are incurred by the Division of Criminal Justice, when approved by the court in which the proceeding or prosecution is had, shall be paid in the same manner as are other expenses of maintenance of the court. The court may allow the payment of any fees charged by such court by means of a credit card, charge card or debit card and may charge the person making such payment a service fee for any such payment made by any such card. The fee shall not exceed any charge by the card issuer, including any discount rate. (1949 Rev., S. 8843; P.A. 73-122, S. 15, 27; P.A. 13-247, S. 64.) History: P.A. 73-122 added exception re expenses incurred by criminal justice division and deleted reference to payments “from the same treasury” as other expenses of maintaining court; P.A. 13-247 added provisions re payment of fees by credit card, charge card or debit card and charging service fee therefor, effective July 1, 2013.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 962 - Costs, Fees and Expenses in Criminal

Proceedings or ProsecutionsSection 54-145 and 54-146. - Refunds to clerk of municipal court or to town treasurer. Report to clerk or town treasurer.

Sections 54-145 and 54-146 are repealed. (1949 Rev., S. 8844, 8845; 1959, P.A. 28, S. 204.)

2024 Connecticut General StatutesTitle 54 - Criminal ProcedureChapter 962 - Costs, Fees and Expenses in Criminal Proceedings or ProsecutionsSection 54-147. - Rules for payment of expenses. Waiver of fee or cost.

(a) The judges of the Superior Court may establish rules, in addition to those established by statute, for the payment of the expenses of all criminal proceedings or prosecutions, except such expenses as are incurred by the Division of Criminal Justice. (b) No fee or cost imposed pursuant to any provision of the general statutes on a person who is a defendant or has been convicted in a criminal proceeding or prosecution shall be waived by the court, except as authorized by such provision or for good cause shown. (1949 Rev., S. 8846; P.A. 73-122, S. 16, 27; P.A. 03-97, S. 1.) History: P.A. 73-122 added exception re expenses incurred by criminal justice division; P.A. 03-97 designated existing provisions as Subsec. (a), making a technical change therein, and added Subsec. (b) re waiver of fee or cost.

2024 Connecticut General StatutesTitle 54 - Criminal ProcedureChapter 962 - Costs, Fees and Expenses in Criminal Proceedings or ProsecutionsSection 54-148. - Support of prisoners after sentence.

The support of prisoners in community correctional centers, sentenced to a correctional institution, or sentenced to death, shall be paid by the state. (1949 Rev., S. 8848; 1969, P.A. 297; P.A. 95-16, S. 2.) History: 1969 act substituted “community correctional centers” for “jails”; P.A. 95-16 replaced “sentenced to the Connecticut Correctional Institution, Somers, or to be electrocuted” with “sentenced to a correctional institution, or sentenced to death”.

2024 Connecticut General StatutesTitle 54 - Criminal ProcedureChapter 962 - Costs, Fees and Expenses in Criminal Proceedings or ProsecutionsSection 54-149. - Payment for board of prisoners.

Section 54-149 is repealed. (1949 Rev., S. 8849; 1959, P.A. 152, S. 99.)

2024 Connecticut General StatutesTitle 54 - Criminal ProcedureChapter 962 - Costs, Fees and Expenses in Criminal Proceedings or ProsecutionsSection 54-150. - Compensation of physicians.

Physicians shall receive a reasonable compensation for services rendered in criminal cases. (1949 Rev., S. 3612.)

2024 Connecticut General StatutesTitle 54 - Criminal ProcedureChapter 962 - Costs, Fees and Expenses in Criminal Proceedings or ProsecutionsSection 54-151. - Cost of transcript and printing on appeal.

In any appeal in a criminal action, where it appears to the trial court that the accused is without funds with which to defray the costs of securing a transcript of the evidence, or printing the briefs and the appendices to the briefs, such costs shall be defrayed by the state. (1949 Rev., S. 8850; 1957, P.A. 17; 1967, P.A. 421, S. 1.) History: 1967 act deleted language restricting section to appeals to the supreme court. Cited. 139 C. 401; 154 C. 631, 636; 155 C. 719. Finding of fact after comprehensive examination of facts and circumstances is required where indigency is controverted. 5 Conn. Cir. Ct. 313.

2024 Connecticut General StatutesTitle 54 - Criminal ProcedureChapter 962 - Costs, Fees and Expenses in Criminal Proceedings or ProsecutionsSection 54-152. - Allowance to witnesses from another state in criminal prosecutions.

When, in any criminal prosecution, it is necessary to obtain the testimony of any witnesses residing without this state, the Chief State's Attorney may allow them a reasonable sum for their time and expenses in going to, attending upon and returning from the court and may allow a reasonable sum for the expense of procuring their attendance or procuring any document from without this state necessary to be used as evidence on the trial of such prosecution, to be from the appropriation for the Division of Criminal Justice. (1949 Rev., S. 8851; 1963, P.A. 642, S. 81; 1967, P.A. 844; P.A. 73-122, S. 17, 27.) History: 1963 act deleted obsolete reference to criminal prosecution before common pleas court; 1967 act removed limitation of section to prosecutions in superior court; P.A. 73-122 made chief state's attorney rather than the court responsible for determining witnesses' expenses and specified that payments are to be made from criminal justice division appropriations, replacing provision whereby they were “taxed and paid as in other criminal cases”. See Sec. 51-275 for applicable definitions.

2024 Connecticut General StatutesTitle 54 - Criminal ProcedureChapter 962 - Costs, Fees and Expenses in Criminal Proceedings or ProsecutionsSection 54-153. - Where witnesses for accused paid by state.

The court before which any criminal prosecution is pending may order such number of witnesses as the court approves to be summoned on behalf of the accused at the expense of the state. (1949 Rev., S. 8852.) Cited. 17 CA 359.

2024 Connecticut General StatutesTitle 54 - Criminal ProcedureChapter 962 - Costs, Fees and Expenses in Criminal Proceedings or ProsecutionsSection 54-154. - Taxing expenses in search and seizure cases.

In any case in which the statutes provide for a search warrant and seizure, the court, judge or judge trial referee issuing such warrant may tax for the officer's services thereon the same fees for service, travel, copies and endorsements as are taxed in civil cases, and

such sum for securing, care and destruction of property as such court, judge or judge trial referee, under the circumstances, deems reasonable, such fees and sum to be paid from the appropriation for the Division of Criminal Justice. (1949 Rev., S. 8853; 1959, P.A. 28, S. 195; P.A. 73-122, S. 18, 27; P.A. 01-72, S. 7.) History: 1959 act deleted references to trial justice; P.A. 73-122 specified that payments are to be made from criminal justice division appropriation; P.A. 01-72 added references to judge trial referee.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 962 - Costs, Fees and Expenses in Criminal Proceedings or Prosecutions Section 54-155. - Expenses of requisitions of fugitives.

When a requisition is made by the governor upon the executive authority of another state for the delivery of any fugitive from justice, the necessary expenses of such requisition and of the removal of such fugitive shall be ascertained and allowed by the superior court for the judicial district within which the crime charged is alleged to have been committed, and shall be paid from the appropriation for the Division of Criminal Justice, if application therefor is made within one year after such expenses have been incurred. (1949 Rev., S. 8854; P.A. 73-122, S. 19, 27; P.A. 80-313, S. 52.) History: P.A. 73-122 added reference to judicial districts and specified that expenses incurred under section are to be paid from criminal justice division appropriations rather than “by the state”; P.A. 80-313 deleted references to counties in accordance with provisions of P.A. 76-436 and P.A. 78-28.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 962 - Costs, Fees and Expenses in Criminal Proceedings or Prosecutions Section 54-155a. - Prohibition on use of public resources in furtherance of interstate investigation or proceeding concerning the provision, seeking or receipt of or assistance with reproductive health care services.

No public agency, as defined in section 1-200, or employee, appointee, officer or official or any other person acting on behalf of a public agency may provide any information or expend or use time, money, facilities, property, equipment, personnel or other resources in furtherance of any interstate investigation or proceeding seeking to impose civil or criminal liability upon a person or entity for (1) the provision, seeking or receipt of or inquiring about reproductive health care services, as defined in section 52-571m, that are legal in this state, or (2) assisting any person or entity providing, seeking, receiving or responding to an inquiry about reproductive health care services, as defined in section 52-571m, that are legal in this state. This section shall not apply to any investigation or proceeding where the conduct subject to potential liability under the investigation or proceeding would be subject to liability under the laws of this state if committed in this state. (P.A. 22-19, S. 6.) History: P.A. 22-19 effective July 1, 2022.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 962 - Costs, Fees and Expenses in Criminal Proceedings or Prosecutions Section 54-155b. - Prohibition on use of public resources in furtherance of interstate investigation or proceeding concerning the provision, seeking or receipt of or assistance with reproductive health care services or gender-affirming health care services.

No public agency, as defined in section 1-200, or employee, appointee, officer or official or any other person acting on behalf of a public agency may provide any information or expend or use time, money, facilities, property, equipment, personnel or other resources in furtherance of any interstate investigation or proceeding seeking to impose civil or criminal liability upon a person or entity for (1) the provision, seeking or receipt of or inquiring about reproductive health care services or gender-affirming health care services, as defined in section 52-571n, that are legal in this state, or (2) assisting any person or entity providing, seeking, receiving or responding to an inquiry about reproductive health care services or gender-affirming health care services, as defined in section 52-571n, that are legal in this state. This section shall not apply to any investigation or proceeding where the conduct subject to potential liability under the investigation or proceeding would be subject to liability under the laws of this state if committed in this state. (P.A. 22-118, S. 488.) History: P.A. 22-118 effective July 1, 2022.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 963 - Fresh Pursuit Section 54-156. - Pursuit of suspected criminals.

(a) Any member of a duly organized state, county or municipal peace unit of another state of the United States who enters this state in fresh pursuit, and continues within this state in such fresh pursuit, of a person, in order to arrest him on the ground that he is believed to have committed a felony in such other state, shall have the same authority to arrest and hold such person in custody as has any member of any duly organized state, county or municipal peace unit of this state to arrest and hold in custody a person on the ground that he is believed to have committed a felony in this state. (b) If an arrest is made in this state by an officer of another state in accordance with the provisions of subsection (a) of this section, he shall, without unnecessary delay, take the person arrested before a judge of the superior court for the judicial district in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If such judge determines that the arrest was lawful, he shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the Governor of this state or admit him to bail for such purpose. If such judge determines that the arrest was unlawful, he shall discharge the person arrested. (c) Subsection (a) of this section shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful. (d) For the purpose of this section the word “state” shall include the District of Columbia. (e) The term “fresh pursuit” as used in this section shall include fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It shall also include the pursuit of a person suspected of having committed a supposed

felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed. Fresh pursuit, as used herein, shall not necessarily imply instant pursuit, but pursuit without unreasonable delay. (f) The provisions of this section shall apply only to those states which by their laws grant similar rights to the duly constituted officers of this state. (1949 Rev., S. 8870; P.A. 73-116, S. 31; 73-667, S. 1, 2; P.A. 82-472, S. 148, 183; P.A. 05-288, S. 189.) History: P.A. 73-116 added reference to judicial districts in Subsec. (b); P.A. 73-667 changed effective date of P.A. 73-116 from October 1, 1973, to April 25, 1973; P.A. 82-472 deleted obsolete reference to counties; P.A. 05-288 made a technical change in Subsecs. (b) and (c), effective July 13, 2005. Charges of several offenses, if they are of the same character, shall be tried together unless the court shall order otherwise. 139 C. 234.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-157. - Definitions.

Where appearing in this chapter, the term "Governor" includes any person performing the functions of Governor by authority of the law of this state. The term "executive authority" includes the Governor and any person performing the functions of Governor in a state other than this state. The term "state", referring to a state other than this state, includes any other state or territory, organized or unorganized, of the United States of America. (1957, P.A. 362, S. 1.) Annotations to former statute: One who escapes from imprisonment considered still to be "charged with crime" within meaning of statute. 68 C. 441; 105 C. 374. What crimes included. 84 C. 370; 92 C. 542; 100 C. 292; 105 C. 374; 109 C. 404. One residing in Connecticut as a paroled prisoner of California is not immune from liability to extradition by Michigan for a crime committed there. 105 C. 374. Annotations to present section: Cited. 186 C. 404; 190 C. 631. Cited. 26 CA 254.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-158. - Governor's duty to arrest and deliver up fugitive.

Subject to the provisions of this chapter, the provisions of the Constitution of the United States controlling, and any and all acts of Congress enacted in pursuance thereof, it is the duty of the Governor of this state to have arrested and delivered up to the executive authority of any other state of the United States any person charged in that state with treason, felony or other crime, who has fled from justice and is found in this state. (1957, P.A. 362, S. 2.) Cited. 163 C. 394; 186 C. 404; 190 C. 631; 193 C. 116. Cited. 3 CA 512. Words "or other crime" necessarily include misdemeanors. 25 CS 179.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-159. - Requirements for recognition of extradition demand.

No demand for the extradition of a person charged with crime in another state shall be recognized by the Governor unless in writing alleging, except in cases arising under section 54-162, that the accused was present in the demanding state at the time of the commission of the alleged crime, and that thereafter he fled from the state, and accompanied by a copy of an indictment found or by information supported by affidavit in the state having jurisdiction of the crime, or by a copy of an affidavit made before a magistrate there, together with a copy of any warrant which was issued thereupon; or by a copy of a judgment of conviction or of a sentence imposed in execution thereof, together with a statement by the executive authority of the demanding state that the person claimed has escaped from confinement or has broken the terms of his bail, probation or parole. The indictment, information or affidavit made before the magistrate must substantially charge the person demanded with having committed a crime under the law of that state; and the copy of indictment, information, affidavit, judgment of conviction or sentence must be authenticated by the executive authority making the demand. (1957, P.A. 362, S. 3.) As long as copy of judgment recited plaintiff's conviction and sentence as second offender, copy of information upon which he was presented as second offender not essential to validity of extradition request. 149 C. 73. Cited. 157 C. 407; 161 C. 329; 186 C. 404; 188 C. 364; 190 C. 631; 193 C. 270; 194 C. 702. Provisions of Sec. 1-36 not applicable to extradition documentation. 195 C. 465. Cited. 196 C. 557; 201 C. 162. Recognition of extradition requests under federal law and this statute discussed. 3 CA 512. Cited. 26 CA 254; 33 CA 41; 36 CA 678. Affiant's statement that she "believes" plaintiff to be the perpetrator of the crimes charged in Florida is not a substantial charge hereunder and writ of habeas corpus releasing plaintiff was granted. 31 CS 412. Implements Art. IV, Sec. 2 of U.S. Constitution; person demanded may resist extradition by proving, in habeas corpus proceeding, that he was not present in demanding state at time of alleged offense and is, therefore, not a fugitive from its justice. 34 CS 78. Judicial finding of probable cause should be explicitly made. 40 CS 179. Cited. 42 CS 569.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-160. - State's attorney and prosecuting attorney to assist Governor.

When a demand is made upon the Governor of this state by the executive authority of another state for the surrender of a person so charged with crime, the Governor may call upon any state's attorney or prosecuting attorney in this state to investigate or assist in investigating the demand, and to report to him the situation and circumstances of the person so demanded, and whether he ought to be surrendered. (1957, P.A. 362, S. 4; P.A. 75-221.) History: P.A. 75-221 added reference to prosecuting attorneys. Cited. 186 C. 404; 190 C. 631; 234 C. 539.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-161. - Return to this state of person imprisoned or held in another state.

When it is desired to have returned to this state a person charged in this state with a crime, and such person is imprisoned or is held under criminal proceedings then pending against him in another state, the Governor of this state may agree with the executive authority of such other state for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other state, upon condition that such person be returned to such other state at the expense of this state as soon as the prosecution in this state is terminated. The Governor of this state may also surrender on demand of the executive authority of any other state any person in this state who is charged in the manner provided in section 54-179 with having violated the laws of the state whose executive authority is making the demand, even though such person left the demanding state involuntarily. (1957, P.A. 362, S. 5.) Cited. 186 C. 404; 190 C. 631. Plain language of section makes it clear that Connecticut's extradition law does not make it mandatory to extradite a nonfugitive; section governs extradition of persons who have been removed involuntarily from the demanding state by government compulsion and such persons properly are treated as nonfugitives. 88 CA 178.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-162. - Return to another state of person whose act in this state caused crime.

The Governor of this state may also surrender, on demand of the executive authority of any other state, any person found in this state who is charged in such other state in the manner provided in section 54-159 with committing an act in this state, or in a third state, intentionally resulting in a crime in the state whose executive authority is making the demand, and the provisions of this chapter not otherwise inconsistent shall apply to such cases, even though the accused was not in that state at the time of the commission of the crime and has not fled therefrom, provided the acts for which extradition is sought would be punishable by the laws of this state, if the consequences claimed to have resulted from those acts in the demanding state had taken effect in this state. (1957, P.A. 362, S. 6; P.A. 22-19, S. 5.) History: P.A. 22-19 made technical changes and added proviso re acts punishable by laws of this state if consequences claimed to have resulted from those acts had taken effect in this state, effective July 1, 2022. Cited. 157 C. 414; 186 C. 404; 190 C. 631; 201 C. 162. Governor of rendering state exercises informed legal discretion, as extradition is not required by Art. IV, Sec. 2 of the U.S. Constitution; where both governors falsely believed person was a fugitive, extradition will not be granted under section and person must be released, as discretion was not exercised. 34 CS 78.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-163. - Arrest warrant signed by Governor.

If the Governor decides that the demand should be complied with, he shall sign a warrant of arrest, which shall be sealed with the state seal, and be directed to any peace officer or other person whom he may think fit to entrust with the execution thereof. The warrant shall substantially recite the facts necessary to the validity of its issuance. (1957, P.A. 362, S. 7.) Procedure before Governor and effect of issuance of warrant by him. 78 C. 150; 84 C. 370; 160 U.S. 231. Warrant necessary for arrest under Uniform Criminal Extradition Act. 146 C. 509. Cited. 157 C. 38. In habeas corpus challenging detention under warrant, indigent plaintiff entitled to assistance to assert his legal rights. Id., 403. Cited. 161 C. 329; 163 C. 394; 168 C. 274; 180 C. 153; 182 C. 470; 186 C. 404; 190 C. 631; 201 C. 162. Cited. 26 CS 469.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-164. - Authorization under warrant.

Such warrant shall authorize the peace officer or other person to whom directed to arrest the accused at any time and any place where he is found within the state and to command the aid of all peace officers or other persons in the execution of the warrant, and to deliver the accused, subject to the provisions of this chapter, to the duly authorized agent of the demanding state. (1957, P.A. 362, S. 8.) Cited. 186 C. 404; 190 C. 631.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-165. - Power of arresting officer.

Every such officer or other person empowered to make the arrest shall have the same authority, in arresting the accused, to command assistance therein as peace officers have by law in the execution of any criminal process directed to them, with like penalties against those who refuse their assistance. (1957, P.A. 362, S. 9.) Cited. 186 C. 404; 190 C. 631.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-166. - Appearance of accused in court. Habeas corpus.

No person arrested upon such warrant shall be delivered over to the agent whom the executive authority demanding him has appointed to receive him unless he is first taken forthwith before a judge of any court having criminal jurisdiction in this state, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel; and if the prisoner or his counsel states that he or they desire to test the legality of his arrest, the judge of such court shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. When such writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the state's attorney of the county in which the arrest is made and in which the accused is in custody, and to the agent of the demanding state. (1957, P.A. 362, S. 10; 1959, P.A. 28, S. 156.) History: 1959 act deleted reference to trial justice. Prior to 1960: Court of Common Pleas may, in its

discretion, admit prisoner to bail pending appeal from its decision dismissing writ of habeas corpus. 100 C. 291. Demanding state is forum in which issue of violation of due process must be raised; argument re arrest must be confined to legalities. 151 C. 155. Indigent must be afforded means to assert his rights on such hearings. 157 C. 403. Cited. 159 C. 150. United States court will not ordinarily issue writ pending final determination of case in state courts. 160 U.S. 231. Cited. 171 C. 366; 186 C. 404; 188 C. 364; 190 C. 631; 193 C. 270; 196 C. 309; 218 C. 791. Scope and limits of the hearing on habeas corpus discussed; in habeas corpus proceeding, plaintiff argued that his return to North Carolina would be in violation of his constitutional rights, particularly those relating to cruel and unusual punishment, excessive fines and right to counsel; held that, if his constitutional rights were violated, his remedy lies in an appeal from the decision of the North Carolina court. 21 CS 12.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-167. - Penalty for failure of officer to present accused in court.

Any officer who delivers to the agent for extradition of the demanding state a person in his custody under the Governor's warrant, in wilful disobedience to section 54-166, shall be fined not more than one thousand dollars or be imprisoned not more than six months or both. (1957, P.A. 362, S. 11.) Cited. 186 C. 404; 190 C. 631.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-168. - Confinement, when.

The officer or person executing the Governor's warrant of arrest, or the agent of the demanding state to whom the prisoner has been delivered, may, when necessary, confine the prisoner in any community correctional center or in the jail of any city through which he passes; and the Community Correctional Center Administrator or the keeper of such jail shall receive and safely keep the prisoner until the officer or person having charge of him is ready to proceed on his route, such officer or person being chargeable with the expense of keeping. The officer or agent of a demanding state to whom a prisoner has been delivered following extradition proceedings in another state, or to whom a prisoner has been delivered after waiving extradition in such other state, and who is passing through this state with such a prisoner for the purpose of immediately returning such prisoner to the demanding state may, when necessary, confine the prisoner in any community correctional center or in the jail of any city through which he passes; and the Community Correctional Center Administrator or keeper of such jail shall receive and safely keep the prisoner until the officer or agent having charge of him is ready to proceed on his route, such officer or agent being chargeable with the expense of keeping; provided such officer or agent shall produce and show to the Community Correctional Center Administrator or the keeper of such jail satisfactory written evidence of the fact that he is actually transporting such prisoner to the demanding state after a requisition by the executive authority of such demanding state. Such prisoner shall not be entitled to demand a new requisition while in this state. (1957, P.A. 362, S. 12; 1963, P.A. 642, S. 82; 1969, P.A. 297.) History: 1963 act substituted state jail for county jail and included jail administrator; 1969 act replaced jails and jail administrators with community correctional centers and their administrators. Cited. 186 C. 404; 190 C. 631.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-169. - Arrest warrant of judge.

Whenever any person within this state is charged on the oath of any credible person before any judge of any court of this state having criminal jurisdiction with the commission of any crime in any other state and, except in cases arising under section 54-162, with having fled from justice, or having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole, or whenever complaint has been made before such judge in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime and, except in cases arising under section 54-162, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole, and is believed to be in this state, the judge shall issue a warrant directed to any peace officer commanding him to apprehend the person named therein, wherever he may be found in this state, and to bring him before the same or any other judge or court who or which may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant. (1957, P.A. 362, S. 13; 1959, P.A. 28, S. 157.) History: 1959 act deleted references to trial justice. Warrant necessary for arrest under Uniform Criminal Extradition Act. 146 C. 509. Cited. 157 C. 38; 186 C. 404; 190 C. 631; 193 C. 116; Id., 270. Cited. 26 CS 469.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-170. - Arrest without warrant.

The arrest of a person may be lawfully made also by any peace officer or a private person, without a warrant, upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused shall be taken before such a judge with all practicable speed and complaint shall be made against him under oath setting forth the ground for the arrest as in section 54-169; and thereafter his answer shall be heard as if he had been arrested on a warrant. (1957, P.A. 362, S. 14; 1959, P.A. 28, S. 196.) History: 1959 act deleted reference to

trial justice. Cited. 186 C. 404; 190 C. 631; 193 C. 270.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-171. - Commitment pending Governor's warrant.

If from the examination before the judge it appears that the person held is the person charged with having committed the crime alleged and, except in cases arising under section 54-162, that he has fled from justice, the judge shall, by a warrant reciting the accusation, commit him to a community correctional center for such a time, not exceeding thirty days and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the Governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused gives bail as provided in section 54-172, or until he is legally discharged. (1957, P.A. 362, S. 15; 1959, P.A. 28, S. 158; 1969, P.A. 297.) History: 1959 act deleted reference to trial justice; 1969 act substituted "community correctional center" for "jail". Cited. 180 C. 153; 186 C. 404; 190 C. 631.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-172. - Allowance and conditions of bail bond.

Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed, such a judge in this state may admit the person arrested to bail by bond, with sufficient sureties, and in such sum as he deems proper, conditioned for his appearance before him at a time specified in such bond, and for his surrender, to be arrested upon the warrant of the Governor of this state. (1957, P.A. 362, S. 16; 1959, P.A. 28, S. 159.) History: 1959 act deleted reference to trial justices. Court may, in its discretion, admit accused to bail pending appeal from dismissal of writ of habeas corpus. 100 C. 297. Under Uniform Criminal Extradition Act, judge may admit to bail a person arrested as a fugitive from another state pending issuance of Governor's warrant in extradition proceeding unless the offense is punishable by death or life imprisonment under law of the demanding state; it is silent, however, concerning authority of court or judge to admit a fugitive to bail after Governor's warrant has been signed. 171 C. 366. Cited. 186 C. 404; 190 C. 631.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-173. - Discharge or recommitment after expiration of period specified in warrant or bond.

If the accused is not arrested under warrant of the Governor by the expiration of the time specified in the warrant or bond, such judge may discharge him or may recommit him for a further period not to exceed sixty days, or a judge may again take bail for his appearance and surrender as provided in section 54-172, but within a period not to exceed sixty days after the date of such new bond. (1957, P.A. 362, S. 17; 1959, P.A. 28, S. 160.) History: 1959 act deleted references to trial justice. Cited. 163 C. 394; 186 C. 404; 190 C. 631.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-174. - Forfeiture of bond.

If the prisoner is admitted to bail, and fails to appear and surrender himself according to the conditions of his bond, the judge, by proper order, shall declare the bond forfeited and order his immediate arrest without warrant if he is within the state. Recovery may be had on such bond in the name of the state as in the case of other bonds given by the accused in criminal proceedings within this state. (1957, P.A. 362, S. 18; 1959, P.A. 28, S. 161.) History: 1959 act deleted reference to trial justice. Cited. 186 C. 404; 190 C. 631.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-175. - Surrender of person against whom criminal prosecution pending in this state.

If a criminal prosecution has been instituted against such person under the laws of this state and is still pending, the Governor, in his discretion, may either surrender him on demand of the executive authority of another state or hold him until he has been tried and discharged or convicted and punished in this state. (1957, P.A. 362, S. 19.) Cited. 186 C. 404; 190 C. 631.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-176. - Governor not to inquire into guilt or innocence of accused.

The guilt or innocence of the accused as to the crime of which he is charged may not be inquired into by the Governor or in any proceeding after the demand for extradition accompanied by a charge of crime in legal form as above provided has been presented to the Governor, except as it may be involved in identifying the person held as the person charged with the crime. (1957, P.A. 362, S. 20.) Cited. 186 C. 404; 190 C. 631.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-177. - Recall or new issuance of Governor's warrant.

The Governor may recall his warrant of arrest or may issue another warrant whenever he deems proper. (1957, P.A. 362, S. 21.) Res judicata discussed. 182 C. 470. Cited. 186 C. 404; 190 C. 631.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-178. - Governor seeking extradition to issue warrant to agent to receive accused.

Whenever the Governor of this state demands a person charged with crime or with escaping from confinement or breaking the terms of his bail, probation or parole in this state, from the executive authority of any other state, or from the Chief Justice or an associate justice of the Supreme Court of the District of Columbia authorized to receive such demand under the laws of the United States, he shall issue a warrant, under the seal of this state, to some agent, commanding him to receive the person so charged if delivered to him and convey him to the proper officer of the county in this state in which the offense was committed. (1957, P.A. 362, S. 22.) Cited. 186 C. 404; 190 C. 631.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-179. - Application by state's attorney, Board of Pardons and Paroles or Correction Commissioner for return of accused.

(a) When the return to this state of a person charged with crime in this state is required, the state's attorney shall present to the Governor his written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against him, the approximate time, place and circumstances of its commission, the state in which he is believed to be, including the location of the accused therein, at the time the application is made and certifying that, in the opinion of the state's attorney, the ends of justice require the arrest and return of the accused to this state for trial and that the proceeding is not instituted to enforce a private claim. (b) When the return to this state is required of a person who has been convicted of a crime in this state and has escaped from confinement or broken the terms of his bail, probation or parole, the state's attorney of the county in which the offense was committed, the Board of Pardons and Paroles, or the Commissioner of Correction, shall present to the Governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which he was convicted, the circumstances of his escape from confinement or of the breach of the terms of his bail, probation or parole and the state in which he is believed to be, including the location of the person therein at the time application is made. (c) The application shall be verified by affidavit, shall be executed in duplicate and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The state's attorney, Board of Pardons and Paroles or Commissioner of Correction may also attach such further affidavits and other documents in duplicate as he deems proper to be submitted with such application. One copy of the application, with the action of the Governor indicated by endorsement thereon, and one of the certified copies of the indictment, complaint, information and affidavits or of the judgment of conviction or of the sentence, shall be filed in the office of the Secretary of the State, to remain of record in that office. The other copies of all papers shall be forwarded with the Governor's requisition. (1957, P.A. 362, S. 23; 1961, P.A. 517, S. 52; 1967, P.A. 656, S. 64, 64a; June Sp. Sess. P.A. 98-1, S. 76, 121; P.A. 04-234, S. 2.) History: 1961 act amended subsection (c) by deleting obsolete reference to trial justice; 1967 act, effective July 1, 1968, amended subsections (b) and (c) to substitute correction commissioner for warden or sheriff; June Sp. Sess. P.A. 98-1 made technical changes in Subsecs. (b) and (c), effective June 24, 1998; P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004. Cited. 186 C. 404; 190 C. 631; 196 C. 557. Cited. 34 CS 219.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-180. - Immunity of accused to process in civil action arising from same facts.

A person brought into this state by, or after waiver of, extradition based on a criminal charge shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceedings to answer which he is being or has been returned, until he has been convicted in the criminal proceeding or, if acquitted, until he has had reasonable opportunity to return to the state from which he was extradited. (1957, P.A. 362, S. 24.) Cited. 186 C. 404; 190 C. 631.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-181. - Waiver by accused.

Any person arrested in this state charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of his bail, probation or parole may waive the issuance and service of the warrant provided for in sections 54-163 and 54-164 and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any court having criminal jurisdiction within this state a writing which states that he consents to return to the demanding state; provided, before such waiver is executed or subscribed by such person, such judge shall inform such person of his rights to the issuance or service of a warrant of extradition and to obtain a writ of habeas corpus as provided in section 54-166. If and when such consent has been executed, it shall forthwith be forwarded to the office of the Governor of this state and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state, and shall deliver or cause to be delivered to such agent or agents a copy of such consent; provided nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights or duties of the officers of the demanding state or of this state. (1957, P.A. 362, S. 25; 1961, P.A. 517, S. 53.) History: 1961 act deleted obsolete references to trial justices. Cited. 186 C. 404; 190 C. 631; 196 C. 309.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-182. - State's rights not waived.

Nothing contained in this chapter shall be deemed to constitute a waiver by the state of its right, power or privilege to try such demanded person for crime committed within this state, or of its right, power or privilege to regain custody of such person by extradition proceedings or otherwise for the purpose of trial, sentence or punishment for any crime committed within this state, nor shall any proceedings had under this chapter which result in, or fail to result in, extradition be deemed a waiver by this state of any of its rights, privileges or jurisdiction. (1957, P.A. 362, S. 26.) Cited. 186 C. 404; 190 C. 631.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-183. - Trial for crimes other than those specified in extradition requisition.

After a person has been brought back to this state by, or after waiver of, extradition proceedings, he may be tried in this state for other crimes which he is charged with having committed here as well as that specified in the requisition for his extradition. (1957, P.A. 362, S. 27.) Cited. 186 C. 404; 190 C. 631.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-184. - Interpretation of chapter.

The provisions of this chapter shall be so interpreted and construed as to effectuate the general purpose to make uniform the law of those states which enact it. (1957, P.A. 362, S. 28.) Cited. 186 C. 404; 190 C. 631. Cited. 36 CS 327.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 964 - Uniform Criminal Extradition Act Section 54-185. - Short title: Uniform Criminal Extradition Act.

This chapter may be cited as the "Uniform Criminal Extradition Act". (1957, P.A. 362, S. 30.) Cited. 186 C. 404; 190 C. 631. Since chapter is a uniform law, precedents from other states are particularly valuable in construing it. 34 CS 78.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 965 - Detainers Section 54-186. - Agreement on Detainers.

The Agreement on Detainers is hereby entered into by this state with all jurisdictions legally joining therein in form substantially as follows: The contracting states solemnly agree that: Article I The party states find that charges outstanding against a prisoner, detainers based on untried indictments, informations or complaints, and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations or complaints. The party states also find that proceedings with reference to such charges and detainers, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures. Article II As used in this agreement: (a) "State" shall mean a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico. (b) "Sending state" shall mean a state in which a prisoner is incarcerated at the time that he initiates a request for final disposition pursuant to article III hereof or at the time that a request for custody or availability is initiated pursuant to article IV hereof. (c) "Receiving state" shall mean the state in which trial is to be had on an indictment, information or complaint pursuant to article III or article IV hereof. Article III (a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of the imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred eighty days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or complaint; provided that for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. (b) The written notice and request for final disposition referred to in paragraph (a) hereof shall be given or sent by the prisoner to the warden, commissioner of correction or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested. (c) The warden, commissioner of correction or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information or complaint on which the detainer is based. (d) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of correction or other official

having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, information or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice. (e) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (d) hereof, and a waiver of extradition to the receiving state to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this agreement. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law. (f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) hereof shall void the request. Article IV (a) The appropriate officer of the jurisdiction in which an untried indictment, information or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with article V(a) hereof upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated; provided that the court having jurisdiction of such indictment, information or complaint shall have duly approved, recorded and transmitted the request; and provided further that there shall be a period of thirty days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner. (b) Upon receipt of the officer's written request as provided in paragraph (a) hereof, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor. (c) In respect of any proceeding made possible by this article, trial shall be commenced within one hundred twenty days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. (d) Nothing contained in this article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (a) hereof, but such delivery may not be opposed or denied on the ground that the executive authority of the sending state has not affirmatively consented to or ordered such delivery. (e) If trial is not had on any indictment, information or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to article V(e) hereof, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice. Article V (a) In response to a request made under article III or article IV hereof, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in article III of this agreement. In the case of a federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this agreement or to the prisoner's presence in federal custody at the place for trial, whichever custodial arrangement may be approved by the custodian. (b) The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand: (1) Proper identification and evidence of his authority to act for the state into whose temporary custody the prisoner is to be given. (2) A duly certified copy of the indictment, information or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made. (c) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in article III or article IV hereof, the appropriate court of the jurisdiction where the indictment, information or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect. (d) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution. (e) At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending state. (f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow. (g) For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state and any escape from temporary custody may be dealt with in the same

manner as an escape from the original place of imprisonment or in any other manner permitted by law. (h) From the time that a party state receives custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending state, the state in which the one or more untried indictments, informations or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping and returning the prisoner. The provisions of this paragraph shall govern unless the states concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

Article VI (a) In determining the duration and expiration dates of the time periods provided in articles III and IV of this agreement, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter. (b) No provision of this agreement, and no remedy made available by this agreement, shall apply to any person who is adjudged to be mentally ill.

Article VII Each state party to this agreement shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement, and who shall provide, within and without the state, information necessary to the effective operation of this agreement.

Article VIII This agreement shall enter into full force and effect as to a party state when such state has enacted the same into law. A state party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by inmates or by state officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

Article IX This agreement shall be liberally construed so as to effectuate its purposes. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state party hereto, the agreement shall remain in full force and effect as to the state affected as to all severable matters. (1957, P.A. 404, S. 1.) Cited. 180 C. 153. Remedial relief must be sought in charging state. 185 C. 562. Cited. 193 C. 116; Id., 270. Phrase “shall have caused to be delivered” in Article III(a) discussed. 194 C. 297. Cited. 202 C. 93; 203 C. 494; 210 C. 78; 215 C. 418; 218 C. 791; 219 C. 629; 224 C. 163. Cited. 12 CA 1; 14 CA 244; 20 CA 205; 21 CA 298; 23 CA 642; judgment reversed, see 219 C. 629; 26 CA 254; Id., 698; 36 CA 691. Defendant's right to speedy trial under Article III not violated when delay due to administrative error in transporting defendant. 49 CA 121. Purpose of section discussed. 57 CA 478. Petitioner who made oral request for disposition and repeatedly disregarded Connecticut's Interstate Agreement on Detainers procedures was precluded from complaining that he was denied his right to a speedy trial. 62 CA 24. Provisions apply only to trial on charges that form the basis of the detainer. 63 CA 386. Article IV(c): Time limit within which a trial must commence may be tolled by virtue of delays attributable to defendant; and thus continuances granted at the request of defendant's attorney tolled the statutory time period. 78 CA 610. The 180-day period during which plaintiff was required under Article III to be brought to trial in the other party state having elapsed, plaintiff's habeas corpus petition granted and he is ordered discharged. 26 CS 469. Agreement on Detainers may serve as a statute of limitations on right of a state to extradite prisoner in another state. 34 CS 128. Motions for discovery filed by defendant do not toll the 180-day speedy trial period under Article III. 36 CS 327. Cited. 40 CS 354; 41 CS 320.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 965 - Detainers Section 54-187. - Agreement on Detainers: Appropriate court defined.

The phrase “appropriate court” as used in the Agreement on Detainers, as provided in section 54-186, shall, with reference to the courts of this state, mean the Superior Court. (1957, P.A. 404, S. 2.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 965 - Detainers Section 54-188. - Agreement on Detainers: Enforcement of agreement.

All courts, departments, agencies, officers and employees of the state and its political subdivisions shall enforce said agreement and cooperate with one another and with other party states in enforcing said agreement and effectuating its purpose. (1957, P.A. 404, S. 3.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 965 - Detainers Section 54-189. - Agreement on Detainers: Second or subsequent offense penalty not applicable.

Nothing in this chapter or in the Agreement on Detainers shall be construed to require the application of any penalty for second or subsequent offenses under any provision of the general statutes to any person on account of any conviction had in a proceeding brought to final disposition by reason of the use of said agreement. (1957, P.A. 404, S. 4.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 965 - Detainers Section 54-190. - Agreement on Detainers: Penalty for escape while in another state.

Any person who escapes or attempts to escape from custody while in another state pursuant to said agreement shall be subject to the penalties provided in section 53a-169. (1957, P.A. 404, S. 5; 1971, P.A. 871, S. 123.) History: 1971 act substituted reference to Sec.

53a-169 for reference to Sec. 53-155.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 965 - Detainers Section 54-191. - Agreement on Detainers: Warden to surrender inmate.

The warden or other official in charge of any correctional institution in this state shall give over the person of any inmate thereof whenever so required by the operation of the Agreement on Detainers. (1957, P.A. 404, S. 6.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 965 - Detainers Section 54-192. - Agreement on Detainers: Commissioner of Correction to make rules and regulations.

The Commissioner of Correction is designated as the officer provided for in article VII of said agreement. (1957, P.A. 404, S. 7; 1971, P.A. 116.) History: 1971 act replaced director of probation with commissioner of correction.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 965 - Detainers Section 54-192h. - Civil immigration detainees.

(a) For the purposes of this section: (1) "Administrative warrant" means a warrant, notice to appear, removal order or warrant of deportation issued by an agent of a federal agency charged with the enforcement of immigration laws or the security of the borders, including ICE and the United States Customs and Border Protection, but does not include a warrant issued or signed by a judicial officer. (2) "Civil immigration detainee" means a request from a federal immigration authority to a local or state law enforcement agency for a purpose including, but not limited to: (A) Detaining an individual suspected of violating a federal immigration law or who has been issued a final order of removal; (B) Facilitating the (i) arrest of an individual by a federal immigration authority, or (ii) transfer of an individual to the custody of a federal immigration authority; (C) Providing notification of the release date and time of an individual in custody; and (D) Notifying a law enforcement officer, through DHS Form I-247A, or any other form used by the United States Department of Homeland Security or any successor agency thereto, of the federal immigration authority's intent to take custody of an individual; (3) "Confidential information" means any information obtained and maintained by a law enforcement agency relating to (A) an individual's (i) sexual orientation, or (ii) status as a victim of domestic violence or sexual assault, (B) whether such individual is a (i) crime witness, or (ii) recipient of public assistance, or (C) an individual's income tax or other financial records, including, but not limited to, Social Security numbers; (4) "Federal immigration authority" means any officer, employee or other person otherwise paid by or acting as an agent of ICE or any division thereof or any officer, employee or other person otherwise paid by or acting as an agent of the United States Department of Homeland Security or any successor agency thereto who is charged with enforcement of the civil provisions of the Immigration and Nationality Act; (5) "ICE" means United States Immigration and Customs Enforcement or any successor agency thereto; (6) "ICE access" means any of the following actions taken by a law enforcement officer with respect to an individual who is stopped by a law enforcement officer with or without the individual's consent, arrested, detained or otherwise under the control of a law enforcement official or agency: (A) Responding to a civil immigration detainee or request for notification pursuant to subparagraph (B) of this subdivision concerning such individual; (B) Providing notification to a federal immigration authority that such individual is being or will be released at a certain date and time through data sharing or otherwise; (C) Providing a federal immigration authority nonpublicly available information concerning such individual regarding release date or time, home address or work address, whether obtained through a computer database or otherwise; (D) Allowing a federal immigration authority to interview such individual under the control of the law enforcement agency; (E) Allowing a federal immigration authority to use a facility or resources in the control of a law enforcement agency to conduct interviews, administrative proceedings or other immigration enforcement activities concerning such individual; or (F) Providing a federal immigration authority information regarding dates and times of probation or parole supervision or any other information related to such individual's compliance with the terms of probation or parole; "ICE access" does not include submission by a law enforcement officer of fingerprints to the Automated Fingerprints Identification system of an arrested individual or the accessing of information from the National Crime Information Center by a law enforcement officer concerning an arrested individual; (7) "Judicial officer" means any judge of the state or federal judicial branches and any federal magistrate judge. "Judicial officer" does not mean an immigration judge; (8) "Law enforcement agency" means any agency for which a law enforcement officer is an employee of or otherwise paid by or acting as an agent of; (9) "Law enforcement officer" means: (A) Each officer, employee or other person otherwise paid by or acting as an agent of the Department of Correction; (B) Each officer, employee or other person otherwise paid by or acting as an agent of a municipal police department; (C) Each officer, employee or other person otherwise paid by or acting as an agent of the Division of State Police within the Department of Emergency Services and Public Protection; and (D) Each judicial marshal, state marshal and adult probation officer; (10) "Bail commissioner or intake, assessment or referral specialist" means an employee of the Judicial Branch whose duties are described in section 54-63d; and (11) "School police or security department" means any police or security department of (A) the constituent units of the state system of higher education, as defined in section 10a-1, (B) a public school, or (C) a local or regional school district. (b) (1) No law enforcement officer, bail commissioner or intake, assessment or referral specialist, or employee of a school police or security department shall: (A) Arrest or detain an individual pursuant to a civil immigration detainee unless (i) the detainee is accompanied by a warrant issued or signed by a judicial officer, (ii) the individual has been convicted of a class A or B felony offense, or (iii) the individual is identified as a possible match in the federal Terrorist Screening Database or similar database; (B) Expend or use time, money, facilities, property, equipment, personnel or other resources to communicate with a federal immigration authority regarding the custody status or release of an

individual targeted by a civil immigration detainer, except as provided in subsection (e) of this section; (C) Arrest or detain an individual based on an administrative warrant; (D) Give a federal immigration authority access to interview an individual who is in the custody of a law enforcement agency unless the individual (i) has been convicted of a class A or B felony offense, (ii) is identified as a possible match in the federal Terrorist Screening Database or similar database, or (iii) is the subject of a court order issued under 8 USC 1225(d)(4)(B); or (E) Perform any function of a federal immigration authority, whether pursuant to 8 USC 1357(g) or any other law, regulation, agreement, contract or policy, whether formal or informal. (2) The provisions of this subsection shall not prohibit submission by a law enforcement officer of fingerprints to the Automated Fingerprints Identification system of an arrested individual or the accessing of information from the National Crime Information Center by a law enforcement officer concerning an arrested individual. (c) Prior to responding to a request for notification of the release date and time from custody of a law enforcement agency of an individual suspected of violating a federal immigration law or who has been issued a final order of removal, the law enforcement officer shall forward the request to the head of the law enforcement agency for review. (d) Any confidential information of an individual who comes into contact with a law enforcement officer may be disclosed to a federal immigration authority only if such disclosure is: (1) Authorized in writing by the individual to whom the information pertains, or by the parent or guardian of such individual if the individual is a minor or not legally competent to consent to such disclosure; (2) Necessary in furtherance of a criminal investigation of terrorism; or (3) Otherwise required by law. (e) (1) Upon receiving a civil immigration detainer, a law enforcement agency shall provide a copy of the detainer to the affected individual who is the subject of the detainer and inform the individual whether the law enforcement agency intends to comply with the detainer. If a law enforcement agency provides ICE with notification that an individual is being, or will be released on a certain date, the law enforcement agency shall promptly provide to the individual and to the individual's attorney or shall make a good faith effort to contact one other individual who the individual may designate, a copy of such notification as well as the reason, in writing, that such law enforcement agency is complying with the detainer. (2) All records relating to ICE access maintained by law enforcement agencies shall be deemed public records under the Freedom of Information Act, as defined in section 1-200. Records relating to ICE access include, but are not limited to, data maintained by the law enforcement agency regarding the number and demographic data of individuals to whom the agency has provided ICE access, the date ICE access was provided to an individual, the type of ICE access provided to an individual, the amount of resources expended on providing ICE access and any communication between the law enforcement agency and any federal immigration authority. No provision of this section shall be construed to require disclosure of any record exempt from disclosure under section 1-210 or 1-215. (3) Beginning January 1, 2020, the legislative body of any municipality with a law enforcement agency that has provided ICE access to an individual during the prior six months shall provide to the Office of Policy and Management, on an ongoing basis every six months, data regarding the number and demographic data of individuals to whom the law enforcement agency has provided ICE access, the date ICE access was provided to an individual and whether the ICE access was provided as part of compliance with a civil immigration detainer or through other means. Data may be provided in the form of statistics or, if statistics are not maintained, as individual records, provided personally identifiable information is redacted. (f) The Office of Policy and Management shall ensure that the requirements of this section are disseminated to, and appropriate training is provided for, all affected law enforcement agencies and school police or security departments and employees and agents of such law enforcement agencies and school police or security departments. Such training may entail how law enforcement officers and other officials performing similar duties will adhere to the provisions of this section and how they will interact with crime victims, criminal suspects and individuals cooperating with law enforcement officers. (g) No provision of this section shall be construed to provide, expand or ratify the legal authority of any law enforcement agency to detain an individual based on a civil immigration detainer request. (P.A. 13-155, S. 1; P.A. 19-20, S. 1; 19-23, S. 1-3.) History: P.A. 13-155 effective January 1, 2014; P.A. 19-20 substantially amended Subsec. (a) including by adding new Subdiv. (1) defining "administrative warrant", redesignating existing Subdiv. (1) as new Subdiv. (2), and amending same by redefining "civil immigration detainer", deleting former Subdiv. (2) defining "convicted of a felony", adding new Subdiv. (3) defining "confidential information", redesignating existing Subdiv. (3) as Subdiv. (4) and amending same by redefining "federal immigration authority", adding Subdivs. (5) to (8) defining "ICE", "ICE access", "judicial officer" and "law enforcement agency", respectively, redesignating existing Subdiv.(4) as Subdiv. (9) and amending same by redefining "law enforcement officer" and adding Subdiv. (10) defining "school police or security department", substantially amended Subsec. (b) including by designating existing provision re law enforcement officer who receives civil immigration detainer for individual in custody as new Subdiv. (1), deleting "who receives a civil immigration detainer with respect to an individual who is in the custody of the law enforcement officer shall detain such", adding "or employee of a school police or security department shall", adding Subparas. (A) to (E) re prohibited actions, deleting former Subdivs. (1) to (7) re determination of law enforcement officer re detained individual, and adding new Subdiv. (2) re submission of fingerprints, deleted former Subsec. (c) re notification by law enforcement officer, added new Subsec. (c) re response to request for notification of release date, added Subsec. (d) re confidential information, added Subsec. (e) re provision of copy of detainer to affected individual, records relating to ICE access and data to be provided to Office of Policy and Management, added Subsec. (f) re training, added Subsec. (g) re provisions of section not to be construed to provide, expand or ratify legal authority to detain individual, and made technical and conforming changes; P.A. 19-23 amended Subsec. (a) by redefining "law enforcement officer" in Subdiv. (9), adding new Subdiv. (10) defining "bail commissioner or intake, assessment or referral specialist" and redesignating existing Subdiv. (10) as Subdiv. (11), amended Subsec. (b)(1) by adding " , bail commissioner or intake, assessment or referral specialist," designating existing provision re detainer as Subpara. (A)(i), adding Subparas. (A)(ii) and (A)(iii) re individual convicted of Class A or B felony offense and possible match in federal Terrorist Screening Database, respectively, and adding

“unless the individual” in Subpara. (D) and adding Subparas. (D)(i), (D)(ii) and (D)(iii) re individual convicted of Class A or B felony offense, possible match in federal Terrorist Screening database and subject to court order, respectively, amended Subsec. (c) by adding provision re individual suspected of violating federal immigration law or issued final order of removal and making a technical change, and amended Subsec. (e) by adding “shall make a good faith effort to contact” in Subdiv. (1), adding provision re records exempt from disclosure in Subdiv. (2) and replacing “prior month” with “prior six months” and replacing “ongoing monthly basis” with “ongoing basis every six months” in Subdiv. (3).

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 966 - Limitation of Prosecutions Section 54-193. - Limitation of prosecution for certain violations or offenses.

(a) There shall be no limitation of time within which a person may be prosecuted for (1) (A) a capital felony under the provisions of section 53a-54b in effect prior to April 25, 2012, a class A felony or a violation of section 53a-54d or 53a-169, or (B) any other offense involving sexual abuse, sexual exploitation or sexual assault if the victim of the offense was a minor at the time of the offense, including, but not limited to, a violation of subdivision (2) of subsection (a) of section 53-21, (2) a violation of section 53a-165aa or 53a-166 in which such person renders criminal assistance to another person who has committed an offense set forth in subdivision (1) of this subsection, (3) a violation of section 53a-156 committed during a proceeding that results in the conviction of another person subsequently determined to be actually innocent of the offense or offenses of which such other person was convicted, or (4) a motor vehicle violation or offense that resulted in the death of another person and involved a violation of subsection (a) of section 14-224. (b) (1) Except as provided in subsection (a) of this section or subdivision (2) of this subsection, no person may be prosecuted for a violation of a (A) class B felony violation of section 53a-70, 53a-70a or 53a-70b, (B) class C felony violation of section 53a-71 or 53a-72b, or (C) class D felony violation of section 53a-72a, except within twenty years next after the offense has been committed. (2) Except as provided in subsection (a) of this section, no person may be prosecuted for any offense involving sexual abuse, sexual exploitation or sexual assault of a victim if the victim was eighteen, nineteen or twenty years of age at the time of the offense, except not later than thirty years next after such victim attains the age of twenty-one years. (3) No person may be prosecuted for a class A misdemeanor violation of section 53a-73a if the victim at the time of the offense was twenty-one years of age or older, except within ten years next after the offense has been committed. (c) No person may be prosecuted for any offense, other than an offense set forth in subsection (a) or (b) of this section, for which the punishment is or may be imprisonment in excess of one year, except within five years next after the offense has been committed. (d) No person may be prosecuted for any offense, other than an offense set forth in subsection (a), (b) or (c) of this section, except within one year next after the offense has been committed. (e) If the person against whom an indictment, information or complaint for any of said offenses is brought has fled from and resided out of this state during the period so limited, it may be brought against such person at any time within such period, during which such person resides in this state, after the commission of the offense. (f) When any suit, indictment, information or complaint for any crime may be brought within any other time than is limited by this section, it shall be brought within such time. (1949 Rev., S. 8871; P.A. 76-35, S. 1, 2; P.A. 77-604, S. 40, 84; P.A. 80-313, S. 53; P.A. 86-197; P.A. 00-87, S. 1, 2; P.A. 10-180, S. 6; P.A. 12-5, S. 36; P.A. 14-185, S. 1; P.A. 19-16, S. 17.) History: P.A. 76-35 replaced reference to crimes and misdemeanors, treason, etc. with general reference to offenses, adding exceptions re capital felonies and class A felonies, deleted specific reference to imprisonment in Somers facility, substituting applicability based on imprisonment for more than one year, and specified that there is no limitation for prosecution of capital and class A felonies; P.A. 77-604 made no change; P.A. 80-313 reordered and rephrased provisions, dividing section into Subsecs.; P.A. 86-197 provided that there shall be no time limitation on the prosecution of a person for a violation of Sec. 53a-54d; P.A. 00-87 amended Subsecs. (a) and (b) to provide that there shall be no time limitation on the prosecution of a person for a violation of Sec. 53a-169 and made technical changes for purposes of gender neutrality in Subsec. (c), effective May 26, 2000, and applicable to any offense committed prior to, on or after said date; P.A. 10-180 amended Subsec. (a) to designate existing offenses for which there is no time limitation as Subdiv. (1), add Subdiv. (2) re violation of Sec. 53a-165aa or 53a-166 and add Subdiv. (3) re violation of Sec. 53a-156, amended Subsec. (b) to replace “except a capital felony, a class A felony or a violation of section 53a-54d or 53a-169” with “other than an offense set forth in subsection (a) of this section”, designated existing provision re offenses subject to one-year time limitation as Subsec. (c) and amended same to replace “any other offense, except a capital felony, a class A felony or a violation of section 53a-54d or 53a-169” with “any offense, other than an offense set forth in subsection (a) or (b) of this section” and redesignated existing Subsecs. (c) and (d) as Subsecs. (d) and (e), effective June 8, 2010, and applicable to any offense committed on or after that date and to any offense committed prior to that date for which the statute of limitations in effect at the time of the commission of the offense had not yet expired as of that date; P.A. 12-5 amended Subsec. (a)(1) to add reference to provisions of Sec. 53a-54b in effect prior to April 25, 2012, re capital felony, effective April 25, 2012; P.A. 14-185 amended Subsec. (a) to add Subdiv. (4) re motor vehicle violation or offense that resulted in death of another and involved a violation of Sec. 14-224(a); P.A. 19-16 amended Subsec. (a) by redesignating Subdiv. (1) re capital felony as Subdiv. (1)(A) and adding Subpara. (B) re sexual abuse, sexual exploitation or sexual assault of minor, added new Subsec. (b) re certain sexual assault offenses, redesignated existing Subsecs. (b) to (e) as Subsecs. (c) to (f) and made conforming changes, effective October 1, 2019, and applicable to any offense committed on or after October 1, 2019, and to any offense committed prior to October 1, 2019, for which the statute of limitations in effect at the time of the commission of the offense had not yet expired as of October 1, 2019. Qui tam information amendable, notwithstanding no new information for same cause could be brought. 10 C. 472. Grand juror's complaint and information of state's attorney part of same proceeding and prevents running of statute. 49 C. 437. Statute does not run as to conspiracy until last overt act is committed. 126 C. 85. Cited. 150 C. 229; 163 C. 230. Prosecution within

1 year for first offender. *Id.*, 234. P.A. 76-35, which amended statute to remove the 5-year limitation on prosecutions for capital or class A felonies, was not applied retroactively to crimes committed while 5-year limitation was in effect in absence of language clearly necessitating such construction. 189 C. 346. Cited. 197 C. 436; *Id.*, 507. Protection afforded by statute may be waived; treated as an affirmative defense, not as jurisdictional. 199 C. 631. Prosecution for violation of Sec. 53a-54(a)(1) not barred by this section. 201 C. 435. Cited. 204 C. 98; 213 C. 388; 233 C. 403; 235 C. 145; 242 C. 409. Amendment to statute of limitations applies retroactively to crimes committed before its effective date but for which the preamendment limitation period had not yet expired. 276 C. 633. Plainly and unambiguously provides that statute of limitations runs from the date of the offense. 301 C. 630. Subsec. (c) tolls the limitation period solely with respect to the time within which a prosecution may be brought and does not purport to address prosecutions that have already been brought, at which point there is no need for tolling because the statute of limitations has already been satisfied. 341 C. 47. Cited. 28 CA 91; 34 CA 473; 35 CA 754; 41 CA 476. Subsec. (d) extends the time within which an indictment, information or complaint may be brought, but it does not extend the time in which a warrant can be served. 190 CA 817. It is not necessary in criminal prosecution to prove the precise day the acts were committed. 4 CS 259. Cited. 6 CS 349; 24 CS 312. After a nolle prosequi has been entered, statute of limitations continues to run and a prosecution may be resumed only on a new information and a new arrest. 32 CS 504. Cited. 35 CS 565. Issuance of arrest warrant starts prosecution and tolls statute of limitations. 38 CS 377. The prosecution of defendant began with his arrest; once prosecution has commenced within time period allowed by appropriate statute of limitations, the prosecutor has broad discretion as to what crimes to charge in any particular situation. 39 CS 347. Former Subsec. (b): Cited. 202 C. 86; *Id.*, 93. Issuance of arrest warrant is sufficient initiation of a prosecution to toll statute of limitations if warrant served with due diligence. *Id.*, 443. Cited. 209 C. 52; 211 C. 441; 228 C. 393. Although the case against defendant under Sec. 20-427 was initially dismissed based on statute of limitations, state's successful appeal on statute of limitations calculation and subsequent trial did not constitute unlawful double jeopardy. 250 C. 1. When the state files an amended or substitute information after the limitations period has passed, a timely information will toll statute of limitations only if the amended or substitute information does not broaden or substantially amend the charges made in the timely information. 305 C. 330. Once a defendant has demonstrated his nonelusiveness and availability for arrest during the statutory period, the state must demonstrate the reasonableness of any delay between the issuance and service of an arrest warrant, at least when service occurs after the expiration of the limitation period. 325 C. 793. Cited. 15 CA 222; 21 CA 449; 26 CA 674; 42 CA 790. Pursuant to Subsec., charged violations of Sec. 14-227a were subject to a 1-year limitations period because they were not punishable by a term of imprisonment of more than 1 year; trial court did not improperly deny defendant's motion to dismiss counts of information on grounds that statute of limitations precluded prosecution of counts where court found no evidence that defendant raised statute of limitations as an affirmative defense at trial. 61 CA 90. Prosecution was time barred where the police department did not make sufficient effort to ensure that warrant was timely served and therefore the state could not demonstrate that delay of nearly 3 years on service of arrest warrant was reasonable to toll statute of limitations. 130 CA 734. Former Subsec. (d): Re meaning of "fled" in former Subsec. (c), plain language does not require defendant to leave the state with intent to avoid prosecution, and Subsec. may toll statute of limitations when defendant absents himself from the jurisdiction with reason to believe that an investigation may ensue as a result of his actions. 306 C. 698.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 966 - Limitation of Prosecutions Section 54-193a. - Limitation of prosecution for offenses involving sexual abuse of minor.

Section 54-193a is repealed, effective October 1, 2019. (P.A. 90-279, S. 2; P.A. 91-406, S. 14, 29; P.A. 93-340, S. 11, 19; P.A. 02-138, S. 1; P.A. 19-16, S. 23.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 966 - Limitation of Prosecutions Section 54-193b. - Limitation of prosecution for sexual assault offenses when DNA evidence available.

Notwithstanding the provisions of section 54-193, there shall be no limitation of time within which a person may be prosecuted for a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, 53a-71, 53a-72a or 53a-72b, provided (1) the victim notified any police officer or state's attorney acting in such police officer's or state's attorney's official capacity of the commission of the offense not later than five years after the commission of the offense, and (2) the identity of the person who allegedly committed the offense has been established through a DNA (deoxyribonucleic acid) profile comparison using evidence collected at the time of the commission of the offense. (P.A. 00-80, S. 1, 3; June Sp. Sess. P.A. 07-4, S. 89; P.A. 19-16, S. 22; 19-189, S. 37.) History: P.A. 00-80 effective May 16, 2000, and applicable to any offense committed prior to, on or after said date; June Sp. Sess. P.A. 07-4 deleted former limitation of time within which a person may be prosecuted for specified offenses of "not later than twenty years from the date of the commission of the offense" and provided that "there shall be no limitation of time" within which a person may be so prosecuted, effective July 1, 2007; P.A. 19-16 deleted reference to Sec. 54-193a and made technical changes; P.A. 19-189 replaced "53a-70b," with "section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or".

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 966 - Limitation of Prosecutions Section 54-193c. - Limitation of prosecution of election-related offenses.

No person may be prosecuted for any crime or offense resulting from a referral to the Chief State's Attorney by the State Elections Enforcement Commission pursuant to section 9-7a or 9-7b, of any complaint, statement or evidence bearing upon a violation of any

provision of chapter 149, 151 to 153, inclusive, 155, 156 or 157 or any other provision of the general statutes pertaining to or relating to any election, primary or referendum, except during the period of time that (1) is prescribed by section 54-193; or (2) begins on the date of such referral and ends six months following the date of such referral, whichever period of time ends later. (P.A. 24-135, S. 1.) History: P.A. 24-135 effective October 1, 2024, and applicable to any offense committed on or after October 1, 2024, and to any offense committed prior to October 1, 2024, for which the statute of limitations in effect at the time of the commission of the offense had not yet expired as of October 1, 2024, or to any offense for which a complaint, statement or evidence concerning such offense is referred by the State Elections Enforcement Commission to the Chief State's Attorney on or after April 1, 2024.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 967 - General Provisions Section 54-194. - Effect of the repeal of a criminal statute.

The repeal of any statute defining or prescribing the punishment for any crime shall not affect any pending prosecution or any existing liability to prosecution and punishment therefor, unless expressly provided in the repealing statute that such repeal shall have that effect. (1949 Rev., S. 8872.) See Sec. 1-1 re words and phrases in general use throughout statutes. Cited. 121 C. 200; 142 C. 29; 152 C. 81; 171 C. 524, 528. Repeal of any statute defining a crime shall not affect pending prosecutions thereunder unless expressly provided in repealing statute. 172 C. 242. Cited. 198 C. 158. Court declines to overrule *State v. Kalil*, 314 C. 529, and adopt the amelioration doctrine as it relates to section. 337 C. 739. Cited. 22 CA 601. There is no express language in P.A. 11-71 or any indication in the legislative history that the legislature clearly and unequivocally intended P.A. 11-71 to apply retroactively and thus the savings statutes apply and the law in effect at the time of defendant's offense for possession of marijuana and use of drug paraphernalia controls. 147 CA 232; judgment reversed in part on alternate grounds, see 315 C. 861. Cited. 29 CS 132; Id., 333.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 967 - General Provisions Section 54-195. - Penalty when no penalty provided.

Any person who is convicted of a violation of any provision of the general statutes for which violation no penalty is expressly provided shall be fined not more than one hundred dollars. (1949 Rev., S. 8874.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 967 - General Provisions Section 54-196 to 54-198. - Accessories. Conspiracy. Attempt to commit statutory crime.

Sections 54-196 to 54-198, inclusive, are repealed. (1949 Rev., S. 8875–8877; 1955, S. 3352d; 1969, P.A. 828, S. 214.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 967 - General Provisions Section 54-199. - Parent or guardian to accompany minor in court. Representatives of commissioner.

Whenever any minor charged with the commission of an offense is to appear in any court, he shall be accompanied by one of his parents, if such parent is physically capable of appearing and is within the jurisdiction of such court, or by his legally appointed guardian, if any. In the case of any child committed to the guardianship of the Commissioner of Social Services or the Commissioner of Children and Families, said commissioner may designate any member of his department to act as his representative. If any such parent, guardian or representative fails to appear in court as required by this section, the court may continue the case until he so appears and may issue a subpoena to compel his attendance. Failure to appear in response to such subpoena shall be punishable as contempt of court. The judge of such court may, in his discretion and for good cause, waive the requirement that a minor be accompanied by his parent, guardian or a Department of Social Services representative. (1955, S. 3353d; 1957, P.A. 598; 1969, P.A. 297; 395; P.A. 74-251, S. 14; P.A. 75-420, S. 4, 6; P.A. 77-614, S. 521, 610; P.A. 93-91, S. 1, 2; 93-262, S. 1, 87.) History: 1969 act added provision allowing judge to waive requirement that minor be accompanied by parent, guardian or welfare department representative; P.A. 74-251 included cases involving children committed to commissioner of children and youth services; P.A. 75-420 replaced welfare commissioner and department with commissioner and department of social services; P.A. 77-614 replaced commissioner and department of social services with commissioner and department of human resources, effective January 1, 1979; P.A. 93-91 substituted commissioner and department of children and families for commissioner and department of children and youth services, effective July 1, 1993; P.A. 93-262 authorized substitution of commissioner and department of social services for commissioner and department of human resources, effective July 1, 1993. Since a grand jury is essentially an investigatory body and not a court, the provisions of section are not applicable when minor is to appear before a grand jury; a juvenile defendant shall be accompanied by guardian ad litem if he has one, but appointment of guardian ad litem is not required. 171 C. 644. Cited. 8 CA 607. Cited. 4 Conn. Cir. Ct. 413.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 967 - General Provisions Section 54-200. - When acquittal or conviction not a bar to further complaint.

No acquittal or conviction for any criminal offense, had upon any complaint issued by the procurement or at the solicitation of the person committing it, shall be a bar to another complaint or information for the same offense. (1949 Rev., S. 8878.) Fraudulent procurement of conviction by authorities a bar, as defendant must be personally concerned in such fraud. 26 C. 207. Nature and limitations of doctrine as to former conviction. 65 C. 271. If crimes are distinct, though evidence much the same, it does not apply. 77 C. 201. Acquittal for receiving stolen goods bars prosecution for theft; but discharge on hearing as to probable cause not an

acquittal. 83 C. 286.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-201. - Definitions.

As used in sections 54-201 to 54-235, inclusive: (1) "Victim" means a person who is injured or killed as provided in section 54-209; (2) "Personal injury" means (A) actual bodily harm or emotional harm and includes pregnancy and any condition thereof, or (B) injury or death to a service animal, as defined in 28 CFR 35.104, as amended from time to time, owned or kept by a person with a disability; (3) "Dependent" means any relative of a deceased victim or a person designated by a deceased victim in accordance with section 1-56r who was wholly or partially dependent upon his income at the time of his death or the child of a deceased victim and shall include the child of such victim born after his death; (4) "Relative" means a person's spouse, parent, grandparent, stepparent, aunt, uncle, niece, nephew, child, including a natural born child, stepchild and adopted child, grandchild, brother, sister, half brother or half sister or a parent of a person's spouse; (5) "Crime" means any act which is a felony, as defined in section 53a-25, or misdemeanor, as defined in section 53a-26, and includes any crime committed by a juvenile; (6) "Emotional harm" means a mental or emotional impairment that is directly attributable to a threat of (A) physical injury, as defined in subdivision (3) of section 53a-3, or (B) death to the affected person; and (7) "Disability" has the same meaning as provided in section 22-345. (P.A. 78-261, S. 1, 17; P.A. 87-554, S. 17; P.A. 95-175, S. 4; P.A. 02-105, S. 15; P.A. 03-129, S. 1; P.A. 10-36, S. 31; P.A. 17-99, S. 21; P.A. 24-18, S. 14; 24-108, S. 22.) History: P.A. 87-554 redefined "dependents" to include children of deceased victims and added definition of "crime"; P.A. 95-175 redefined crime to include crimes committed by juveniles; P.A. 02-105 amended Subdiv. (3) by making technical changes and adding a person designated by a victim pursuant to Sec. 1-56r to definition of "dependent"; P.A. 03-129 redefined "personal injury" in Subdiv. (2) by inserting Subpara. (A) designator and adding Subpara. (B) to include injury to a guide dog or assistance dog owned or kept by a blind or disabled person; P.A. 10-36 amended Subdiv. (4) to make technical changes, effective July 1, 2010; P.A. 17-99 replaced reference to Sec. 54-233 with reference to Sec. 54-235, redefined "personal injury" in Subdiv. (2), redefined "relative" in Subdiv. (4), added Subdiv. (6) defining "emotional harm", and made technical changes; P.A. 24-18 amended Subdiv. (2) to redefine "personal injury" by adding 28 CFR 35.104 reference re service animal in Subpara. (B) and added Subdiv. (7) defining "disability", effective July 1, 2024; P.A. 24-108 redefined "emotional harm" in Subdiv. (6), effective July 1, 2024.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-202. - Compensation commissioners; appointment; Chief Victim Compensation Commissioner; temporary victim compensation commissioners; compensation.

(a) On or before July 1, 1993, the Governor shall appoint five victim compensation commissioners for a term of four years to conduct hearings and make determinations as provided in sections 54-201 to 54-218, inclusive. To be eligible for appointment, a victim compensation commissioner shall have been admitted to the practice of law in this state for at least five years prior to the appointment. (b) Each victim compensation commissioner shall be eligible for reappointment and may be removed by the Governor for inefficiency, neglect of duty or malfeasance in office after due notice and hearing. (c) A Chief Victim Compensation Commissioner shall be designated by the Chief Court Administrator from among the five victim compensation commissioners appointed by the Governor. The Chief Court Administrator may appoint qualified attorneys to serve as temporary victim compensation commissioners when victim compensation commissioners are not available or when additional victim compensation commissioners are necessary for the expeditious processing of claims. Temporary victim compensation commissioners shall have the same qualifications for appointment and the same powers as victim compensation commissioners. (d) Each victim compensation commissioner and temporary victim compensation commissioner shall receive one hundred twenty-five dollars for each day of service. (P.A. 78-261, S. 2, 17; P.A. 80-390, S. 1, 5; P.A. 83-311; P.A. 87-554, S. 1; P.A. 89-35; P.A. 91-389, S. 9; P.A. 92-153, S. 1; May Sp. Sess. P.A. 92-11, S. 49, 70; P.A. 93-310, S. 1, 32; P.A. 17-99, S. 43.) History: P.A. 80-390 replaced previous provision in Subsec. (c) which had allowed members no compensation but had allowed reimbursement for expenses incurred in performing duties with provision authorizing \$50 per diem; P.A. 83-311 amended Subsec. (c) by increasing compensation from \$50 to \$100 per day; P.A. 87-554 changed "criminal injuries compensation board" to "commission on victim services" and amended Subsec. (c) to specify that expenses are in addition to \$100 per diem; P.A. 89-35 amended Subsec. (d) by adding provision permitting administrator to make preliminary evaluation and order of compensation not to exceed \$2,000; P.A. 91-389 amended Subsec. (d) to replace provision permitting administrator to make preliminary evaluation and order of compensation not to exceed \$2,000 with provision permitting administrator to make a preliminary evaluation of an application; P.A. 92-153 increased members from three to five, required that one member have at least five years' experience in delivery of victim services and one member have at least five years' experience in insurance handling personal injury claims, deleted restriction specifying that members must never have been victims themselves or be related to a victim, added provisions re expiration of terms of members on September 30, 1992, appointment of members as of October 1, 1992, and re term length, revised provision re compensation of members and appeals panel, and changed "administrator" to "executive director"; May Sp. Sess. P.A. 92-11 made a technical change in Subsec. (a); P.A. 93-310 extensively revised section, changing "members of the commission" to "victim compensation commissioners", providing for chief victim compensation commissioner, authorizing appointment of temporary victim compensation commissioners, replacing provision authorizing reimbursement for expenses and payment of \$100 per day with set compensation of \$125 per day and deleting prior provisions re hearing officers, effective July 1, 1993; P.A. 17-99 amended Subsec. (a) by replacing reference to Sec. 54-233 with reference to Sec. 54-218.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-202a. - Executive director. Appointment; term; salary; duties. Deputy director of compensation. Deputy director of victim services.

Section 54-202a is repealed, effective July 1, 1993. (P.A. 92-153, S. 2; P.A. 93-310, S. 31, 32.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-203. - Office of Victim Services established. Powers and duties.

(a) There is established an Office of Victim Services within the Judicial Department. (b) The Office of Victim Services shall have the following powers and duties: (1) To direct each hospital, whether public or private, each university or college health services center, whether public or private, and each community health center, as defined in section 19a-490a, to prominently display posters in a conspicuous location giving notice of the availability of compensation and assistance to victims of crime or their dependents pursuant to sections 54-201 to 54-218, inclusive, and to direct every law enforcement agency of the state to inform victims of crime or their dependents of their rights pursuant to sections 54-201 to 54-218, inclusive; (2) To obtain from the office of the state's attorney, state police, local police departments or any law enforcement agency such investigation and data as will enable the Office of Victim Services to determine if in fact the applicant was a victim of a crime or attempted crime and the extent, if any, to which the victim or claimant was responsible for his own injury, including, but not limited to, a request for information form promulgated by the Office of Victim Services; (3) To request from the Department of Correction, other units of the Judicial Department and the Board of Pardons and Paroles such information as will enable the Office of Victim Services to determine if in fact a person who has requested notification pursuant to section 54-228 was a victim of a crime; (4) To take or cause to be taken affidavits or depositions within or without the state; (5) To apply for, receive, allocate, disburse and account for grants of funds made available by the United States, by the state, foundations, corporations and other businesses, agencies or individuals to implement a program for victim services which shall assist witnesses and victims of crimes as the Office of Victim Services deems appropriate within the resources available and to coordinate services to victims by state and community-based agencies, with priority given to victims of violent crimes, by (A) assigning such victim advocates as are necessary to provide assistance; (B) administering victim service programs; and (C) awarding grants or purchase of service contracts to private nonprofit organizations or local units of government for the direct delivery of services, except that the provision of training and technical assistance of victim service providers and the development and implementation of public education campaigns may be provided by private nonprofit or for-profit organizations or local units of government. Such grants and contracts shall be the predominant method by which the Office of Victim Services shall develop, implement and operate direct service programs and provide training and technical assistance to victim service providers; (6) To provide each person who applies for compensation pursuant to section 54-204, within ten days of the date of receipt of such application, with a written list of rights of victims of crime involving personal injury and the programs available in this state to assist such victims. The Office of Victim Services, the state or any agent, employee or officer thereof shall not be liable for the failure to supply such list or any alleged inadequacies of such list. Such list shall include, but not be limited to: (A) Subject to the provisions of sections 18-81e and 51-286e, the victim shall have the right to be informed concerning the status of his or her case and to be informed of the release from custody of the defendant; (B) Subject to the provisions of section 54-91c, the victim shall have the right to present a statement of his or her losses, injuries and wishes to the prosecutor and the court prior to the acceptance by the court of a plea of guilty or nolo contendere made pursuant to a plea agreement with the state wherein the defendant pleads to a lesser offense than the offense with which the defendant was originally charged; (C) Subject to the provisions of section 54-91c, prior to the imposition of sentence upon the defendant, the victim shall have the right to submit a statement to the prosecutor as to the extent of any injuries, financial losses and loss of earnings directly resulting from the crime. Upon receipt of the statement, the prosecutor shall file the statement with the sentencing court and the statement shall be made a part of the record and considered by the court at the sentencing hearing; (D) Subject to the provisions of section 54-126a, the victim shall have the right to appear before a panel of the Board of Pardons and Paroles and make a statement as to whether the defendant should be released on parole and any terms or conditions to be imposed upon any such release; (E) Subject to the provisions of section 54-36a, the victim shall have the right to have any property the victim owns which was seized by police in connection with an arrest to be returned; (F) Subject to the provisions of sections 54-56e and 54-142c, the victim shall have the right to be notified of the application by the defendant for the pretrial program for accelerated rehabilitation and to obtain from the court information as to whether the criminal prosecution in the case has been dismissed; (G) Subject to the provisions of section 54-85b, the victim cannot be fired, harassed or otherwise retaliated against by an employer for appearing under a subpoena as a witness in any criminal prosecution; (H) Subject to the provisions of section 54-86g, the parent or legal guardian of a child twelve years of age or younger who is a victim of child abuse or sexual assault may request special procedural considerations to be taken during the testimony of the child; (I) Subject to the provisions of section 46b-15, the victim of assault by a spouse or former spouse, family or household member has the right to request the arrest of the offender, request a protective order and apply for a restraining order; (J) Subject to the provisions of sections 52-146k, 54-86e and 54-86f, the victim of sexual assault or domestic violence can expect certain records to remain confidential; and (K) Subject to the provisions of section 53a-32, the victim and any victim advocate assigned to assist the victim may receive notification from a probation officer whenever the officer has notified a police officer that the probation officer has probable cause to believe that the offender has violated a condition of such offender's probation; (7) Within available appropriations, to maintain a victim's assistance center which shall (A) make available to victims information regarding victim's rights and available services, (B) maintain a victims' notification system pursuant to sections 54-227 to 54-230a, inclusive, and 54-235, and (C) maintain a toll-free number for access to

information regarding victims' rights and available services; (8) To provide a telephone helpline that shall provide information on referrals for various services for victims of crime and their families; (9) To provide staff services to a state advisory council. The council shall consist of not more than twenty members to be appointed by the Chief Justice and shall include the Chief Victim Compensation Commissioner and members who represent victim populations, including but not limited to, homicide survivors, family violence victims, sexual assault victims, victims of gun violence, victims of drunk drivers, and assault and robbery victims, and members who represent the judicial branch and executive branch agencies involved with victims of crime. The members shall serve for terms of four years. Any vacancy in the membership shall be filled by the appointing authority for the balance of the unexpired term. The members shall receive no compensation for their services. The council shall meet at least four times a year. The council shall recommend to the Office of Victim Services program, legislative or other matters which would improve services to victims of crime and develop and coordinate needs assessments for both court-based and community-based victim services. The Chief Justice shall appoint two members to serve as cochairpersons. Not later than December fifteenth of each year, the council shall report the results of its findings and activities to the Chief Court Administrator; (10) To utilize such voluntary and uncompensated services of private individuals, agencies and organizations as may from time to time be offered and needed; (11) To recommend policies and make recommendations to agencies and officers of the state and local subdivisions of government relative to victims of crime; (12) To provide support and assistance to state-wide victim services coalitions and groups; (13) To provide a training program for judges, prosecutors, police, probation and parole personnel, bail commissioners, intake, assessment and referral specialists, officers from the Department of Correction and judicial marshals to inform them of victims' rights and available services; (14) To (A) maintain, within available appropriations, a sexual assault forensic examiners program that will train and make available sexual assault forensic examiners to adolescent and adult victims of sexual assault who are patients at participating health care facilities. In order to maintain such program, the Office of Victim Services may apply for, receive, allocate, disburse and account for grants of funds made available by the United States, the state, foundations, corporations and other businesses, agencies or individuals; or (B) establish, within available appropriations, a training program for health care professionals on the care of and collection of evidence from adolescent and adult victims of sexual assault; (15) To provide victims of crime and the general public with information detailing the process by which a victim may register to receive notices of hearings of the Board of Pardons and Paroles; and (16) To submit to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary, in accordance with the provisions of section 11-4a, on or before January 15, 2000, and biennially thereafter a report of its activities under sections 54-201 to 54-235, inclusive. (P.A. 78-261, S. 3, 17; P.A. 80-390, S. 2, 5; P.A. 83-341; P.A. 85-609, S. 1; P.A. 86-401, S. 1; P.A. 87-514, S. 1, 4; 87-554, S. 2; P.A. 91-389, S. 10; P.A. 92-153, S. 3; P.A. 93-91, S. 1, 2; 93-262, S. 1, 87; 93-310, S. 2, 32; 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; P.A. 96-97, S. 1; P.A. 97-257, S. 3, 13; P.A. 99-184, S. 1-3; P.A. 00-99, S. 125, 154; 00-196, S. 44; P.A. 04-234, S. 2; P.A. 05-288, S. 190; Sept. Sp. Sess. P.A. 09-3, S. 49; P.A. 12-114, S. 17; 12-133, S. 25; P.A. 13-214, S. 2; June Sp. Sess. P.A. 15-2, S. 18; P.A. 17-99, S. 22; P.A. 19-114, S. 4; P.A. 24-108, S. 23.) History: P.A. 80-390 added Subdiv. (e) re implementation of programs to assist witnesses and crime victims; P.A. 83-341 amended Subsec. (e) to permit board to apply for and receive grants of funds for victim services program; P.A. 85-609 added Subsec. (f) re provision of comprehensive state-wide victim assistance program and appointment and assignment of victim advocates; P.A. 86-401 amended Subsec. (f) to permit transfer of any person employed in classified service as a victim advocate on October 1, 1986, to the criminal injuries compensation board as classified employee as victim advocate without reduction in salary or grade and added Subsec. (g) re written list of rights provided to victim; P.A. 87-514 added Subsecs. (h) to (k), inclusive, adding duty to provide victims' rights information and telephone hotline for referrals; to continue study by task force on civil liability, assist in implementing recommendations thereof and report findings; to utilize voluntary services and recommend policies to state and local government re rights of victims of crime and victims of torts; P.A. 87-554 changed name of "criminal injuries compensation board" to "commission on victim services"; P.A. 91-389 amended Subsec. (a) to include notice of the availability of "assistance" to crime victims, inserted a new Subsec. (c) to authorize the commission to request information to verify that a person who has requested notification pursuant to Sec. 54-228 was a victim of crime and relettering the remaining Subsecs. accordingly, amended Subsec. (g) to delete provision re transfer to the commission as a classified employee any person employed in the unclassified service as a victim advocate on October 1, 1986, added Subsec. (h)(6) to (10), inclusive, re additional rights of victims to be included in the list, inserted a new Subsec. (j) re the establishment of a victims' notification clearinghouse and the notification of persons who have requested notification, relettering the remaining Subsecs. accordingly, deleted former Subsec. (j) re the study by the task force on civil liability, and added Subsec. (l) re the establishment, composition and duties of a victim services coordinating council, relettering the remaining Subsec. accordingly; P.A. 92-153 established division of crime victims' compensation and division of victim services under supervision of executive director and deputy directors, revised provisions re coordination of victim services, added provision re notification of victims of family violence crimes and modification or termination of criminal orders of protection not later than April 1, 1993, deleted provision re victim services coordinating council and added provision re state advisory council and added responsibility of development of comprehensive plan for administration of crime victims' compensation and coordination of delivery of services in coordination with department of human resources, department of health services, office of policy and management, judicial branch, department of children and youth services and division of criminal justice; P.A. 93-91 substituted commissioner and department of children and families for commissioner and department of children and youth services, effective July 1, 1993; P.A. 93-262 authorized substitution of commissioner and department of social services for commissioner and department of human resources, effective July 1, 1993; P.A. 93-310 revised section by deleting references to victim compensation commission, establishing office of victim compensation within the judicial department, deleting references to victims of torts,

adding deadline of January 1, 1994, for establishment of victims' notification clearinghouse, requiring chief justice to appoint members of council, including the chief victim compensation commissioner, and two members to serve as cochairmen, effective July 1, 1993; P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 96-97 amended Subsec. (b)(9) by adding "scheduled to be" before "released"; P.A. 97-257 amended Subsec. (b)(8) by adding "Within available appropriations, to establish a victim's assistance center which shall" and added Subdivs. (16) re establishment of victim's information clearinghouse and provision of toll-free number for access to information and (17) re training program for judges, prosecutors, police, probation and parole personnel, bail commissioners, correctional officers and special deputy sheriffs, effective July 1, 1997; P.A. 99-184 amended Subsec. (b)(6) by adding provision that training and technical assistance for providers and development and implementation of public education campaigns may be provided by nonprofit or for-profit organizations or local units of government, amended Subsec. (b)(16) by adding provision requiring the Office of Victim Services to develop a plan in consultation with other agencies for notification of victims, making Office of Victim Services the lead agency for notification of victims and requiring plan to be submitted to General Assembly not later than February 15, 2000, and added Subdiv. (18) requiring Office of Victim Services to submit report of its activities, including training activities and mandates, to the General Assembly on or before January 15, 2000, and biennially thereafter; P.A. 00-99 replaced reference to special deputy sheriffs with judicial marshals in Subsec. (b)(17), effective December 1, 2000; P.A. 00-196 made a technical change in Subsec. (b)(18); P.A. 04-234 replaced Board of Pardons and Board of Parole with Board of Pardons and Paroles, effective July 1, 2004; P.A. 05-288 made a technical change in Subsec. (b)(16), effective July 13, 2005; Sept. Sp. Sess. P.A. 09-3 amended Subsec. (b) to add new Subdiv. (18) re establishment of sexual assault forensic examiners program and redesignate existing Subdiv. (18) as Subdiv. (19), effective October 6, 2009; P.A. 12-114 amended Subsec. (b)(7) to add Subpara. (K) re notice to victim that probation officer has notified police officer of probable cause re probation violation by offender; P.A. 12-133 amended Subsec. (b) to substitute "helpline" for "hotline" in Subdiv. (10), delete former Subdiv. (15) re development of comprehensive plan to administer crime victims' compensation, redesignate existing Subdivs. (16) to (19) as Subdivs. (15) to (18), add "intake, assessment and referral specialists" in redesignated Subdiv. (16), and make technical changes; P.A. 13-214 amended Subsec. (b)(7)(K) to add provision re notice to any victim advocate assigned to assist the victim; June Sp. Sess. P.A. 15-2 amended Subsec. (b) to add new Subdiv. (18) re information detailing process for victims to register with Board of Pardons and Paroles and redesignate existing Subdiv. (18) as Subdiv. (19), effective July 1, 2015; P.A. 17-99 amended Subsec. (b) by adding "each university or college health services center, whether public or private, and each community health center, as defined in section 19a-490a", replacing "emergency room" with "conspicuous location" re prominent display of posters and replacing reference to Sec. 54-233 with reference to Sec. 54-218 in Subdiv. (1), replacing "request from" with "obtain from" and adding provision re request for information form promulgated by Office of Victim Services in Subdiv. (2), deleting former Subdiv. (4) re direct medical examination of victims, redesignating existing Subdivs. (5) to (8) as Subdivs. (4) to (7), amending redesignated Subdiv. (5)(A) by deleting ", in consultation with the Division of Criminal Justice,", amending redesignated Subdiv. (6)(C) by adding provision re prosecutor to file statement with sentencing court and statement to be part of record and considered at sentencing hearing, amending redesignated Subdiv. (7) by replacing "establish" with "maintain" re victim's assistance center, deleting provision re victim's rights information clearinghouse, adding provisions re information to be made available to victims, maintenance of victims' notification system and toll-free number to access information, deleting former Subdiv. (9) re victims' notification clearinghouse, redesignating existing Subdivs. (10) to (14) as Subdivs. (8) to (12), amending redesignated Subdiv. (9) by replacing 6 with 4 re council's yearly meetings, deleting Subdiv. (15) re establishment of crime victims' information clearinghouse, redesignating existing Subdivs. (16) to (19) as Subdivs. (13) to (16), amending redesignated Subdiv. (14) by replacing "to establish" with "to (A) maintain, within available appropriations,", replacing "acute care hospitals" with "health care facilities", adding Subpara. (B) re training program for health care professionals, amending redesignated Subdiv. (16) by replacing reference to Sec. 54-233 with reference to Sec. 54-235 and deleting provision re reporting on training activities and mandates, and making technical and conforming changes; P.A. 19-114 amended Subsec. (b)(14) by deleting reference to nonparticipating health care facilities in Subpara. (B), effective July 1, 2019; P.A. 24-108 amended Subsec. (b)(9) by expanding state advisory council from not more than 15 members to 20 members and by adding "victims of gun violence" to the victim populations represented and amended Subsec. (b)(16) by replacing "victim services" with "judiciary", effective July 1, 2024.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-204. - Application for compensation services. Report and examination. Confidential information.

(a) Any person who may be eligible for compensation pursuant to sections 54-201 to 54-218, inclusive, may make application therefor to the Office of Victim Services. If the person entitled to make application is a minor or a person who lacks capacity, the application may be made on such person's behalf by a parent, guardian or other legal representative of the minor or person who lacks capacity. (b) In order to be eligible for compensation services under sections 54-201 to 54-218, inclusive, the applicant shall, prior to a determination on any application made pursuant to sections 54-201 to 54-218, inclusive, submit reports if reasonably available from all physicians, surgeons, physician assistants, advanced practice registered nurses or mental health professionals who have treated or examined the victim in relation to the injury for which compensation is claimed at the time of or subsequent to the victim's injury or death. If in the opinion of the Office of Victim Services or, on review, a victim compensation commissioner, reports on the previous medical history of the victim, examination of the injured victim and a report thereon or a report on the cause of death of the

victim by an impartial medical expert would be of material aid to its just determination, said office or commissioner shall order such reports and examinations. Any information received which is confidential in accordance with any provision of the general statutes shall remain confidential while in the custody of the Office of Victim Services or a victim compensation commissioner. (P.A. 78-261, S. 4, 17; P.A. 79-505, S. 1, 7; P.A. 87-554, S. 3; P.A. 91-39; P.A. 93-310, S. 3, 32; P.A. 16-39, S. 72; P.A. 17-99, S. 23; P.A. 21-196, S. 77.) History: P.A. 79-505 added references to restitution services; P.A. 87-554 substituted “commission” for “board”; P.A. 91-39 amended Subsec. (b) by adding provision that confidential information received by the commission shall remain confidential while in the custody of the commission; P.A. 93-310 changed “commission” to “office of victims services”, added “of the minor or incompetent person” after “representative”, changed “hearing” to “determination”, changed “commission or hearing examiner” to “office of victim services or, on review, a victim compensation commissioner” and “office of victim services or a victim compensation commissioner”, effective July 1, 1993; P.A. 16-39 amended Subsec. (b) by adding reference to advanced practice registered nurses; P.A. 17-99 amended Subsec. (a) by deleting reference to restitution services, replacing reference to Sec. 54-233 with reference to Sec. 54-218 and replacing “incompetent person” with “person who lacks capacity”, and amended Subsec. (b) by deleting reference to restitution services, replacing reference to Sec. 54-233 with reference to Sec. 54-218, adding reference to mental health professionals, and making technical changes; P.A. 21-196 amended Subsec. (b) by adding reference to physician assistants.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-205. - Evaluation of application. Determination. Request for review by compensation commissioner.

(a) Upon application made under the provisions of sections 54-201 to 54-218, inclusive, the Office of Victim Services shall evaluate such application, make an appropriate determination in writing, and provide notice to the applicant of such determination. In order to make a determination on an application, the Office of Victim Services may administer oaths or affirmations, may subpoena any witness to appear or may issue a subpoena duces tecum, provided no subpoena shall be issued except under the signature of a victim compensation commissioner. Any application to any court for aid in enforcing such subpoena may be made in the name of the Office of Victim Services only by a victim compensation commissioner. Subpoenas shall be served by any person designated by a victim compensation commissioner. (b) An applicant may request that a determination made pursuant to subsection (a) of this section be reviewed by a victim compensation commissioner by filing a request for review with the Office of Victim Services, on a form prescribed by the Office of the Chief Court Administrator, within thirty days from mailing of the notice of such determination. (c) For the purposes of carrying out the provisions of sections 54-201 to 54-218, inclusive, a victim compensation commissioner shall hear any request for review filed by an applicant pursuant to sections 54-201 to 54-218, inclusive, to which such commissioner is assigned and shall make a written determination on such application for compensation. A victim compensation commissioner shall hold such hearings and take such testimony as such commissioner may deem advisable. A commissioner may administer oaths or affirmations to witnesses and shall have full power to subpoena any witness to appear and give testimony or to issue a subpoena duces tecum. Subpoenas shall be served by any person designated by a victim compensation commissioner. (d) No witness under subpoena authorized to be issued by the provisions of this section shall be excused from testifying or from producing records, papers or documents. If any person disobeys such process or, having appeared in obedience thereto, refuses to answer any pertinent question put to him by the victim compensation commissioner or to produce any records, papers or documents and appears pursuant thereto, said commissioner may apply to the superior court for the judicial district of Hartford, setting forth such disobedience to process or refusal to answer. The court shall cite such person to appear before said court to answer such question or to produce such records, papers or documents or to show cause why a question put to him should not be answered or why such records, papers or documents should not be produced. Upon such person's refusal to answer or produce records, papers or documents or to show cause, the court may commit such person to a community correctional center until such person complies, but not for a longer period than sixty days. Notwithstanding any such commitment of such person, the victim compensation commissioner may proceed with the hearing as if such witness had testified adversely regarding his interest in the proceeding. (e) The applicant and any other person having a substantial interest in a proceeding may appear before the victim compensation commissioner and be heard, produce evidence and cross-examine witnesses in person or by his attorney. The victim compensation commissioner also may hear such other persons as in the commissioner's judgment may have relevant evidence to submit. (f) Any statement, document, information or matter may be considered by the Office of Victim Services or, on review, by a victim compensation commissioner, if in the opinion of said office or commissioner, it contributes to a determination of the claim, whether or not the same would be admissible in a court of law. (g) If any person has been convicted of any offense with respect to an act on which a claim under sections 54-201 to 54-218, inclusive, is based, proof of that conviction shall be taken as conclusive evidence that the offense has been committed by such person, unless an appeal or any proceeding with regard thereto is pending. (P.A. 78-261, S. 5, 17; P.A. 87-554, S. 4; P.A. 93-142, S. 4, 7, 8; 93-310, S. 4, 32; P.A. 95-220, S. 4-6; P.A. 96-97, S. 2; P.A. 03-189, S. 1; P.A. 17-99, S. 44.) History: P.A. 87-554 changed “board” to “commission”; P.A. 93-310 revised section, changing “commission” to “office of victim services”, changing “hearing” to “determination”, providing revised procedure for determination of claims by office of victim services and upon request of applicant, review by a victim compensation commissioner and adding provision re witness under subpoena, effective July 1, 1993 (Revisor's note: P.A. 88-230, P.A. 90-98 and P.A. 93-142 authorized substitution of “judicial district of Hartford” for “judicial district of Hartford-New Britain” in public acts of the 1993 session of the general assembly, effective September 1, 1996); P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 96-97 amended Subsec. (b) by increasing time for filing a request for review from 14 to 30 days from mailing notice of determination;

P.A. 03-189 amended Subsec. (a) by replacing “review such application” with “evaluate such application”; P.A. 17-99 amended Subsecs. (a), (c) and (g) by replacing references to Sec. 54-233 with references to Sec. 54-218.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-205a. - Discontinuance of debt collection efforts upon receipt of notice of pending claim from Office of Victim Services.

If at any point in the debt collection process, whether before or after the entry of judgment, a health care provider, a consumer collection agency acting on behalf of a health care provider, an attorney representing a health care provider or an employee or agent of a health care provider, becomes aware and receives notice from the Office of Victim Services that a debtor from whom payment is sought has a pending claim under sections 54-201 to 54-218, inclusive, relating to the treatment that resulted in the debt, such health care provider, consumer collection agency, attorney, employee or agent, shall promptly discontinue any collection efforts until (1) an award is made on such claim, (2) the claim is approved without payment, or (3) the claim is determined to be noncompensable pursuant to section 54-208. Any applicable statute of limitations for the collection of such debt shall be tolled during the period for which the suspension of debt collection is required pursuant to this section. For the purposes of this section “health care provider” has the same meaning as “provider” under section 20-7b, and includes an institution, as defined in section 19a-490, and any health care institution or facility operated by the state. (P.A. 17-99, S. 38.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-206. - Payment of attorneys as part of order. Payment of providers by attorney representing the victim.

(a) The Office of Victim Services or, on review, a victim compensation commissioner may, as part of any order entered under sections 54-201 to 54-218, inclusive, determine and allow reasonable attorney's fees, which shall not exceed fifteen per cent of the amount awarded as compensation under section 54-208, to be paid out of but not in addition to the amount of such compensation. No attorney shall ask for, contract for or receive any larger sum than the amount so allowed. (b) The attorney representing the victim shall pay providers as documented by the Office of Victim Services. The attorney shall communicate with providers regarding outstanding balances after attorney's fees are deducted, and shall ensure payment to such providers. (P.A. 78-261, S. 6, 17; P.A. 87-554, S. 5; P.A. 93-310, S. 5, 32; P.A. 01-211, S. 19; P.A. 03-189, S. 2; P.A. 17-99, S. 24.) History: P.A. 87-554 substituted “commission” for “board”; P.A. 93-310 changed “The commission” to “A victim compensation commissioner”, effective July 1, 1993; P.A. 01-211 designated existing provisions as Subsec. (a) and added new Subsec. (b) re direct payment to health care providers for health care services rendered to the victim; P.A. 03-189 deleted Subsec. (a) designator, added reference to the Office of Victim Services and provision re review by victim compensation commissioner and deleted former Subsec. (b) re payment to health care providers; P.A. 17-99 redesignated existing provision re attorney's fees as Subsec. (a), amended same by replacing reference to Sec. 54-233 with reference to Sec. 54-218 and making a technical change, and added Subsec. (b) re attorney representing victim to pay providers as documented by the Office of Victim Services.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-207. - Regulations to prescribe procedures.

Section 54-207 is repealed, effective July 1, 1993. (P.A. 78-261, S. 7, 17; P.A. 87-554, S. 6; P.A. 92-153, S. 7; P.A. 93-310, S. 31, 32.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-207a. - Chief Court Administrator to prescribe policies and procedures.

The Office of the Chief Court Administrator shall prescribe such policies and procedures, as deemed necessary, to implement the provisions of sections 54-201 to 54-235, inclusive, and sections 19a-112e to 19a-112g, inclusive, and may formulate standards for the uniform application of the payment of compensation of claims. (P.A. 93-310, S. 6, 32; P.A. 17-99, S. 45; P.A. 19-114, S. 5.) History: P.A. 93-310 effective July 1, 1993; P.A. 17-99 replaced reference to Sec. 54-233 with reference to Sec. 54-235; P.A. 19-114 added reference to Secs. 19a-112e to 19a-112g, effective July 1, 2019.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-208. - Order of payment of compensation. Criminal intent. Circumstances considered. Prosecution not necessary. Amount and manner of payments. Unclaimed award.

(a) If a person suffers a personal injury or is killed as provided in section 54-209, the Office of Victim Services or, on review, a victim compensation commissioner may order the payment of compensation in accordance with the provisions of sections 54-201 to 54-218, inclusive: (1) To or for the benefit of the injured person; (2) in the case of personal injury of the victim, to any person responsible for the care of the victim who has suffered pecuniary loss as a result of such injury; (3) in the case of death of the victim, to or for the benefit of any one or more of the dependents of the victim, including any dependent child of a homicide victim who was killed by the other parent or to any person who has suffered pecuniary loss, including, but not limited to, funeral expenses, as a result of such death; or (4) to any person who has suffered a pecuniary loss due to a crime scene cleanup. (b) For the purposes of sections 54-201 to 54-218, inclusive, a person shall be deemed to have intended an act notwithstanding that, by reason of age, insanity, drunkenness or otherwise, such person was legally incapable of forming a criminal intent. (c) In determining whether to

make an order under this section, the Office of Victim Services or, on review, a victim compensation commissioner shall consider all circumstances determined to be relevant, including, but not limited to, provocation, consent or any other behavior of the victim which directly or indirectly contributed to such victim's injury or death, the extent of the victim's cooperation in investigating the application and the extent of the victim's cooperation with law enforcement agencies in their efforts to apprehend and prosecute the offender, and any other relevant matters. (d) An order may be made under this section whether or not any person is prosecuted or convicted of any offense arising out of such act. (e) In determining the amount of compensation to be allowed, the Office of Victim Services or, on review, a victim compensation commissioner, shall take into consideration any amounts that the applicant has received or is eligible to receive from any other source or sources, including, but not limited to, payments from state and municipal agencies, insurance benefits, and workers' compensation awards, as a result of the incident or offense giving rise to the application. For the purposes of this section, life insurance benefits received by the applicant shall not be taken into consideration by the Office of Victim Services or a victim compensation commissioner. In a case involving circumstances under which a victim of domestic violence, sexual assault or child abuse, or a claimant in such a case, believes that the dissemination of treatment information associated with a health insurance claim would cause undue harm, the Office of Victim Services may waive the consideration of health insurance as a collateral source. (f) Payments shall be made in a manner to be determined by the Office of Victim Services, including, but not limited to, lump sum or periodic payments. If an award is not claimed by the applicant within forty-five days after notice of the award, the Office of Victim Services may administratively close such award or may order payments from such award to health care providers or victim service providers and administratively close any remaining amount of such award. (P.A. 78-261, S. 8, 17; P.A. 80-90; P.A. 82-397, S. 1, 7; P.A. 87-554, S. 7; P.A. 93-310, S. 7, 32; P.A. 95-175, S. 5; P.A. 02-132, S. 79; P.A. 15-85, S. 22; P.A. 17-99, S. 25.) History: P.A. 80-90 amended Subsec. (a)(3) to include payments to victim's estate; P.A. 82-397 deleted references to "incurred expenses" associated with injury or death in Subsec. (a), referring instead to "pecuniary loss" in both instances, added provision re extent of victim's cooperation with board and law enforcement agencies in Subsec. (c), restated Subsec. (e) and added specific reference to payments from state and municipal agencies, insurance benefits and workers' compensation awards and added Subsec. (f) re method of payment; P.A. 87-554 changed "board" to "commission" and amended Subsec. (a) by adding "including any child of a homicide victim who was killed by the other parent, provided the proceeds of any payment of compensation shall be placed in a trust fund for the benefit of any such child until such child or children reach the age of eighteen"; P.A. 93-310 changed "commission" to "office of victim services, or on review a victim compensation commissioner", made technical changes, and in Subsec. (f) changed "commission" to "office of victim services", eliminated annuities or deposits in accounts held in trust for applicant and added provision permitting vacation of award if not claimed within 45 days, effective July 1, 1993; P.A. 95-175 amended Subsec. (c) to delete "need for financial aid" as factor to be considered; P.A. 02-132 amended Subsec. (f) by adding provisions re order of payments to health care providers or victim service providers from unclaimed award and making technical changes; P.A. 15-85 amended Subsec. (e) by substituting "health insurance benefits" for "insurance benefits", adding provision re Office of Victim Services or victim compensation commissioner not to consider life insurance benefits received by applicant, and making technical changes; P.A. 17-99 amended Subsec. (a) by replacing "person is injured" with "person suffers a personal injury", replacing reference to Sec. 54-233 with reference to Sec. 54-218, replacing "maintenance of the victim" with "care of the victim" in Subdiv. (2), adding Subdiv. (4) re person who suffered pecuniary loss due to crime scene cleanup, amended Subsec. (b) by replacing reference to Sec. 54-233 with reference to Sec. 54-218, amended Subsec. (d) by deleting provision re application by prosecuting authority to suspend proceeding on ground that prosecution for offense arising out of act has commenced or is imminent, amended Subsec. (e) by replacing "health insurance benefits" with "insurance benefits" and adding provision re waiver of consideration of health insurance as collateral source, amended Subsec. (f) by replacing "vacate" with "administratively close", and made technical changes.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-209. - When compensation may be ordered. Order inadmissible in civil or criminal proceeding.

(a) The Office of Victim Services or, on review, a victim compensation commissioner, may order the payment of compensation in accordance with the provisions of sections 54-201 to 54-218, inclusive, for personal injury or death which resulted from: (1) An attempt to prevent the commission of crime or to apprehend a suspected criminal or in aiding or attempting to aid a police officer so to do, (2) the commission or attempt to commit by another of any crime as provided in section 53a-24, (3) any crime that occurred outside the territorial boundaries of the United States that would be considered a crime within this state, provided the victim of such crime is a resident of this state, (4) any crime involving international terrorism as defined in 18 USC 2331, as amended from time to time, or (5) an incident of child abuse substantiated by the Department of Children and Families on or after October 1, 2022, provided the individual determined by said department to be responsible for the abuse of the child pursuant to section 17a-101g is placed on the department's child abuse and neglect registry established pursuant to section 17a-101k. (b) The Office of Victim Services or, on review, a victim compensation commissioner, may also order the payment of compensation in accordance with the provisions of sections 54-201 to 54-218, inclusive, for personal injury or death that resulted from the operation of a motor vehicle, water vessel, snow mobile or all-terrain vehicle by another person who was subsequently convicted with respect to such operation for a violation of subsection (a) or subdivision (1) of subsection (b) of section 14-224, section 14-227a or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (3) of section 14-386a or section 15-132a, 15-140l, 15-140n, 53a-56b or 53a-60d. In the absence of a conviction, the Office of Victim Services or, on review, a victim compensation commissioner, may order payment of compensation under this section if, upon consideration of all circumstances determined to be relevant, the office or

commissioner, as the case may be, reasonably concludes that another person has operated a motor vehicle in violation of subsection (a) or subdivision (1) of subsection (b) of section 14-224, section 14-227a or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (3) of section 14-386a or section 15-132a, 15-140l, 15-140n, 53a-56b or 53a-60d. (c) Except as provided in subsection (b) of this section, no act involving the operation of a motor vehicle which results in injury shall constitute a crime for the purposes of sections 54-201 to 54-218, inclusive, unless the injuries were intentionally inflicted through the use of the vehicle. (d) In instances where a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53-21, 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-82, 53a-83b, 53a-90a, 53a-192a, 53a-196, 53a-196a, 53a-196b or 53a-196i, or family violence, as defined in section 46b-38a, has been alleged, the Office of Victim Services or, on review, a victim compensation commissioner, may order compensation be paid if (1) the personal injury has been disclosed to: (A) A physician or surgeon licensed under chapter 370; (B) a resident physician or intern in any hospital in this state, whether or not licensed; (C) a physician assistant licensed under chapter 370; (D) an advanced practice registered nurse, registered nurse or practical nurse licensed under chapter 378; (E) a psychologist licensed under chapter 383; (F) a police officer; (G) a mental health professional; (H) an emergency medical services provider licensed or certified under chapter 368d; (I) an alcohol and drug counselor licensed or certified under chapter 376b; (J) a marital and family therapist licensed under chapter 383a; (K) a domestic violence counselor or a sexual assault counselor, as defined in section 52-146k; (L) a professional counselor licensed under chapter 383c; (M) a clinical social worker licensed under chapter 383b; (N) an employee of the Department of Children and Families; (O) an employee of a children's advocacy center, as defined in section 17a-106a; or (P) a school principal, a school teacher, a school guidance counselor or a school counselor, or (2) the personal injury is reported in an application for a restraining order under section 46b-15 or an application for a civil protection order under section 46b-16a or on the record to the court, provided such restraining order or civil protection order was granted in the Superior Court following a hearing, and (3) the office or commissioner, as the case may be, reasonably concludes that a violation of any of said sections has occurred. (e) Evidence of an order for the payment of compensation by the Office of Victim Services or a victim compensation commissioner in accordance with the provisions of sections 54-201 to 54-218, inclusive, shall not be admissible in any civil proceeding to prove the liability of any person for such personal injury or death or in any criminal proceeding to prove the guilt or innocence of any person for any crime. (P.A. 78-261, S. 9, 17; P.A. 85-529, S. 2, 4; P.A. 87-554, S. 8; P.A. 89-49; P.A. 93-310, S. 8, 32; P.A. 95-175, S. 6; P.A. 97-59, S. 1, 4; P.A. 12-133, S. 26; P.A. 13-214, S. 14; P.A. 14-130, S. 39; P.A. 16-126, S. 37; P.A. 17-99, S. 26; P.A. 18-15, S. 13; P.A. 19-189, S. 38; P.A. 21-40, S. 55; 21-104, S. 51; P.A. 22-47, S. 65.) History: P.A. 85-529 inserted Subsec. indicators and added Subsec. (a)(3) and an exception to Subsec. (b) to authorize the board to pay compensation for injury or death resulting from the operation of a motor vehicle by another person subsequently convicted of a violation of Sec. 14-227a, 53a-56b or 53a-60d; P.A. 87-554 changed "board" to "commission"; P.A. 89-49 inserted new Subsec. (b) permitting payment of compensation in absence of conviction if commission reasonably concludes person operated motor vehicle in violation of Sec. 14-227a, 53a-56b or 53a-60d, relettering former Subsec. (b) accordingly, and added Subsec. (d) re inadmissibility of order of compensation in civil or criminal proceeding to prove liability or guilt or innocence of any person; P.A. 93-310 changed "commission" to "office of victim services or, on review, a victim compensation commissioner", effective July 1, 1993; P.A. 95-175 amended Subsecs. (a) and (b) by adding references to Sec. 14-224(a); P.A. 97-59 added Subsec. (a)(4) re crime involving international terrorism, effective May 8, 1997; P.A. 12-133 amended Subsec. (a) by deleting former Subdiv. (3) re operation of motor vehicle by another person who was subsequently convicted of violation and redesignating existing Subdiv. (4) as Subdiv. (3), replaced former Subsec. (b) with new Subsec. (b) re compensation in cases involving motor vehicle violations, made a conforming change in Subsec. (c), added new Subsec. (d) re order to pay compensation if personal injury is disclosed to and conclusion re violation is made by certain professionals, and redesignated existing Subsec. (d) as Subsec. (e); P.A. 13-214 amended Subsec. (d)(1)(K) to substitute "domestic violence counselor" for "battered women's counselor"; P.A. 14-130 amended Subsec. (b) by adding references to Sec. 14-224(b)(1); P.A. 16-126 amended Subsec. (b) by adding references to Secs. 14-227m and 14-227n(a)(1) and (2); P.A. 17-99 amended Subsec. (a) by replacing reference to Sec. 54-233 with reference to Sec. 54-218, adding new Subdiv. (3) re crime that occurred outside territorial boundaries of United States that would be considered a crime within this state provided crime victim is a state resident and redesignating existing Subdiv. (3) as Subdiv. (4), amended Subsec. (b) by replacing reference to Sec. 54-233 with reference to Sec. 54-218, adding " , water vessel, snow mobile or all-terrain vehicle" and adding references to Secs. 14-386a(3), 15-132a, 15-140l and 15-140n, amended Subsec. (c) by replacing reference to Sec. 54-233 with reference to Sec. 54-218, amended Subsec. (d)(1) by adding references to Secs. 53a-82 and 53a-192a, adding Subpara. (O) re school principal, teacher or guidance counselor, added new Subsec. (e) re payment of compensation for personal injury suffered by victim, redesignated existing Subsec. (e) as Subsec. (f) and amended same by replacing reference to Sec. 54-233 with reference to Sec. 54-218, and made technical changes; P.A. 18-15 amended Subsec. (d)(1)(O) by adding reference to school counselor and making technical changes, effective July 1, 2018; P.A. 19-189 amended Subsecs. (d) and (e) by replacing "53a-70b," with "section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or"; P.A. 21-40 amended Subsec. (a) by replacing "Section 2331 of Title 18 of the United States Code" with "18 USC 2331, as amended from time to time"; P.A. 21-104 amended Subsec. (d) by adding " , or family violence, as defined in section 46b-38a," re basis for compensation, adding new Subpara. (O) re employee of child advocacy center and redesignating existing Subpara. (O) as Subpara. (P) in Subdiv. (1), adding new Subdiv. (2) re reporting of personal injury and redesignating existing Subdiv. (2) as Subdiv. (3), deleted former Subsec. (e) re additional order of payment of compensation and redesignated existing Subsec. (f) as Subsec. (e), effective June 28, 2021; P.A. 22-47 amended Subsec. (a) by adding Subdiv. (5) re incidents of substantiated child abuse, and amended Subsec. (d) by adding references to Secs. 53a-83b, 53a-90a, 53a-196, 53a-196a, 53-196b and 53a-196i, and making

technical changes.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-210. - Compensation ordered for expenses, loss of earnings, pecuniary loss and other losses.

(a) The Office of Victim Services or a victim compensation commissioner may order the payment of compensation under sections 54-201 to 54-218, inclusive, for: (1) Expenses actually and reasonably incurred as a result of the personal injury or death of the victim, provided coverage for the cost of medical care and treatment of a crime victim who does not have medical insurance or who has exhausted coverage under applicable health insurance policies or Medicaid shall be ordered; (2) loss of earning power as a result of total or partial incapacity of such victim; (3) pecuniary loss to the spouse or dependents of the deceased victim, provided the family qualifies for compensation as a result of murder or manslaughter of the victim; (4) pecuniary loss to an injured victim or the relatives or dependents of an injured victim or a deceased victim for attendance at court proceedings, juvenile proceedings, Psychiatric Security Review Board hearings and Board of Pardons and Parole hearings with respect to the criminal case of the person or persons charged with committing the crime that resulted in the injury or death of the victim; (5) loss of wages by any parent or guardian of a deceased victim, provided the amount paid under this subsection shall not exceed one week's net wage; and (6) any other loss, except as set forth in section 54-211, resulting from the personal injury or death of the victim which the Office of Victim Services or a victim compensation commissioner, as the case may be, determines to be reasonable. (b) Payment of compensation under sections 54-201 to 54-218, inclusive, may be made to a person who is a recipient of public assistance or state-administered general assistance for necessary and reasonable expenses related to injuries resulting from a crime and not provided for by the income assistance program in which such person is a participant. Unless required by federal law, no such payment shall be considered an asset for purposes of eligibility for such assistance. (P.A. 78-261, S. 10, 17; P.A. 87-217; 87-554, S. 9; P.A. 92-153, S. 6; P.A. 93-310, S. 9, 32; P.A. 97-257, S. 5, 13; June 18 Sp. Sess. P.A. 97-2, S. 111, 165; P.A. 99-128, S. 1; 99-184, S. 4; P.A. 00-200, S. 1; P.A. 04-76, S. 41; P.A. 10-43, S. 36; P.A. 12-133, S. 27; P.A. 17-99, S. 27; P.A. 19-64, S. 13; P.A. 24-108, S. 24.) History: P.A. 87-217 added Subsec. (b) permitting board to order compensation to recipient of income assistance for expenses related to injuries resulting from crime and not provided for by income assistance program and providing that no such payment shall be considered asset for purposes of eligibility for assistance unless required by federal law; P.A. 87-554 changed "board" to "commission"; P.A. 92-153 made no change; P.A. 93-310 changed "commission" to "office of victim services" or "office of victim services or a victim compensation commissioner, as the case may be", effective July 1, 1993; P.A. 97-257 amended Subsec. (a) by requiring order of coverage for cost of medical care of victim who does not have medical insurance or who has exhausted coverage, effective July 1, 1998; June 18 Sp. Sess. P.A. 97-2 amended Subsec. (b) to make technical and conforming changes re references to assistance programs, effective July 1, 1997; P.A. 99-128 amended Subsec. (a) by adding provision re compensation for pecuniary loss to relatives or dependents of deceased victim for attendance at court re criminal case of person charged with crime resulting in death of victim; P.A. 99-184 amended Subsec. (a) by providing that the \$100 deductible shall be at the discretion of the Office of Victim Services or a victim compensation commissioner; P.A. 00-200 amended Subsec. (a) to add provisions re compensation for pecuniary loss to spouse or dependents of deceased victim in the form of 0% to 1% loans; P.A. 04-76 amended Subsec. (b) by deleting reference to "general assistance"; P.A. 10-43 amended Subsec. (a) to delete provisions re loans to spouses and dependents of deceased victims; P.A. 12-133 amended Subsec. (a) by deleting provision re \$100 deductible from total amount of compensation determined by office or commissioner; P.A. 17-99 replaced references to Sec. 54-233 with references to Sec. 54-218, amended Subsec. (a) by adding references to injured victim in Subdiv. (4), adding new Subdiv. (5) re loss of wages by parent or guardian of deceased victim, redesignating existing Subdiv. (5) as Subdiv. (6), and made technical changes; P.A. 19-64 amended Subsec. (a)(4) by adding ", juvenile proceedings and the Board of Pardons and Parole hearings", effective July 1, 2019; P.A. 24-108 amended Subsec. (a)(4) by ", Psychiatric Security Review Board hearings", effective July 1, 2024.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-211. - Time limitation on filing application for compensation. Restrictions on award of compensation. Amount of compensation.

(a)(1) No order for the payment of compensation shall be made under section 54-210 unless (A) the application has been made within three years after the date of the personal injury or death, (B) the personal injury or death was the result of an incident or offense listed in section 54-209, and (C) such incident or offense has been reported to the police, except that a victim of a sexual assault shall not be ineligible for the payment of compensation by reason of failing to make a report pursuant to this subparagraph if such victim presented himself or herself to a health care facility within one hundred twenty hours of such sexual assault for examination and collection of evidence of such sexual assault in accordance with the provisions of section 19a-112a, or if such victim complied with subsection (d) of section 54-209. (2) Notwithstanding the provisions of subdivision (1) of this subsection, any person who, before, on or after October 1, 2005, fails to make application for compensation within three years after the date of the personal injury or death as a result of physical, emotional or psychological injuries caused by such personal injury or death may apply for a waiver of such time limitation. The Office of Victim Services, upon a finding of such physical, emotional or psychological injury, may grant such waiver. (3) Notwithstanding the provisions of subdivision (1) of this subsection, any minor, including, but not limited to, a minor who is a victim of conduct by another person that constitutes a violation of section 53a-192a or a criminal violation of 18 USC Chapter 77, who, before, on or after October 1, 2005, fails to make application for compensation within three years after the date of the personal injury or death through no fault of the minor, may apply for a waiver of such time limitation. The Office of Victim Services, upon a finding that such minor is not at fault, may grant such waiver. (4) Notwithstanding

the provisions of subdivision (1) of this subsection, a person who is a dependent of a victim may make application for payment of compensation not later than three years from the date that such person discovers or in the exercise of reasonable care should have discovered that the person upon whom the applicant was dependent was a victim. Such person shall file with such application a statement signed under penalty of false statement setting forth the date when such person discovered that the person upon whom the applicant was dependent was a victim and the circumstances that prevented such person discovering that the person upon whom the applicant was dependent was a victim until more than three years after the date of the incident or offense. There shall be a rebuttable presumption that a person who files such a statement and is otherwise eligible for compensation pursuant to sections 54-201 to 54-218, inclusive, is entitled to compensation. (5) Any waiver denied by the Office of Victim Services under this subsection may be reviewed by a victim compensation commissioner, provided such request for review is made by the applicant within thirty days from the mailing of the notice of denial by the Office of Victim Services. If a victim compensation commissioner grants such waiver, the commissioner shall refer the application for compensation to the Office of Victim Services for a determination pursuant to section 54-205. (6) Notwithstanding the provisions of subdivision (1), (2) or (3) of this subsection, the Office of Victim Services may, for good cause shown and upon a finding of compelling equitable circumstances, waive the time limitations of subdivision (1) of this subsection. (b) No compensation shall be awarded if: (1) The offender is unjustly enriched by the award, provided compensation awarded to a victim which would benefit the offender in a minimal or inconsequential manner shall not be considered unjust enrichment; (2) the victim violated a penal law of this state, which violation caused or contributed to such victim's injuries or death. (c) Except as provided in subsection (d) of this section, no compensation shall be awarded for losses sustained for crimes against property or for noneconomic detriment such as pain and suffering. (d) (1) (A) Compensation for personal injury shall be in an amount not to exceed fifteen thousand dollars; (B) compensation to or for the benefit of the dependents of a homicide victim shall be in an amount not to exceed twenty-five thousand dollars; (C) the claims of the dependents of a deceased victim, as provided in section 54-208, shall be considered derivative of the claim of such victim and the total compensation paid for all claims arising from the death of such victim shall not exceed a maximum of twenty-five thousand dollars; and (D) in cases of emotional harm only, compensation for medical and mental health care and security measures shall be in an amount not to exceed five thousand dollars. (2) Notwithstanding the provisions of subdivision (1) of this subsection, the Office of Victim Services or a victim compensation commissioner may award additional compensation in an amount not to exceed five thousand dollars above the maximum amounts set forth in said subdivision to a personal injury victim, who is a minor at the time the application for compensation or restitution services is filed, when such victim has additional medical needs or mental health counseling needs. (3) Notwithstanding the provisions of subdivision (1) of this subsection, the Office of Victim Services or a victim compensation commissioner may, for good cause shown and upon a finding of compelling equitable circumstances, award compensation in an amount in excess of the maximum amounts set forth in said subdivision. (e) Orders for payment of compensation pursuant to sections 54-201 to 54-218, inclusive, may be made only as to injuries or death resulting from incidents or offenses arising on and after January 1, 1979, except that orders for payment of compensation pursuant to subsection (b) of section 54-209 may be made only as to injuries or death resulting from incidents or offenses arising on and after July 1, 1985. (f) Compensation shall be awarded pursuant to sections 54-201 to 54-218, inclusive, for personal injury or death resulting from a crime which occurs (1) within this state, regardless of the residency of the applicant; (2) outside this state but within the territorial boundaries of the United States, provided the victim, at the time of injury or death, was a resident of this state and the state in which such crime occurred does not have a program for compensation of victims for which such victim is eligible; (3) outside the territorial boundaries of the United States, provided the victim was a resident of this state at the time of injury or death, the crime would be considered a crime within the State of Connecticut, and the country in which such crime occurred does not have a program for compensation of victims for which such victim is eligible; and (4) outside the territorial boundaries of the United States, provided the applicant is a victim of international terrorism, as defined in 18 USC 2331, as amended from time to time, and was a resident of this state at the time of injury or death. (P.A. 78-261, S. 11, 17; P.A. 81-23, S. 1; P.A. 82-397, S. 4, 7; P.A. 85-529, S. 3, 4; 85-538, S. 3; P.A. 87-554, S. 10; P.A. 90-22, S. 1; 90-279, S. 1; P.A. 93-310, S. 10, 32; P.A. 95-175, S. 7; P.A. 97-59, S. 2, 4; P.A. 00-110, S. 1, 2; P.A. 05-249, S. 7; P.A. 06-100, S. 2, 3; P.A. 12-133, S. 28; P.A. 15-195, S. 6; P.A. 17-99, S. 28; P.A. 21-40, S. 56; P.A. 24-108, S. 25.) History: P.A. 81-23 added Subsec. (e) prohibiting compensation to nonresident victims unless a reciprocal victim compensation provision has been enacted in the state in which the victim is a resident; P.A. 82-397 amended Subsec. (a) by deleting provision prohibiting compensation award if victim is relative of offender or living with offender as member of family or household or maintaining a sexual relationship with offender or member of family of offender and added prohibition of compensation to victim if offender benefits or if victim was living with offender by mutual consent in relationship of cohabitation, regardless of legal status, and amended Subsec. (c) by deleting requirement that all payments be made in a lump sum; P.A. 85-529 amended Subsec. (d) by providing that compensation pursuant to Sec. 54-209(a)(3) is limited to incidents or offenses arising on and after July 1, 1985; P.A. 85-538 amended Subsec. (b) adding "unless the parties have separated, are no longer in a relationship of cohabitation and there is no expectation that the parties will resume a relationship of cohabitation in the future, and deleted Subsec. (e) which required reciprocity for nonresident victim; P.A. 87-554 amended Subsec. (c) by increasing maximum compensation to \$15,000, except that the maximum compensation for dependents of homicide victim shall be \$25,000 and providing that claims of dependents of deceased victim shall be considered derivative of claim of victim and total of all claims shall not exceed \$25,000, and amended Subsec. (e) re compensation for bodily injury or death from crime occurring in this state, regardless of residency of the applicant; P.A. 90-22 amended Subsec. (b) by adding provisions prohibiting compensation if offender may be unjustly enriched and amended Subsec. (e) by authorizing award of compensation to resident victim of a crime committed outside the state; P.A. 90-279 amended Subsec. (a) by permitting application

for and granting of waiver of time limitation for benefits if failure to file within two-year period was a result of physical, emotional or psychological injuries or the negligence of the parent, guardian or custodian of a minor who failed to file within the two-year period; P.A. 93-310 changed “commission” to “office of victim services”, added provision re review of denial of waiver, deleted provision in Subsec. (b) re investigation where unjust enrichment, added provision prohibiting compensation for crimes against property or for noneconomic detriment such as pain and suffering and made technical changes, effective July 1, 1993; P.A. 95-175 amended Subsec. (a) by replacing failure to make application through “negligence of the parent, guardian or custodian” of a minor with failure to apply “through no fault of” the minor; P.A. 97-59 amended Subsec. (a) by changing “fourteen” days from the mailing of the notice of denial to “thirty” days from such mailing, amended Subsec. (f)(2) by adding “but within the territorial boundaries of the United States” and added Subdiv. (3) re crime outside territorial boundaries provided applicant is victim of international terrorism and resident of state at time of injury or death, effective May 8, 1997; P.A. 00-110 added new Subsec. (a)(4) re time limitation and procedure for a person to make application for compensation upon discovering that the person upon whom the applicant was dependent was a victim, redesignating former Subdiv. (4) as Subdiv. (5), effective May 26, 2000; P.A. 05-249 amended Subsec. (a)(2) to make provisions applicable to any person who “before, on or after October 1, 2005,” fails to make a timely application for compensation and delete the condition that an application for a waiver be filed not later than six years after the date of the personal injury or death, amended Subsec. (a)(3) to make provisions applicable to any minor who “before, on or after October 1, 2005,” fails to make a timely application for compensation and delete the condition that an application for a waiver be filed not later than two years after the minor attains the age of majority or seven years after the date of the personal injury or death, whichever is sooner, and made technical changes in Subsec. (a); P.A. 06-100 amended Subsec. (a) to insert Subpara. designators and make technical changes in Subdiv. (1), add exception in Subdiv. (1)(C) re sexual assault victim who presents himself or herself to health care facility within 72 hours for examination and collection of evidence of such sexual assault, and add Subdiv. (6) authorizing office to waive time limitations of Subdiv. (1) for good cause shown and upon a finding of compelling equitable circumstances and amended Subsec. (d) to designate existing provisions as Subdiv. (1) and add Subdiv. (2) authorizing office to award compensation in excess of maximum amounts set forth in Subdiv. (1) for good cause shown and upon finding of compelling equitable circumstances; P.A. 12-133 amended Subsec. (d)(1) by deleting provision re no compensation awarded for first \$100 of injury sustained and making a technical change and amended Subsec. (e) by substituting “subsection (b) of section 54-209” for “subdivision (3) of subsection (a) of section 54-209”; P.A. 15-195 amended Subsec. (a)(3) to add provision re waiver of time limits of Subsec. (a)(1) for minor who is a victim of conduct that constitutes a violation of Sec. 53a-192a or a criminal violation of 18 USC Chapter 77; P.A. 17-99 amended Subsec. (a) by replacing 72 hours with 120 hours and adding “; or if such victim complied with subsection (d) of section 54-209” in Subdiv. (1)(C), amended Subdiv. (4) by deleting “or ninety days after May 26, 2000, whichever is later” and replacing reference to Sec. 54-233 with reference to Sec. 54-218, amended Subsec. (c) by adding “except as provided in subsection (d) of this section,” amended Subsec. (d) by adding “for personal injury”, designating existing provision re compensation to or for benefit of dependents of homicide victim as Subpara. (A), designating provision re claims of dependents of deceased victim as Subpara. (B) and adding Subpara. (C) re cases of emotional harm, adding new Subdiv. (2) re additional compensation to personal injury victim who is a minor with medical needs or mental health counseling needs, and redesignating existing Subdiv. (2) as Subdiv. (3), amended Subsecs. (e) and (f) by replacing reference to Sec. 54-233 with reference to Sec. 54-218 and further amended Subsec. (f) by replacing “bodily injury” with “personal injury”, adding new Subdiv. (3) re crime occurring outside territorial boundaries of United States, and redesignating existing Subdiv. (3) as Subdiv. (4), and made technical changes; P.A. 21-40 amended Subsec. (f) by replacing “Section 2331 of Title 18 of the United States Code” with “18 USC 2331, as amended from time to time”; P.A. 24-108 amended Subsec. (a) by extending time frame for making application for compensation from 2 years to 3 years after date of personal injury or death, amended Subsec. (a)(1)(C) by deleting requirement that incident or offense be reported to police within 5 days of occurrence, amended Subsec. (b) by making technical changes, redesignated existing Subsec. (d)(1)(A) as Subsec. (d)(1)(A) and (B) and made technical changes, redesignated existing Subsec. (d)(1)(B) and (C) as Subsec. (d)(1)(C) and (D), and further amended Subsec. (d)(1)(D) by adding compensation for security measures in cases of emotional harm only, effective July 1, 2024.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-211a. - Appeal.

Any applicant aggrieved by an order or decision of a victim compensation commissioner may appeal by way of a demand for a trial de novo to the superior court for the judicial district of Hartford. The appeal shall be filed not later than thirty days after the date on which an order or decision is sent to the applicant by first class mail or electronic mail. Delivery by electronic mail is complete upon sending the electronic notice of the order or decision unless the sender of such electronic mail learns that the attempted delivery did not reach the electronic mail address of the intended recipient. (P.A. 82-397, S. 3, 7; P.A. 87-554, S. 11; P.A. 88-230, S. 1, 12; 88-364, S. 72, 123; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; 93-310, S. 11, 32; P.A. 95-220, S. 4–6; P.A. 17-99, S. 29.) History: P.A. 87-554 changed “board” to “commission”; P.A. 88-230 replaced “judicial district of Hartford-New Britain” with “judicial district of Hartford”, effective September 1, 1991; P.A. 88-364 made technical changes; P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 93-310 changed “commission” to “victim compensation commissioner” and added provision re appeal by way of trial de novo and requirement that appeal be taken within 30 days, effective July 1, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 17-99 replaced provisions re time for taking an appeal with provisions re time for filing appeal and adding provision re

delivery by electronic mail. Appeal from decision of commissioner pursuant to section constitutes a civil action; plaintiff's service of process on defendant within 30 days of mailing of notice of commissioner's decision satisfies requirements of section. 319 C. 697. Court lacked subject matter jurisdiction to hear administrative appeal and lacked authority to enter order to pay plaintiff's medical expenses where plaintiff failed to comply strictly with provisions of section and did not take appeal until approximately 210 days after receiving notice of commissioner's decision. 61 CA 151.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-212. - Office of Victim Services to have subrogated cause of action against person responsible for crime.

(a) Whenever an order for the payment of compensation for personal injury or death or for the provision of compensation services is or has been made under sections 54-201 to 54-218, inclusive, the Office of Victim Services shall, upon payment of the amount of the order or the provision of such services, be subrogated to the cause of action of the applicant against the person or persons responsible for such injury or death. The Attorney General, on behalf of the Office of Victim Services, shall be entitled to bring an action and, if the Attorney General declines to do so, the office may hire a private attorney to bring an action against such person or persons and to recover, whether by judgment, settlement or compromise settlement before or after judgment, the amount of damages sustained by the applicant and shall furnish the applicant with a copy of the action taken within thirty days of the filing of such action. If an amount greater than two-thirds of that paid pursuant to any such order is recovered and collected in any such action, whether by judgment, settlement or compromise settlement before or after judgment, the state shall pay the balance exceeding two-thirds of the amount paid pursuant to such order to the applicant less any costs and expenses incurred therefor. (b) If the applicant brings an action against the person or persons responsible for such injury or death to recover damages arising out of the crime for which an award has been granted, or, if the applicant recovers money from any other source or sources including, but not limited to, payments from state or municipal agencies, insurance benefits or workers' compensation awards as a result of the incident or offense giving rise to the application, the Office of Victim Services shall have a lien on the applicant's recovery for the amount to which the office is entitled to reimbursement. If an action is brought by the applicant against the person or persons responsible for the injury or death, the applicant shall notify the Office of Victim Services of the filing of such complaint within thirty days of the filing of the complaint in court. Whenever an applicant recovers damages, whether by judgment, settlement or compromise settlement before or after judgment, from the person or persons responsible for such injury, and whenever an applicant recovers money from any other source or sources including, but not limited to, payments from state or municipal agencies, insurance benefits or workers' compensation awards as a result of the incident or offense giving rise to the application, the Office of Victim Services is entitled to reimbursement from the applicant for two-thirds of the amount paid pursuant to any order for the payment of compensation for personal injury or death. (c) Notwithstanding the provisions of subsection (a) of this section, if the Office of Victim Services finds that enforcement of its subrogation rights would cause undue harm to the applicant, the office may abrogate such rights. Notwithstanding the provisions of subsection (b) of this section, if the Office of Victim Services finds that enforcement of its lien rights would cause undue harm to the applicant, the office may abrogate such rights. "Undue harm" includes, but is not limited to, considerations of victim safety and recovery by the applicant of an amount that is less than the applicant's compensable economic losses. (P.A. 78-261, S. 12, 17; P.A. 79-505, S. 6, 7; P.A. 81-149; P.A. 82-397, S. 5, 7; P.A. 85-538, S. 4; P.A. 87-554, S. 12; P.A. 93-310, S. 12, 32; P.A. 95-175, S. 8; P.A. 12-133, S. 29; P.A. 17-99, S. 30.) History: P.A. 79-505 added references to orders for provision of restitution services; P.A. 81-149 provided that if an amount greater than two-thirds of restitution payment is recovered by judgment or settlement, the state shall pay the excess to the applicant, less any costs and expenses, where previously the excess was paid to applicant when any amount greater than that paid was recovered; P.A. 82-397 enabled board to recover, whether by judgment settlement or compromise settlement before or after judgment the amount of damages sustained by applicant and to contract with private attorneys to undertake subrogation actions on its behalf and deleted provision re payment by state of balance exceeding two-thirds of amount paid pursuant to order; P.A. 85-538 added provision that if an amount greater than two-thirds of order is recovered, the state shall pay balance exceeding two-thirds to the applicant less costs and expenses, and added Subsec. (b) stating whenever applicant recovers damages, the board is entitled to two-thirds of amount paid pursuant to order; P.A. 87-554 changed "board" to "commission" and amended Subsec. (a) by adding provision requiring commission to furnish applicant with copy of action to recover damages within 30 days of filing such action and requiring applicant who brings any such action to provide similar notice to commission; P.A. 93-310 changed "commission" to "office of victim services" and "the attorney general, on behalf of the office of victim services", added provision that if attorney general declines to bring an action, the office of victim services may hire private attorney to bring action, and made technical changes, effective July 1, 1993; P.A. 95-175 amended Subsec. (b) by adding provision re lien by Office of Victim Services on applicants recovery and added Subsec. (c) re abrogation of subrogation and lien rights if it would cause undue harm to the applicant; P.A. 12-133 amended Subsec. (b) by adding provision re Office of Victim Services to have a lien on any money received by applicant from any other source, adding provision re applicant to notify office when applicant recovers money from any other source as a result of incident or offense giving rise to the application and making a conforming change; P.A. 17-99 amended Subsec. (a) by replacing "restitution services" with "compensation services" and replacing reference to Sec. 54-233 with reference to Sec. 54-218 and amended Subsec. (b) by deleting reference to restitution services.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-213. - Award not subject to execution or attachment.

No award made pursuant to sections 54-201 to 54-218, inclusive, shall be subject to execution or attachment other than for expenses resulting from the injury which is the basis for the claim. (P.A. 78-261, S. 13, 17; P.A. 17-99, S. 31.) History: P.A. 17-99 replaced reference to Sec. 54-233 with reference to Sec. 54-218.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-214. - Annual report to legislature and to appropriations committee.

Section 54-214 is repealed, effective July 1, 1993. (P.A. 78-261, S. 14, 17; P.A. 82-397, S. 2, 7; P.A. 84-179; P.A. 85-609, S. 5; P.A. 87-554, S. 13; P.A. 92-153, S. 4; P.A. 93-310, S. 31, 32.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-215. - Criminal Injuries Compensation Fund.

(a) The Office of Victim Services shall establish a Criminal Injuries Compensation Fund for the purpose of funding the compensation services provided for by sections 54-201 to 54-218, inclusive. The fund may contain any moneys required by law to be deposited in the fund and shall be held by the Treasurer separate and apart from all other moneys, funds and accounts. The interest derived from the investment of the fund shall be credited to the fund. Amounts in the fund may be expended only pursuant to appropriation by the General Assembly, except that any recovery from the person or persons responsible for the injury or death or any reimbursement from the applicant received by the Office of Victim Services pursuant to section 54-212 and deposited in the fund may be expended in the subsequent fiscal year. Any balance remaining in the fund at the end of any fiscal year shall be carried forward in the fund for the fiscal year next succeeding. (b) The cost paid into court under section 54-143 shall be deposited in the General Fund and shall be credited to and become a part of the Criminal Injuries Compensation Fund. Any restitution collected by the Court Support Services Division pursuant to section 46b-140, 53a-30 or 54-56e which is not disbursed within five years after the date such restitution is collected, because the victim could not be located, shall be deposited in the Criminal Injuries Compensation Fund. Any restitution collected pursuant to section 46b-140 or 54-56e on or before May 8, 1997, that has not been disbursed as of October 1, 2003, shall be deposited in the fund. If payment is awarded under section 54-210 and thereafter the court orders the defendant in the criminal case from which such injury or death resulted to make restitution, any money collected as restitution shall be paid to the fund unless the court directs otherwise. The Office of Victim Services may apply for and receive moneys for the fund from any federal, state or private source. (c) Any administrative costs related to the operation of the Criminal Injuries Compensation Fund, including credits to and payments of compensation therefrom, shall be paid from the fund. Administrative costs of providing direct services, the proportionate share of any fixed costs associated with such services, the costs of providing direct services to victims and witnesses of crimes in accordance with subdivision (5) of subsection (b) of section 54-203, and any services offered by the Office of Victim Services to witnesses and victims of crime may be budgeted for payment from the fund. (P.A. 78-261, S. 16, 17; P.A. 79-505, S. 2, 7; P.A. 80-390, S. 3, 5; P.A. 82-397, S. 6, 7; P.A. 86-312, S. 13, 21; P.A. 87-554, S. 14; P.A. 92-153, S. 5; May Sp. Sess. P.A. 92-14, S. 6, 11; P.A. 93-310, S. 13, 32; P.A. 97-59, S. 3, 4; P.A. 02-132, S. 50; P.A. 03-189, S. 3; 03-278, S. 112; P.A. 10-43, S. 35; P.A. 17-99, S. 32.) History: P.A. 79-505 added reference to restitution services and deleted provision requiring termination of fund on June 30, 1979, and transfer of remaining moneys to general fund; P.A. 80-390 deleted specific reference to ten-dollar cost under Sec. 54-143, that amount having been increased and specified that costs of services to witnesses and crime victims are to be paid from fund; P.A. 82-397 included cost of encouraging volunteer activities on board's behalf as administrative cost and required board to invest balance of fund in short term investment fund, with any interest earned deposited in criminal injuries compensation fund, effective July 1, 1983; P.A. 86-312 changed criminal injuries compensation "fund" to a separate nonlapsing "account" within the general fund; P.A. 87-554 changed "board" to "commission" and authorized commission to apply for and receive state funds; P.A. 92-153 changed "account" to "fund" and provided that amounts in fund may be expended only pursuant to appropriation by the general assembly, and deleted costs of volunteer activities and costs of services to witnesses and victims of crime from payments to be made from the fund; May Sp. Sess. P.A. 92-14 added provision that administrative costs of direct services and proportionate share of fixed costs for such services to witnesses and victims of crime may be paid from the fund; P.A. 93-310 changed "commission on victim services" to "office of victim services", effective July 1, 1993; (Revisor's note: In 1995, a reference to "said account" was changed editorially by the Revisors to "said fund" to reflect the changes enacted by P.A. 92-153); P.A. 97-59 added provision re deposit into fund of restitution collected by Office of Adult Probation and not disbursed to victim and added provision re payment of costs of providing direct services to victims and witnesses of crime from fund, effective May 8, 1997; P.A. 02-132 replaced "Office of Adult Probation" with "Court Support Services Division" and made technical changes; P.A. 03-189 divided existing provisions into Subsecs. (a) to (c), added provisions re restitution collected pursuant to Secs. 46b-140 and 54-56e, re deposit of such restitution into the fund and re disbursement within five years after the date restitution is collected in Subsec. (b) and made technical changes; P.A. 03-278 made technical changes, effective July 9, 2003; P.A. 10-43 amended Subsec. (a) to add exception authorizing expenditure in subsequent fiscal year of any recovery or reimbursement received pursuant to Sec. 54-212 and deposited in fund; P.A. 17-99 amended Subsec. (a) by replacing "compensation and restitution services" with "compensation services" and by replacing reference to Sec. 54-233 with reference to Sec. 54-218 and amended Subsec. (c) by replacing "subdivision (6)" with "subdivision (5)".

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-216. - Payment for services.

(a) The Office of Victim Services or, on review, a victim compensation commissioner may order payment for services to any person determined to be eligible for such services in accordance with the provisions of sections 54-201 to 54-218, inclusive. Such services may include, but shall not be limited to, medical, psychiatric, psychological and social services and social rehabilitation services. (b) The Office of Victim Services or, on review, a victim compensation commissioner, may order that such services be provided to victims of child abuse and members of their families, victims of sexual assault and members of their families, victims of domestic violence and members of their families, members of the family of any victim of homicide, and children who witness domestic violence, including, but not limited to, children who are not related to the victim. For the purposes of this subsection, "members of their families" or "member of the family" does not include the person responsible for such child abuse, sexual assault, domestic violence or homicide. (c) The Office of Victim Services may contract with any public or private agency for any services ordered under this section. (P.A. 79-505, S. 3, 7; P.A. 85-538, S. 1; P.A. 87-554, S. 15; P.A. 93-310, S. 14, 32; P.A. 95-175, S. 9; P.A. 11-152, S. 6; P.A. 12-114, S. 18; P.A. 17-99, S. 33.) History: P.A. 85-538 inserted new Subsec. (b) re restitution services to victims of child abuse and their families and members of the family of any victim of homicide, relettering former Subsec. (b) accordingly; P.A. 87-554 replaced "board" with "commission"; P.A. 93-310 changed "commission" to "office of victim services or, on review, a victim compensation commissioner", effective July 1, 1993; P.A. 95-175 amended Subsec. (b) by including victims of sexual assault and members of their families; P.A. 11-152 amended Subsec. (b) to add restitution services for victims of domestic violence and members of their families, and provide that "members of their families" or "member of the family" does not include the person responsible for child abuse, sexual assault, domestic violence or homicide; P.A. 12-114 amended Subsec. (b) to add provision re restitution services for children who witness domestic violence, including children who are not related to the victim; P.A. 17-99 amended Subsec. (a) by replacing "order that services be provided for the restitution of any person eligible for such services" with "order payment for services to any person determined to be eligible for such services" and replacing reference to Sec. 54-233 with reference to Sec. 54-218, amended Subsec. (b) by replacing "restitution services" with "services", and made technical changes.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-217. - Expedited processing of a claim.

Notwithstanding the provisions of sections 54-204 and 54-205, if based upon a review of all information available, the Office of Victim Services determines that a claim is one with respect to which undue hardship will result to the claimant if payment is not expedited, the Office of Victim Services may expedite the processing of such claim. (P.A. 79-505, S. 5, 7; P.A. 87-554, S. 16; P.A. 90-22, S. 2; P.A. 93-310, S. 15, 32; P.A. 03-189, S. 4; P.A. 10-43, S. 37; P.A. 17-99, S. 34.) History: P.A. 87-554 changed "board" to "commission"; P.A. 90-22 increased maximum amount of emergency award from \$500 to \$1,000; P.A. 93-310 changed "commission on victim services" to "office of victim services", effective July 1, 1993; P.A. 03-189 increased maximum amount of emergency award from \$1,000 to \$2,000 and made technical changes; P.A. 10-43 added provision re decision to make emergency award based upon review of all information then available to Office of Victim Services and conditioned finding that undue hardship will result if payment is not expedited, rather than if immediate payment is not made; P.A. 17-99 deleted provisions re appearance to office that award probably will be made and making of emergency award to claimant pending final determination on claimant's application with provision re office to expedite processing of claim, and made technical and conforming changes.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-218. - Profits derived as result of crime of violence. Recovery of money judgment by victim. Payment to Criminal Injuries Compensation Fund.

(a) Any person, firm, corporation, partnership, association or other legal entity contracting with any person or the representative or assignee of any person accused of a crime of violence in this state, with respect to the reenactment of such crime, by way of a movie, book, magazine article, radio or television presentation, live entertainment of any kind, or from the expression of such person's thoughts, feelings, opinions or emotions regarding such crime, shall pay over to the Office of Victim Services any moneys which would otherwise, by terms of such contract, be owing to the persons so accused or the accused's representatives. The Office of Victim Services shall deposit such moneys in an interest-bearing escrow account for the benefit of and payable to such accused person for the expenses of his or her defense and any victim of a crime of violence committed by such person, provided such person is finally convicted of a crime of violence for which compensation may be paid and, provided further such victim brings a civil action in a court of competent jurisdiction within five years of the date of the crime and recovers a money judgment against such person or his or her representatives. Any covenant, promise, agreement or understanding entered into or in connection with or collateral to a contract or agreement relative to the payment of any person accused or convicted of a crime of violence which attempts to circumvent the provisions of this section is prohibited. (b) If no victim brings a civil action within five years of the date of the crime and recovers a money judgment, the moneys in any such escrow account shall be paid to the Criminal Injuries Compensation Fund established under section 54-215. If there is an affirmative finding that the person accused of the crime is not guilty within such five-year period, the money in any such escrow account shall be returned to such person. (P.A. 82-328; P.A. 93-310, S. 16, 32; P.A. 95-175, S. 11.) History: P.A. 93-310 deleted "clerk of the court of the judicial district in which the crime is alleged to have been committed" to the "office of victim services" and made technical changes, effective July 1, 1993; P.A. 95-175 amended Subsec. (b) by adding provision re return of money if affirmative finding that person accused of crime is not guilty.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-219. - Victim

Services Technical Assistance Fund.

Section 54-219 is repealed. (P.A. 85-609, S. 3; P.A. 88-185, S. 1, 2; P.A. 92-153, S. 13.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-220. - Victim advocates. Responsibilities and duties. Access to police reports.

(a) Victim advocates shall have the following responsibilities and duties: (1) To provide initial screening of each personal injury case; (2) to assist victims in the preparation of victim impact statements; (3) to notify victims of their rights and request that each victim so notified attest to the fact of such notification of rights on a form developed by the Office of the Chief Court Administrator, which form shall be signed by the victim advocate and the victim and be placed in court files and a copy of which form shall be provided to the victim; (4) to provide information and advice to victims in order to assist such victims in exercising their rights throughout the criminal justice process; (5) to direct victims to public and private agencies for service; (6) to coordinate victim applications to the Office of Victim Services; and (7) to assist victims in the processing of claims for restitution. (b) Notwithstanding any provision of the general statutes, upon request, a victim advocate shall be provided with a copy of any police report in the possession of the state's attorney, the Division of State Police within the Department of Emergency Services and Public Protection, any municipal police department or any other law enforcement agency that the victim advocate requires to perform the responsibilities and duties set forth in subsection (a) of this section. (c) Within available appropriations, the Office of Victim Services may contract with any public or private agency for victim advocate services in geographical area courts. (P.A. 85-609, S. 2; P.A. 87-554, S. 1; P.A. 93-310, S. 17, 32; P.A. 95-175, S. 10; P.A. 03-179, S. 3; P.A. 05-152, S. 11; P.A. 17-99, S. 35; P.A. 18-75, S. 20.) History: (Revisor's note: In 1991 the term "commission on victim services" was substituted editorially for "criminal injuries compensation board" pursuant to public act 87-554); P.A. 93-310 amended Subdiv. (3) by deleting "prosecutors by gathering victim or witness" and inserting "victims by providing", amended Subdiv. (4) by deleting requirement of counsel, and amended Subdiv. (6) by changing "commission" to "office of victim services", effective July 1, 1993; P.A. 95-175 amended Subsec. (a) by adding Subdiv. (7) re assistance of victims in processing claims for restitution and added Subsec. (b) re contracting with public or private agency for victim advocates in geographical area courts; P.A. 03-179 amended Subsec. (a) by replacing "prepare" with "assist victims in the preparation of" in Subdiv. (2), replacing provision re providing information needed for processing of cases with provisions re notification of rights and attestation on form in Subdiv. (3), and deleting reference to "individual" and adding provision re assisting victims in exercising their rights throughout the criminal justice process in Subdiv. (4); P.A. 05-152 amended Subsec. (a)(3) by inserting "so notified"; P.A. 17-99 amended Subsec. (a)(2) by deleting provision re impact statements to be placed in court files, added new Subsec. (b) re victim advocate to be provided with copy of police report upon request, and redesignated existing Subsec. (b) as Subsec. (c); P.A. 18-75 amended Subsec. (b) by replacing "Office of the Chief State's Attorney" with "state's attorney", effective July 1, 2018.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-220a. - Assignment of victim advocates to assist victims before Board of Pardons and Paroles.

The Office of Victim Services shall assign two victim advocates to provide full-time assistance to victims who appear before a panel of the Board of Pardons and Paroles or submit a written statement to such panel, as authorized by section 54-126a. (Jan. Sp. Sess. P.A. 08-1, S. 14.) History: Jan. Sp. Sess. P.A. 08-1 effective January 25, 2008.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-221. - Appointment of advocates for victims of crime by court.

Section 54-221 is repealed, effective October 1, 2010. (P.A. 85-538, S. 2; P.A. 10-43, S. 43.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-222. - Brochure re rights of victims and victim services. Notice concerning services for victims of human trafficking.

(a) The Office of the Chief Court Administrator shall develop a concise card or brochure concerning information to victims of crime concerning their rights as victims and any services available to them. The Office of Victim Services shall distribute such cards or brochures to municipalities and the state police who shall distribute such cards or brochures to crime victims. (b) The Office of the Chief Court Administrator shall develop a concise notice concerning services available to victims of human trafficking. Such notice shall indicate that any person who is forced to engage in any activity and who cannot leave may contact a state or federal anti-trafficking hotline, and shall indicate the toll-free telephone numbers for such hotlines. The office shall make copies of such notice available to persons who are required to post such notice pursuant to section 54-234a. (P.A. 85-609, S. 4; P.A. 87-554, S. 1; P.A. 93-310, S. 18, 32; P.A. 13-166, S. 6.) History: (Revisor's note: In 1991 the term "commission on victim services" was substituted editorially for "criminal injuries compensation board" and "commission" for "board" pursuant to public act 87-554); P.A. 93-310 changed reference to "commission on victim services" to "office of the chief court administrator", changed "commission" to "office of victim services" and added "and the state police" after "municipalities", effective July 1, 1993; P.A. 13-166 designated existing provisions as Subsec. (a) and amended same to delete "bilingual" re card or brochure, and added Subsec. (b) re notice concerning services for victims of human trafficking.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-222a. - Duty of peace officer regarding crime victim. Regulations.

(a) Whenever a peace officer determines that a crime has been committed, such officer shall: (1) Render immediate assistance to any crime victim, including obtaining medical assistance for any such crime victim if such assistance is required; (2) present a card prepared by the Office of the Chief Court Administrator to the crime victim informing the crime victim of services available and the rights of crime victims in this state; and (3) refer the crime victim to the Office of Victim Services for additional information on rights and services. A peace officer shall not be liable for failing to present an informational card to any crime victim as provided in subdivision (2) of this subsection or for failing to refer any crime victim to the Office of Victim Services as provided in subdivision (3) of this subsection. For the purposes of this subsection, "crime victim" has the same meaning as provided in section 1-1k. (b) The Commissioner of Emergency Services and Public Protection shall adopt regulations in accordance with chapter 54 to implement the provisions of subsection (a) of this section. (P.A. 88-260; P.A. 93-310, S. 19, 32; P.A. 05-169, S. 4; P.A. 11-51, S. 134; P.A. 14-122, S. 196.) History: P.A. 93-310 changed "commission on victims services" to "office of chief court administrator" and changed "said commission" to "the office of victim services", effective July 1, 1993; P.A. 05-169 amended Subsec. (a) by replacing references to victim with references to crime victim, deleting provision re victim who has suffered physical injury, adding provision re peace officer not liable for failure to present informational card or refer crime victim to Office of Victim Services, defining "crime victim" and making technical changes; pursuant to P.A. 11-51, "Commissioner of Public Safety" was changed editorially by the Revisors to "Commissioner of Emergency Services and Public Protection" in Subsec. (b), effective July 1, 2011; P.A. 14-122 made a technical change in Subsec. (a).

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-223. - Failure to afford rights to victim shall not constitute grounds for vacating conviction or voiding sentence or parole determination.

Failure to afford the victim of a crime any of the rights provided pursuant to any provision of the general statutes shall not constitute grounds for vacating an otherwise lawful conviction or voiding an otherwise lawful sentence or parole determination. (P.A. 86-401, S. 3, 7.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-224. - Liability of state re failure to afford rights to victim.

Except as provided in subsection (f) of section 46b-38b, the state or any agent, employee or officer thereof shall not be liable for (1) the failure to afford the victim of a crime any of the rights provided pursuant to any provision of the general statutes, or (2) the failure to provide the victim of a crime with any notice pursuant to any provision of the general statutes. (P.A. 86-401, S. 4, 7; P.A. 93-310, S. 20, 32; P.A. 18-5, S. 5.) History: P.A. 93-310 inserted "Except as provided in subsection (d) of section 46b-38b, the", added Subdiv. indicators, designating as Subdiv. (2) new provision re failure to provide notice to victim, effective July 1, 1993; P.A. 18-5 replaced reference to Sec. 46b-38b(d) with reference to Sec. 46b-38b(f), effective January 1, 2019.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-225. - Voluntary program for lawyers for protection of persons injured in person or property by civil wrong.

Section 54-225 is repealed, effective October 1, 2017. (P.A. 87-514, S. 2, 4; P.A. 17-99, S. 51.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-226. - Definitions.

For the purposes of sections 54-226 to 54-231, inclusive, "furlough" means the temporary custodial transfer of an inmate from incarcerative custody to community custody for an authorized purpose under the supervision of a verified community sponsor, and "victim" means the victim, the legal representative of the victim or a member of the deceased victim's immediate family. (P.A. 91-389, S. 1, 12; P.A. 92-153, S. 8.) History: P.A. 91-389, S. 1 effective April 1, 1992; P.A. 92-153 added definition of "furlough".

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-227. - Notification of Office of Victim Services and Victim Services Unit within Department of Correction by inmate or sexual offender seeking release or other relief.

(a) Any inmate who makes an application to the Board of Pardons and Paroles or the Department of Correction for release other than a furlough from a correctional institution, who applies to the sentencing court or judge for a reduction in sentence pursuant to section 53a-39 or who applies to the review division for a review of sentence pursuant to section 51-195, shall notify the Office of Victim Services and the Victim Services Unit within the Department of Correction of such application on a form prescribed by the Office of the Chief Court Administrator. Notwithstanding any provision of the general statutes, no such application shall be accepted unless the applicant has notified the Office of Victim Services and the Victim Services Unit within the Department of Correction pursuant to this subsection and provides proof of such notice as part of the application. (b) Any person who files an application with the court to be exempted from the registration requirements of section 54-251 pursuant to subsection (b) or (c) of said section and any person who files a petition with the court pursuant to section 54-255 for an order restricting the dissemination of the registration information or removing such restriction shall notify the Office of Victim Services and the Victim Services Unit within the Department of Correction of the filing of such application or petition on a form prescribed by the Office of the Chief

Court Administrator. Notwithstanding any provision of the general statutes, no such application or petition shall be considered unless such person has notified the Office of Victim Services and the Victim Services Unit within the Department of Correction pursuant to this subsection and provides proof of such notice as part of the application or petition. (c) Notwithstanding any provision of the general statutes to the contrary, the Board of Pardons and Paroles, sentencing court and sentence review division may make available to the Office of Victim Services and the Victim Services Unit within the Department of Correction direct access to records in their custody, including computerized criminal history record information, for the purpose of performing said office's and department's duties regarding victim notification. (P.A. 91-389, S. 2, 12; P.A. 92-153, S. 9; P.A. 93-310, S. 21, 32; P.A. 96-97, S. 3; P.A. 01-211, S. 3; P.A. 04-234, S. 2; P.A. 05-146, S. 2; Jan. Sp. Sess. P.A. 08-1, S. 26.) History: P.A. 91-389, S. 2 effective April 1, 1992; P.A. 92-153 added phrase "other than a furlough"; P.A. 93-310 changed "commission on victim services" to "office of victim services", effective July 1, 1993; P.A. 96-97 added Subsec. (b) permitting Board of Pardons, Board of Parole, sentencing court and sentence review division to allow Office of Victim Services direct access to records; P.A. 01-211 amended Subsec. (a) to require the inmate to also notify the Department of Correction of such application, added new Subsec. (b) to require any person who files an application to be exempted from the registration requirements of Sec. 54-251 or who files a petition pursuant to Sec. 54-255 for order restricting dissemination of registration information or removing such restriction to notify the Office of Victim Services and the Department of Correction of the filing of such application or petition and to prohibit the consideration of such application or petition unless such notice has been given and redesignated existing Subsec. (b) as Subsec. (c) and amended to allow the Department of Correction direct access to records in the custody of the specified agencies; P.A. 04-234 replaced Board of Pardons and Board of Parole with Board of Pardons and Paroles, effective July 1, 2004; P.A. 05-146 specified that the notice under Subsecs. (a) and (b) should be given to, and the records under Subsec. (c) made available to, the "Victim Services Unit" within the Department of Correction; Jan. Sp. Sess. P.A. 08-1 amended Subsec. (a) to make technical changes, effective January 25, 2008.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-228. - Request by victim, immediate family member of victim or family member of inmate for notification.

(a) Any victim of a crime, any member of the immediate family of such victim or any member of an inmate's immediate family who desires to be notified whenever an inmate makes an application to the Board of Pardons and Paroles, Department of Correction, sentencing court or judge or review division as provided in section 54-227, or whenever an inmate is scheduled to be released from a correctional institution other than on a furlough, may complete and file a request for notification with the Office of Victim Services or the Victim Services Unit within the Department of Correction. (b) Any victim of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, as those terms are defined in section 54-250, or a felony found by the sentencing court to have been committed for a sexual purpose, as provided in section 54-254, or any member of the immediate family of such victim, who desires to be notified whenever the person who was convicted or found not guilty by reason of mental disease or defect of such offense files an application with the court to be exempted from the registration requirements of section 54-251 pursuant to subsection (b) or (c) of said section or files a petition with the court pursuant to section 54-255 for an order restricting the dissemination of the registration information, or removing such restriction, may complete and file a request for notification with the Office of Victim Services or the Victim Services Unit within the Department of Correction. (c) A request for notification filed pursuant to this section shall be in such form and content as the Office of the Chief Court Administrator may prescribe. Such request for notification shall be confidential and shall remain confidential while in the custody of the Office of Victim Services and the Department of Correction and shall not be disclosed. It shall be the responsibility of the victim, or any member of the immediate family of such victim, to notify the Office of Victim Services and the Victim Services Unit within the Department of Correction of his or her current mailing address and telephone number, which shall be kept confidential and shall not be disclosed by the Office of Victim Services and the Department of Correction. Nothing in this section shall be construed to prohibit the Office of Victim Services, the Board of Pardons and Paroles and the Victim Services Unit within the Department of Correction from communicating with each other for the purpose of facilitating notification to a victim and disclosing to each other the name, mailing address and telephone number of the victim, provided such information shall not be further disclosed. (P.A. 91-389, S. 3, 12; P.A. 92-153, S. 10; P.A. 93-219, S. 13, 14; 93-310, S. 22, 32; P.A. 96-97, S. 4; P.A. 01-211, S. 4; P.A. 04-234, S. 2; P.A. 05-146, S. 3; 05-152, S. 12; Jan. Sp. Sess. P.A. 08-1, S. 27, 28; P.A. 21-104, S. 52.) History: P.A. 91-389, S. 3 effective April 1, 1992; P.A. 92-153 deleted reference to confidentiality "as provided in section 54-204" and inserted provision specifying that requests for notification "shall not be disclosed"; P.A. 93-219 authorized any member of an inmate's immediate family to complete and file a request for notification, effective July 1, 1993; P.A. 93-310 changed "commission" to "office of victim services", changed "commission on victim services" to "office of the chief court administrator", and added provision re responsibility of victim to notify office of current mailing address, which shall be kept confidential, effective July 1, 1993; P.A. 96-97 added phrase "scheduled to be" before "released"; P.A. 01-211 designated existing provisions authorizing a victim to file a request for notification as Subsec. (a) and amended same. to authorize the victim to file request with the Department of Correction, added a new Subsec. (b) to authorize the victim of certain sexual offenses to file a request for notification whenever the perpetrator seeks to be exempted from the sexual offender registration requirements or to restrict the dissemination of the registration information or remove such restriction and designated existing provisions re the form and confidentiality of the victim's request for notification as Subsec. (c) and amended same to make the confidentiality and nondisclosure provisions applicable to the Department of Correction and require the victim to also notify the Department of Correction of his or her current mailing address; P.A. 04-234 replaced Board of Pardons and Board of Parole with Board of Pardons and Paroles, effective July 1, 2004; P.A. 05-146 specified

that the request for notification under Subsecs. (a) and (b) should be filed with, and the notice of the victim's current mailing address under Subsec. (c) should be given to, the "Victim Services Unit" within the Department of Correction; P.A. 05-152 amended Subsec. (a) by adding exception re furlough granted for the purpose of reintegrating an inmate into the community and amended Subsec. (c) by providing that nothing in section shall be construed to prohibit communication between Office of Victim Services and Department of Correction re current mailing address of victim and disclosure of such address to each other; Jan. Sp. Sess. P.A. 08-1 amended Subsec. (a) to delete provision re victim notification whenever inmate is to be released on furlough granted for the purpose of reintegrating the inmate into the community and amended Subsec. (c) to require victim to provide his or her current telephone number, replace provision allowing Office of Victim Services and Department of Correction to communicate with each other to determine if either has current mailing address of victim and, if so, to disclose that address to each other for purpose of facilitating notice to victim with provision allowing Office of Victim Services, Board of Pardons and Paroles and Victim Services Unit within Department of Correction to communicate with each other for purpose of facilitating notice to victim and disclosing to each other the name, mailing address and telephone number of victim, prohibit further disclosure of "such information", rather than "such mailing address", and make technical changes, effective January 25, 2008; P.A. 21-104 added references to member of immediate family of victim, re notice request, effective July 1, 2021.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-229. - Request by prosecuting authority for notification.

Any state's attorney, assistant state's attorney or deputy assistant state's attorney who desires to be notified whenever an inmate makes an application to the Board of Pardons and Paroles, Department of Correction, sentencing court or judge or review division as provided in section 54-227 may complete and file a request for notification with the Office of Victim Services or the Victim Services Unit within the Department of Correction. Such request for notification shall be in such form and content as the Office of the Chief Court Administrator may prescribe. (P.A. 91-389, S. 4, 12; P.A. 93-310, S. 23, 32; P.A. 04-234, S. 2; P.A. 05-146, S. 1.) History: P.A. 91-389, S. 4 effective April 1, 1992; P.A. 93-310 deleted "commission on" and inserted "office of" and deleted "commission on victim services" and inserted "office of chief court administrator" effective July 1, 1993; P.A. 04-234 replaced Board of Pardons and Board of Parole with Board of Pardons and Paroles, effective July 1, 2004; P.A. 05-146 authorized the filing of a request for notification with the Victim Services Unit within the Department of Correction.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-230. - Notification of victims and other persons by Office of Victim Services when inmate or sexual offender seeks release or other relief or is released from a correctional institution.

(a) Upon receipt of notice from an inmate pursuant to section 54-227, the Office of Victim Services shall notify by mail all persons who have requested to be notified pursuant to subsection (a) of section 54-228 and section 54-229 whenever such inmate makes application for release or sentence reduction or review. Such notice shall be in writing and notify each person of the nature of the release or sentence reduction or review being applied for, the address and telephone number of the board or agency to which the application by the inmate was made, and the date and place of the hearing or session, if any, scheduled on the application. (b) Upon receipt of notice from a person pursuant to subsection (b) of section 54-227, the Office of Victim Services shall notify by mail all persons who have requested to be notified pursuant to subsection (b) of section 54-228 whenever such person files an application with the court to be exempted from the registration requirements of section 54-251 pursuant to subsections (b) or (c) of said section or files a petition with the court pursuant to section 54-255 for an order restricting the dissemination of the registration information, or removing such restriction. Such notice shall be in writing and notify each person of the nature of the exemption or of the restriction or removal of the restriction being applied for, the address and telephone number of the court to which the application or petition by the person was made, and the date and place of the hearing or session, if any, scheduled on the application or petition. (c) Upon compliance with the notification requirements of this section, the Office of Victim Services shall notify, on a form prescribed by the Office of the Chief Court Administrator, the board, agency or court to which the application or petition was made of such compliance. (d) Upon receipt of notice from the Department of Correction pursuant to section 54-231, the Office of Victim Services shall notify by mail all victims who have requested to be notified pursuant to section 54-228 whenever such inmate is scheduled to be released from a correctional institution. Such notice shall be in writing and notify each victim of the date of such inmate's release. The victim shall notify the Office of Victim Services of his or her current mailing address and telephone number, which shall be kept confidential and shall not be disclosed by the Office of Victim Services. Nothing in this section shall be construed to prohibit the Office of Victim Services, the Board of Pardons and Paroles and the Victim Services Unit within the Department of Correction from communicating with each other for the purpose of facilitating notification to a victim and disclosing to each other the name, mailing address and telephone number of the victim, provided such information shall not be further disclosed. (P.A. 91-389, S. 5, 12; P.A. 92-153, S. 11; P.A. 93-310, S. 24, 32; P.A. 96-97, S. 5; P.A. 01-211, S. 5; P.A. 05-152, S. 13; Jan. Sp. Sess. P.A. 08-1, S. 29; P.A. 17-99, S. 36.) History: P.A. 91-389, S. 5 effective April 1, 1992; P.A. 92-153 deleted requirement that victim be notified of "place" where inmate is released; P.A. 93-310 changed "commission on" to "office of" and added provision in Subsec. (b) re responsibility of victim to notify office of current mailing address which shall be kept confidential, effective July 1, 1993; P.A. 96-97 amended Subsec. (b) by adding phrase "scheduled to be" before "released"; P.A. 01-211 amended Subsec. (a) to require notice to be sent by "certified" mail and replace reference to "section 54-228" with "subsection (a) of section 54-228", added new Subsec. (b) re notification by the Office of Victim Services of victims who have requested notification whenever a sexual offender

seeks to be exempted from sexual offender registration requirements or to restrict the dissemination of registration information or remove such restriction, added new Subsec. (c) requiring the Office of Victim Services to notify the board, agency or court to which the application or petition was made of said office's compliance with the notification requirements of section and redesignated existing Subsec. (b) as Subsec. (d) and amended same to require notice to be sent by "certified" mail; P.A. 05-152 amended Subsec. (d) by providing that nothing in section shall be construed to prohibit communication between Office of Victim Services and Department of Correction re current mailing address of victim and disclosure of such address to each other; Jan. Sp. Sess. P.A. 08-1 amended Subsec. (d) to require victim to provide his or her current telephone number, replace provision allowing Office of Victim Services and Department of Correction to communicate with each other to determine if either has current mailing address of victim and, if so, to disclose that address to each other for purpose of facilitating notice to victim with provision allowing Office of Victim Services, Board of Pardons and Paroles and Victim Services Unit within Department of Correction to communicate with each other for purpose of facilitating notice to victim and disclosing to each other the name, mailing address and telephone number of victim and prohibit further disclosure of "such information", rather than "such mailing address", effective January 25, 2008; P.A. 17-99 amended Subsecs. (a), (b) and (d) by replacing "notify by certified mail" with "notify by mail".

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-230a. - Notification of victims and other persons by Department of Correction when inmate or sexual offender seeks release or other relief.

(a) Upon receipt of notice from an inmate pursuant to section 54-227, the Victim Services Unit within the Department of Correction shall notify by mail all persons who have requested to be notified pursuant to subsection (a) of section 54-228 and section 54-229 whenever such inmate makes application for release or sentence reduction or review. Such notice shall be in writing and notify each person of the nature of the release or sentence reduction or review being applied for, the address and telephone number of the board or agency to which the application by the inmate was made, and the date and place of the hearing or session, if any, scheduled on the application. (b) Upon receipt of notice from a person pursuant to subsection (b) of section 54-227, the Victim Services Unit within the Department of Correction shall notify by mail all persons who have requested to be notified pursuant to subsection (b) of section 54-228 whenever such person files an application with the court to be exempted from the registration requirements of section 54-251 pursuant to subsections (b) or (c) of said section or files a petition with the court pursuant to section 54-255 for an order restricting the dissemination of the registration information, or removing such restriction. Such notice shall be in writing and notify each person of the nature of the exemption or of the restriction or the removal of the restriction being applied for, the address and telephone number of the court to which the application or petition by the person was made, and the date and place of the hearing or session, if any, scheduled on the application or petition. (c) Upon compliance with the notification requirements of this section, the Victim Services Unit within the Department of Correction shall notify, on a form prescribed by the Office of the Chief Court Administrator, the board, agency or court to which the application or petition was made of such compliance. (P.A. 01-211, S. 6; P.A. 05-146, S. 4; P.A. 17-99, S. 37.) History: P.A. 05-146 specified that the required notice be given by the "Victim Services Unit" within the Department of Correction; P.A. 17-99 amended Subsecs. (a) and (b) by replacing "notify by certified mail" with "notify by mail".

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-231. - Notification of Office of Victim Services by Department of Correction upon release of inmate. Access to criminal history record information.

The Department of Correction shall notify the Office of Victim Services whenever the department schedules the release of an inmate from a correctional institution other than on a furlough. Notwithstanding any provision of the general statutes to the contrary, the Department of Correction may make available to the Office of Victim Services direct access to any records in its custody, including computerized criminal history record information, for the purpose of assisting said office to perform its duties regarding victim notification. (P.A. 91-389, S. 6, 12; P.A. 92-153, S. 12; P.A. 93-310, S. 25, 32; P.A. 96-97, S. 6; P.A. 05-68, S. 1; Jan. Sp. Sess. P.A. 08-1, S. 30.) History: P.A. 91-389, S. 6 effective April 1, 1992; P.A. 92-153 specified that correction department need not notify commission of inmate's release on furlough; P.A. 93-310 changed "commission on victim services" to "office of victim services", effective July 1, 1993; P.A. 96-97 changed "releases" to "schedules the release of" and added provision permitting Department of Correction to allow Office of Victim Services direct access to records; P.A. 05-68 required notification when an inmate is scheduled to be released on a furlough that is granted for the purpose of reintegrating the inmate into the community and allows the inmate to serve the period immediately preceding the inmate's parole release or discharge date in the community; Jan. Sp. Sess. P.A. 08-1 deleted provision requiring notification whenever inmate is to be released on furlough granted for the purpose of reintegrating the inmate into the community and made a technical change, effective January 25, 2008.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-232. - Disposition of requests for notification received prior to April 1, 1992.

Section 54-232 is repealed, effective July 1, 1993. (P.A. 91-389, S. 11; P.A. 93-310, S. 31, 32.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-233. - Compensation of victim of tort occurring prior to July 1, 1993.

Section 54-233 is repealed, effective October 1, 2017. (P.A. 93-310, S. 29, 32; P.A. 17-99, S. 51.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-234. - Development of response system for victims of offense of trafficking in persons. Contracts.

(a) The Office of Victim Services within the Judicial Department shall, within available appropriations, contract with nongovernmental organizations to develop a coordinated response system to assist victims of the offense of trafficking in persons.

(b) Such contracts shall be entered into for the following purposes, including, but not limited to: (1) Developing a uniform curriculum to address rights and services for such victims; (2) Developing information and materials on available resources and services for such victims; (3) Actively seeking out quality training and other educational opportunities regarding the identification and assistance of such victims that take into consideration such victims' cultural context and needs; and (4) Promoting and disseminating information on training and other educational opportunities concerning the assistance of such victims to emergency medical services, faith-based communities, sexual assault service providers, domestic violence service providers and state and local governmental agencies. (June Sp. Sess. P.A. 07-4, S. 29.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-234a. - Display of notice re services for victims of human trafficking at certain public and private establishments and businesses. Penalty.

(a)(1) The operator of any (A) establishment that provides massage services for a fee; (B) publicly or privately operated highway service plaza; (C) hotel, motel, inn or similar lodging; (D) public airport, as defined in section 15-74a; (E) acute care hospital emergency room; (F) urgent care facility; (G) station offering passenger rail service or passenger bus service; (H) business that sells or offers for sale materials or promotes performances intended for an adult-only audience; (I) employment agency, as defined in section 31-129, that offers personnel services to any other operator described in this subdivision; (J) establishment that provides services performed by a nail technician, as defined in section 19a-231; or (K) establishment that provides services performed by an esthetician, as defined in section 20-265a, and (2) each person who holds an on-premises consumption permit for the retail sale of alcoholic liquor pursuant to title 30, shall post the notice developed pursuant to subsection (b) of section 54-222 in plain view in a conspicuous location where labor and services are provided or performed, tickets are sold and other transactions, including sales, are to be carried on. (b) The provisions of subsection (a) of this section shall not apply to any person who holds an on-premises consumption permit for the retail sale of alcoholic liquor pursuant to title 30 that consists of only one or more of the following: (1) A caterer, boat, military, charitable organization, special club, temporary liquor or temporary beer permit, or (2) a manufacturer permit for a farm winery, a manufacturer permit for beer, manufacturer permits for beer and brew pubs, or any other manufacturer permit issued under title 30. (c) Any operator or person who fails to comply with the provisions of subsection (a) of this section shall pay a civil penalty of one hundred dollars for a first violation and two hundred fifty dollars for any subsequent violation, imposed by the appropriate authority, in addition to any proceedings for suspension or revocation of a license, permit or certificate that the appropriate authority may initiate under any other provision of law. (P.A. 13-166, S. 7; P.A. 16-71, S. 10; P.A. 17-32, S. 5; P.A. 19-117, S. 200.) History: P.A. 16-71 amended Subsec. (a) by replacing provisions re truck stop with provisions re highway service plaza, hotel, motel, inn or similar lodging and business that sells materials or promotes performances intended for adult-only audiences, amended Subsec. (b) by deleting former Subdiv. (2) re restaurant permits and by redesignating existing Subdiv. (3) as Subdiv. (2), and made technical and conforming changes; P.A. 17-32 amended Subsec. (a) by designating existing provisions re operator as Subdiv. (1) and amended same by adding Subpara. (A) re massage services, designating existing provision re highway service plaza as Subpara. (B), designating existing provision re hotel, motel, inn or similar lodging as Subpara. (C), adding Subpara. (D) re public airport, adding Subpara. (E) re acute care hospital emergency room, adding Subpara. (F) re urgent care facility, adding Subpara. (G) re passenger rail service or passenger bus service, designating existing provisions re performances intended for adult-only audience as Subpara. (H), adding Subpara. (I) re employment agency, adding Subpara. (J) re establishment that provides services performed by nail technician, designating existing provision re person who holds on-premises consumption permit for retail sale of alcoholic liquor as Subdiv. (2) and amending same by adding "labor and services are provided or performed, tickets are sold and other transactions, including sales", amended Subsec. (b) by deleting references to railroad and airline, added Subsec. (c) re penalty for failure to comply, and made technical and conforming changes; P.A. 19-117 amended Subsec. (a) (1) by adding Subpara. (K) re establishment that provides services performed by an esthetician, amended Subsec. (c) by replacing "be fined" with "pay a civil penalty of", replacing "offense" with "violation" and adding "imposed by the appropriate authority", and made technical changes, effective January 1, 2020.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968 - Victim Services Section 54-235. - State-wide automated victim information and notification system.

The Judicial Branch shall contract for the establishment and implementation of a state-wide automated victim information and notification system to provide automatic notice of relevant offender information and status reports to registered crime victims. Such system shall be used to provide victim notification by the Office of Victim Services within the Judicial Department, the Victim Services Unit within the Department of Correction, the Board of Pardons and Paroles and the Division of Criminal Justice. Such system shall be operational on July 1, 2009, or not later than thirty days after receipt of notice of the award of federal funds for the establishment and implementation of such system, whichever is earlier. (Jan. Sp. Sess. P.A. 08-1, S. 31.) History: Jan. Sp. Sess. P.A. 08-1 effective January 25, 2008.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968a - Address Confidentiality Program Section

54-240. - Definitions.

As used in this chapter: (1) "Address confidentiality program" or "program" means the program established pursuant to this chapter; (2) "Agency" has the same meaning as "public agency" or "agency", as provided in section 1-200; (3) "Application assistant" means a person authorized by the Secretary of the State to assist applicants in the completion of applications for program participation; (4) "Authorized personnel" means an employee in the office of the Secretary of the State who has been designated by the Secretary of the State, or an employee of an agency who has been designated by the chief executive officer of such agency, to process and have access to records pertaining to a program participant, including, but not limited to, voter registration applications, voting records and marriage records; (5) "Certification card" means a card issued by the Secretary of the State pursuant to section 54-240d; (6) "Confidential address" means a program participant's address or addresses as listed on such participant's application for program participation that are not to be disclosed, including such participant's residential address in this state and work and school addresses in this state, if any; (7) "Family violence" has the same meaning as provided in section 46b-38a; (8) "Injury or risk of injury to a child" means any act or conduct that constitutes a violation of section 53-21; (9) "Kidnapping" means any act that constitutes a violation of section 53a-92, 53a-92a, 53a-94 or 53a-94a; (10) "Law enforcement agency" means the office of the Attorney General, the office of the Chief State's Attorney, the Division of State Police within the Department of Emergency Services and Public Protection or any municipal police department; (11) "Marriage records" means an application for a marriage license, an issued marriage license, a license certificate or other documents related thereto; (12) "Program address" means the post office box number and fictitious street address assigned to a program participant by the Secretary of the State; (13) "Program participant" or "participant" means any person certified by the Secretary of the State to participate in the address confidentiality program; (14) "Record" has the same meaning as "public records or files" as provided in section 1-200; (15) "Sexual assault" means any act that constitutes a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a; (16) "Stalking" means any act that constitutes a violation of section 53a-181c, 53a-181d or 53a-181e; and (17) "Trafficking in persons" means any act that constitutes a violation of section 53a-192a. (P.A. 03-200, S. 1; P.A. 11-51, S. 134; P.A. 14-122, S. 197-199; P.A. 19-189, S. 39; P.A. 22-87, S. 9.) History: P.A. 03-200 effective January 1, 2004; pursuant to P.A. 11-51, "Department of Public Safety" was changed editorially by the Revisors to "Department of Emergency Services and Public Protection" in Subdiv. (9), effective July 1, 2011; P.A. 14-122 made technical changes in Subdivs. (2), (7) and (13); P.A. 19-189 redefined "sexual assault" in Subdiv. (14); P.A. 22-87 added new Subdiv. (9) to define "kidnapping", redesignated existing Subdivs. (9) to (15) as Subdivs. (10) to (16) and added Subdiv. (17) to define "trafficking in persons", effective July 1, 2022.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968a - Address Confidentiality Program Section 54-240a. - Program purpose. Regulations.

(a) There shall be an address confidentiality program established in the office of the Secretary of the State to provide a substitute mailing address for any person who wishes to keep such person's residential address confidential because of safety concerns and (1) has been a victim of (A) family violence, (B) injury or risk of injury to a child, (C) kidnapping, (D) sexual assault, (E) stalking, (F) trafficking in persons, or (G) child abuse or neglect, where such abuse or neglect was substantiated by the Department of Children and Families and was the basis for the issuance of a restraining order under section 46b-15 or civil protection order under section 46b-16a, or (2) a termination of parental rights was granted pursuant to section 45a-717 or 46b-129. (b) The Secretary of the State shall adopt regulations, in accordance with the provisions of chapter 54, to carry out the provisions of this chapter. Such regulations may include, but need not be limited to, provisions for applications for participation in the address confidentiality program, certification of program participants, certification cancellation, agency use of program addresses, forwarding of program participants' mail, voting by program participants and recording of vital statistics for program participants. (P.A. 03-200, S. 2; P.A. 22-87; S. 10.) History: P.A. 03-200 effective January 1, 2004; P.A. 22-87 amended Subsec. (a) by designating existing provision re victim of certain acts as Subdiv. (1) and amended same by designating family violence, injury or risk of injury to a child, sexual assault and stalking as Subparas. (A), (B), (D) and (E), respectively, and added Subparas. (C), (F) and (G) re kidnapping, trafficking in persons and substantiated child abuse or neglect, respectively, adding Subdiv. (2) re termination of parental rights and making a technical change, effective July 1, 2022.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968a - Address Confidentiality Program Section 54-240b. - Application for program participation. Application assistants.

(a) An adult person, a guardian or conservator of the person acting on behalf of an adult person, or a parent or guardian acting on behalf of a minor may apply to the Secretary of the State for participation in the address confidentiality program and to have the Secretary of the State designate a program address to serve as the address of the adult person or of the minor. Each application for program participation shall be completed with the assistance of an application assistant. (b) The Secretary of the State shall make available a list of entities that employ application assistants to assist applicants in applying for participation in the address confidentiality program, provided no entity shall be included on such list unless the entity has received sufficient funds from federal or state sources as reimbursement for the reasonable costs of implementing the provisions of this chapter. (P.A. 03-200, S. 3.) History: P.A. 03-200 effective January 1, 2004.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968a - Address Confidentiality Program Section

54-240c. - Certification as program participant. Application requirements.

The Secretary of the State shall certify an applicant or the person on whose behalf an application is made as a program participant if the application is filed in the manner and on the application form prescribed by the Secretary of the State and includes: (1) A statement made under penalty of false statement, as provided in section 53a-157b, that the applicant or the person on whose behalf the application is made (A) is a victim of (i) family violence, (ii) injury or risk of injury to a minor, (iii) kidnapping, (iv) sexual assault, (v) stalking, (vi) trafficking in persons, or (vii) child abuse or neglect, where such abuse or neglect was substantiated by the Department of Children and Families and was the basis for the issuance of a restraining order under section 46b-15 or civil protection order under section 46b-16a, or (B) a termination of parental rights was granted pursuant to section 45a-717 or 46b-129, and (C) the applicant fears for the safety of the applicant, children living in the applicant's home, person on whose behalf the application is made or children living in the home of the person on whose behalf the application is made; (2) Documentation supporting the statement made pursuant to subdivision (1) of this section; (3) A designation of the Secretary of the State as the agent of the applicant or the person on whose behalf the application is made for service of process and for receipt of first class mail; (4) The residential address in this state, the work and school addresses in this state, if any, and the phone number or numbers, if available, that are to remain confidential, but which may be used by the Secretary of the State or authorized personnel to contact the applicant or the person on whose behalf the application is made; and (5) The application preparation date, the applicant's signature and the signature of the application assistant who assisted the applicant in completing the application. (P.A. 03-200, S. 4; P.A. 22-87, S. 11.) History: P.A. 03-200 effective January 1, 2004; P.A. 22-87 amended Subdiv. (1) by designating existing provisions re family violence, injury or risk of injury to a minor and sexual assault as clauses (i), (ii) and (iv), respectively, adding clauses (iii), (vi) and (vii) re kidnapping, trafficking in persons and substantiated abuse or neglect, respectively, adding new Subpara. (B) re termination of parental rights, redesignating existing Subpara. (B) as Subpara. (C) and making technical changes, effective July 1, 2022.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968a - Address Confidentiality Program Section 54-240d. - Certification card.

Upon certification of an applicant or a person on whose behalf an application is made as a program participant pursuant to section 54-240c, the Secretary of the State shall issue a certification card to such applicant or person, as appropriate. The certification card shall include the program participant's name and signature, a certification code, the program address and the certification expiration date. Such certification expiration date shall be four years from the date of issuance of the certification card. (P.A. 03-200, S. 5.) History: P.A. 03-200 effective January 1, 2004.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968a - Address Confidentiality Program Section 54-240e. - Program address. Forwarding of mail.

(a) The Secretary of the State shall maintain a post office box for the exclusive use of the program. The post office box number and a fictitious street address shall be the program address for program participants. (b) The Secretary of the State shall open the post office box each day, other than Saturdays, Sundays and state holidays, and retrieve the contents. All first class mail addressed to a program participant shall be placed, unopened, into envelopes addressed to the participant and deposited at a United States post office the same day for delivery by first class mail to the participant at the confidential address indicated on the application by the participant or by the person applying on behalf of the participant. (P.A. 03-200, S. 6.) History: P.A. 03-200 effective January 1, 2004.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968a - Address Confidentiality Program Section 54-240f. - Confidentiality of marriage records.

A program participant may request that the participant's marriage records be kept confidential by appearing in person with the participant's spouse or intended spouse before the authorized personnel for the office of the registrar of vital statistics in the municipality where the marriage was or is to be celebrated and presenting the participant's certification card to such personnel. Upon such request, such registrar shall keep the participant's marriage records confidential and shall not make available for inspection or copying the name and address of a program participant or of the participant's spouse or intended spouse contained in the participant's marriage records, except (1) if requested by a law enforcement agency, to the law enforcement agency, (2) if directed by a court order, to a person identified in such order, or (3) if notified by the Secretary of the State that the program participant's certification has been cancelled. (P.A. 03-200, S. 7.) History: P.A. 03-200 effective January 1, 2004.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968a - Address Confidentiality Program Section 54-240g. - Listing on voter registry list.

A program participant may request to be listed on a voter registry list without the participant's street and house number by presenting the participant's certification card to the authorized personnel for the office of the registrar of voters for the municipality in which the participant is eligible to vote, or has applied for such eligibility. Upon such request, the registrar of voters shall list the participant by name only in accordance with subsection (d) of section 9-35. Such registrar shall keep the participant's confidential address confidential and shall not make such address available for inspection or copying, except (1) if requested by a law

enforcement agency, to the law enforcement agency, (2) if directed by a court order, to a person identified in such order, or (3) if notified by the Secretary of the State that the program participant's certification has been cancelled. (P.A. 03-200, S. 8.) History: P.A. 03-200 effective January 1, 2004.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968a - Address Confidentiality Program Section 54-240h. - Agency use of program address.

(a) A program participant may request that an agency use the program address as the participant's residential, work or school address for all purposes for which the agency requires or requests such residential, work or school address. A program participant shall present the participant's certification card to any agency official creating a new record pertaining to the participant and request the use in such record of the program address appearing on the certification card. The agency official may make a photocopy of the certification card for the records of the agency and thereafter shall immediately return the certification card to the program participant. (b) If a program participant requests that an agency use the program address pursuant to subsection (a) of this section, the agency shall accept and use the program address as the program participant's residential, work or school address, in lieu of the participant's confidential address, unless the agency receives an exemption from such use granted by the Secretary of the State pursuant to section 54-240i. (P.A. 03-200, S. 9.) History: P.A. 03-200 effective January 1, 2004.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968a - Address Confidentiality Program Section 54-240i. - Exemption from use of program address by agency.

(a) An agency may request an exemption from the use of a program participant's program address pursuant to section 54-240h by providing, in writing, to the Secretary of the State: (1) Identification of the statute or regulation that specifies the agency's statutory or regulatory requirement for the use of the program participant's confidential address; (2) a statement that the confidential address will be used only for such statutory or regulatory purposes; (3) identification of the specific program participant with respect to whom the exemption is requested; (4) identification of the persons who will have access to the confidential address; and (5) an explanation of how the agency's acceptance of the program address would prevent the agency from meeting its obligations under the law and why it cannot meet its statutory or regulatory obligation by a change in its internal procedures. (b) During the review and evaluation by the Secretary of the State, and any appeal, if applicable, of an agency's exemption request, the agency shall use the program participant's program address. (c) The Secretary of the State's determination to grant or deny an exemption request shall be based on, but need not be limited to, an evaluation of the information provided by the agency pursuant to subsection (a) of this section. (d) If the Secretary of the State determines that there is a statutory or regulatory requirement that the agency use the program participant's confidential address and that the confidential address will be used only to comply with such requirement, the Secretary of the State shall issue a written exemption for the agency. The Secretary of the State may include in the exemption (1) the agency's obligation to maintain the confidentiality of the program participant's confidential address, (2) limitations on the use of or access to the confidential address, (3) the term for which the exemption is granted, (4) a designation of the record format in which the confidential address may be maintained, (5) a designation of a disposition date after which the agency may no longer maintain a record of the participant's confidential address, and (6) any other provisions and qualifications deemed appropriate by the Secretary of the State. Any agency that is granted an exemption may not make the program participant's confidential address available for inspection or copying by persons other than those identified in the exemption request as having access to the confidential address, except (A) if directed by a court order, to a person identified in such order, or (B) if notified by the Secretary of the State that the program participant's certification has been cancelled. (e) Prior to granting an exemption, the Secretary of the State shall notify the program participant of the exemption, including the name of the agency and the reason or reasons for the exemption. (f) If the Secretary of the State determines that there is no statutory or regulatory requirement that the agency use the program participant's confidential address, the Secretary of the State shall issue a written denial of the exemption request. Such written denial shall include a statement of the reason or reasons for the denial. (g) The granting or denial of the agency's exemption request pursuant to this section constitutes a final decision. The program participant or any other party aggrieved by such decision may appeal therefrom in accordance with the provisions of section 4-183. (P.A. 03-200, S. 10.) History: P.A. 03-200 effective January 1, 2004.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968a - Address Confidentiality Program Section 54-240j. - Renewal of program certification.

(a) A program participant, a guardian or conservator of the person acting on behalf of an adult program participant, or a parent or guardian acting on behalf of a minor program participant may apply to renew the participant's program certification by filing with the Secretary of the State (1) the participant's current certification card, (2) a properly completed certification renewal form, and (3) a new certification card form. The program participant or the person acting on behalf of the program participant shall provide all the information required on the certification renewal form and the program participant shall sign and date the certification card form. (b) The Secretary of the State shall (1) certify a program participant who has satisfied the filing requirements of subsection (a) of this section to participate in the program for an additional four-year term, and (2) issue to such program participant a new certification card with a new certification expiration date. (P.A. 03-200, S. 11.) History: P.A. 03-200 effective January 1, 2004.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968a - Address Confidentiality Program Section 54-240k. - Cancellation of program certification. Notice. Reapplication to program. Withdrawal from program.

(a) The Secretary of the State may cancel a program participant's certification and invalidate the participant's certification card if: (1) The program participant changes the participant's name from the name listed on the program application and fails to notify the Secretary of the State in writing of the name change not later than thirty days after the change; (2) The program participant changes the participant's confidential address from the address listed on the program application and fails to notify the Secretary of the State in writing of the change not later than thirty days after the change; (3) Mail forwarded to the program participant is returned as nondeliverable; (4) The term of the program participant's certification has expired and the participant has not applied for renewal; or (5) The application for program participation or renewal filed by or on behalf of the program participant contains false information. (b) The Secretary of the State shall send written notice of cancellation to the program participant at the confidential address shown in the Secretary of the State's records regarding the participant. The notice shall specify the reason or reasons for cancellation. The program participant shall have thirty days from the date the notice was mailed by the Secretary of the State to appeal the cancellation in accordance with regulations adopted pursuant to section 54-240a. (c) A person may reapply to the address confidentiality program at any time after such person's certification has been cancelled for any reason. (d) (1) The Secretary of the State shall notify in writing the authorized personnel of the appropriate agency when a participant's certification in the program has been cancelled. After receipt of such notice, the agency shall not be responsible for maintaining the confidentiality of the record or address of a program participant whose certification has been cancelled. (2) If the marriage records of a program participant whose certification has been cancelled were kept confidential pursuant to section 54-240f, the Secretary of the State shall notify in writing the authorized personnel of the appropriate office of the registrar of vital statistics of the cancellation. (3) If the participant whose certification has been cancelled was listed on a voter registry list without the participant's street and house number pursuant to section 54-240g, the Secretary of the State shall notify in writing the authorized personnel of the appropriate office of the registrar of voters of the cancellation. (e) A program participant may withdraw from the program by submitting to the Secretary of the State written notice of the participant's withdrawal and the participant's current certification card. The Secretary of the State shall cancel the participant's certification effective on the date of receipt of such notice by the Secretary of the State. (P.A. 03-200, S. 12.) History: P.A. 03-200 effective January 1, 2004.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968a - Address Confidentiality Program Section 54-240l. - Secretary of the State as agent for program participant. Service on program participant.

(a) The Secretary of the State shall be a program participant's agent upon whom any summons, writ, notice, demand or process in any action, proceeding or other matter involving the program participant shall be served. (b) The Secretary of the State shall notify the chairperson of the State Marshal Commission of the names of program participants and the commission shall create a list to be used by state marshals to determine if a person upon whom process is to be served is a program participant. If a person is identified on the list as a program participant, a state marshal shall make service upon the Secretary of the State in accordance with subsection (c) of this section. Prior to making service, a state marshal shall verify the participation of a specific program participant as provided in subdivision (3) of subsection (a) of section 54-240m. (c) A program participant may be served by any proper officer or other person lawfully empowered to make service by leaving two true and attested copies of such summons, writ, notice, demand or process, together with the required fee, at the office of the Secretary of the State or depositing the same in the United States mail, by registered or certified mail, postage prepaid, addressed to the Secretary of the State's office and marked "Address Confidentiality Program". The Secretary of the State shall file one copy of the summons, writ, notice, demand or process and keep a record of the date and hour of receipt. The Secretary of the State shall, not later than two business days after such service, forward by registered or certified mail the copy of such summons, writ, notice, demand or process to the program participant at the confidential address shown on the records of the Secretary of the State. (d) Service is effective pursuant to this section as of the date and hour received by the Secretary of the State as shown on the records of the Secretary of the State. (P.A. 03-200, S. 13; P.A. 06-100, S. 5.) History: P.A. 03-200 effective January 1, 2004; P.A. 06-100 added new Subsec. (b) re notification of chairperson of State Marshal Commission of names of program participants, creation by said commission of list of program participants to be used by state marshals and responsibilities of state marshals when a person is identified as a program participant and redesignated existing Subsecs. (b) and (c) as Subsecs. (c) and (d), respectively, effective June 2, 2006.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968a - Address Confidentiality Program Section 54-240m. - Confidentiality of records re program participant. Exceptions. Notice of disclosure.

(a) The Secretary of the State may not make any records in a program participant's file, other than the program address, available for inspection or copying, except: (1) If requested by a law enforcement agency or by the State Elections Enforcement Commission, to such law enforcement agency or said commission, provided the request is in writing, on agency or commission letterhead stationery signed by the agency's chief law enforcement officer, a commanding officer in the Division of State Police within the Department of Emergency Services and Public Protection or the executive director of the State Elections Enforcement Commission, as the case may be, and contains the request date and the name of the program participant; (2) If directed by a court order, to a person identified in such order; (3) To verify the participation of a specific program participant, in which case the Secretary of the State may only confirm information supplied by the requestor; or (4) If the program participant's certification has been cancelled. (b) If the Secretary of the State discloses records pursuant to subdivision (2) or (3) of subsection (a) of this section, the Secretary of the State shall forthwith notify the program participant of such disclosure. (P.A. 03-200, S. 14; P.A. 11-51, S. 134.) History: P.A. 03-200 effective January 1, 2004; pursuant to P.A. 11-51, "Department of Public Safety" was changed editorially by the Revisors to

“Department of Emergency Services and Public Protection” in Subsec. (a)(1), effective July 1, 2011.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968a - Address Confidentiality Program Section 54-240n. - Nondisclosure of confidential address in criminal or civil proceeding.

No employee of any law enforcement agency or any state or municipal social service agency, and no other witness, shall be compelled to disclose a program participant's confidential address during the discovery phase of, or during testimony in, any criminal or civil proceeding unless the court finds that nondisclosure may prejudice a party to the proceeding. (P.A. 03-200, S. 15.) History: P.A. 03-200 effective January 1, 2004.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 968a - Address Confidentiality Program Section 54-240o. - Custody or visitation order in effect prior to or during participation in program.

No custody or visitation order in effect prior to or during a person's participation in the address confidentiality program shall be affected by such participation or by any provision of this chapter. (P.A. 03-200, S. 16.) History: P.A. 03-200 effective January 1, 2004.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 969 - Registration of Sexual Offenders Section 54-250. - Definitions.

For the purposes of sections 54-102g and 54-250 to 54-258a, inclusive: (1) “Conviction” means a judgment entered by a court upon a plea of guilty, a plea of nolo contendere or a finding of guilty by a jury or the court notwithstanding any pending appeal or habeas corpus proceeding arising from such judgment. (2) “Criminal offense against a victim who is a minor” means (A) a violation of subdivision (2) of section 53-21 of the general statutes in effect prior to October 1, 2000, subdivision (2) of subsection (a) of section 53-21, subdivision (2) of subsection (a) of section 53a-70, subdivision (1), (4), (8) or (10) or subparagraph (B) of subdivision (9) of subsection (a) of section 53a-71, subdivision (3) of subsection (a) of section 53a-72a, subdivision (2) of subsection (a) of section 53a-86, subdivision (2) of subsection (a) of section 53a-87, section 53a-90a, 53a-196a, 53a-196b, 53a-196c, 53a-196d, 53a-196e or 53a-196f, (B) a violation of subparagraph (A) of subdivision (9) of subsection (a) of section 53a-71 or section 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-96 or 53a-186, provided the court makes a finding that, at the time of the offense, the victim was under eighteen years of age, (C) a violation of any of the offenses specified in subparagraph (A) or (B) of this subdivision for which a person is criminally liable under section 53a-8, 53a-48 or 53a-49, or (D) a violation of any predecessor statute to any offense specified in subparagraph (A), (B) or (C) of this subdivision the essential elements of which are substantially the same as said offense. (3) “Identifying factors” means fingerprints, a photographic image, and a description of any other identifying characteristics as may be required by the Commissioner of Emergency Services and Public Protection. The commissioner shall also require a sample of the registrant's blood or other biological sample be taken for DNA (deoxyribonucleic acid) analysis, unless such sample has been previously obtained in accordance with section 54-102g. (4) “Mental abnormality” means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons. (5) “Nonviolent sexual offense” means (A) a violation of section 53a-73a or subdivision (2), (3) or (4) of subsection (a) of section 53a-189a, or (B) a violation of any of the offenses specified in subparagraph (A) of this subdivision for which a person is criminally liable under section 53a-8, 53a-48 or 53a-49. (6) “Not guilty by reason of mental disease or defect” means a finding by a court or jury of not guilty by reason of mental disease or defect pursuant to section 53a-13 notwithstanding any pending appeal or habeas corpus proceeding arising from such finding. (7) “Personality disorder” means a condition as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association. (8) “Registrant” means a person required to register under section 54-251, 54-252, 54-253 or 54-254. (9) “Registry” means a central record system in this state, any other state or the federal government that receives, maintains and disseminates information on persons convicted or found not guilty by reason of mental disease or defect of criminal offenses against victims who are minors, nonviolent sexual offenses, sexually violent offenses and felonies found by the sentencing court to have been committed for a sexual purpose. (10) “Release into the community” means, with respect to a conviction or a finding of not guilty by reason of mental disease or defect of a criminal offense against a victim who is a minor, a nonviolent sexual offense, a sexually violent offense or a felony found by the sentencing court to have been committed for a sexual purpose, (A) any release by a court after such conviction or finding of not guilty by reason of mental disease or defect, a sentence of probation or any other sentence under section 53a-28 that does not result in the offender's immediate placement in the custody of the Commissioner of Correction; (B) release from a correctional facility at the discretion of the Board of Pardons and Paroles, by the Department of Correction to a program authorized by section 18-100c or upon completion of the maximum term or terms of the offender's sentence or sentences, or to the supervision of the Court Support Services Division in accordance with the terms of the offender's sentence; or (C) temporary leave to an approved residence by the Psychiatric Security Review Board pursuant to section 17a-587, conditional release from a hospital for mental illness or a facility for persons with intellectual disability by the Psychiatric Security Review Board pursuant to section 17a-588, or release upon termination of commitment to the Psychiatric Security Review Board. (11) “Sexually violent offense” means (A) a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, except subdivision (2) of subsection (a) of said section, 53a-70a, 53a-71, except subdivision (1), (4), (8) or (10) or subparagraph (B) of subdivision (9) of subsection (a) of said section or subparagraph (A) of subdivision (9) of subsection (a) of said section if the court makes a finding

that, at the time of the offense, the victim was under eighteen years of age, 53a-72a, except subdivision (2) of subsection (a) of said section, or 53a-72b, or of section 53a-92 or 53a-92a, provided the court makes a finding that the offense was committed with intent to sexually violate or abuse the victim, (B) a violation of any of the offenses specified in subparagraph (A) of this subdivision for which a person is criminally liable under section 53a-8, 53a-48 or 53a-49, or (C) a violation of any predecessor statute to any of the offenses specified in subparagraph (A) or (B) of this subdivision the essential elements of which are substantially the same as said offense. (12) "Sexual purpose" means that a purpose of the defendant in committing the felony was to engage in sexual contact or sexual intercourse with another person without that person's consent. A sexual purpose need not be the sole purpose of the commission of the felony. The sexual purpose may arise at any time in the course of the commission of the felony. (13) "Employed" or "carries on a vocation" means employment that is full-time or part-time for more than fourteen days, or for a total period of time of more than thirty days during any calendar year, whether financially compensated, volunteered or for the purpose of government or educational benefit. (14) "Student" means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade or professional institution or institution of higher learning. (P.A. 98-111, S. 1; P.A. 99-183, S. 1, 13; P.A. 01-84, S. 22, 26; P.A. 02-89, S. 85; 02-132, S. 51; May 9 Sp. Sess. P.A. 02-7, S. 78; P.A. 04-139, S. 10; 04-188, S. 4; 04-234, S. 2; P.A. 06-187, S. 31-33; 06-196, S. 292; P.A. 11-51, S. 134; 11-129, S. 20; P.A. 13-73, S. 1; P.A. 15-213, S. 3; P.A. 19-16, S. 18; 19-189, S. 40.) History: P.A. 99-183 made definitions applicable to new Sec. 54-258a but specific reference not added since said Sec. already included in existing reference to Secs. 54-250 to 54-259, inclusive, amended the definition of "conviction" to add "notwithstanding any pending appeal or habeas corpus proceeding arising from such judgment", amended definition of "criminal offense against a victim who is a minor" to revise Subpara. (A) by deleting a violation of "subparagraph (A) or (D) of subdivision (1) of subsection (a) or subdivision (6) of subsection (a) of section 53a-73a" and including a violation of section "53a-196c or 53a-196d" and to add Subpara. (D) re a violation of any predecessor statute with substantially the same essential elements, amended the definition of "identifying factors" to replace "photographs" with "a photographic image", added definition of "nonviolent sexual offense" as new Subdiv. (5), renumbering the remaining definitions accordingly, amended definition of "not guilty by reason of mental disease or defect" to add "notwithstanding any pending appeal or habeas corpus proceeding arising from such finding", amended definition of "registry" to include a central record system in "the federal government", include information on persons convicted or found not guilty by reason of mental disease or defect of "nonviolent sexual offenses" and replace "sexual purposes" with "a sexual purpose", amended the definition of "release into the community" to add reference to "a nonviolent sexual offense", replace "sexual purposes" with "a sexual purpose", and revise Subpara. (A) by including "any release by a court after such conviction or finding of not guilty by reason of mental disease or defect" and replacing "offender's placement" with "offender's immediate placement", amended definition of "sexually violent offense" to delete from Subpara. (A) reference to a violation of section "53a-73a, except subparagraph (A) or (D) of subdivision (1) of subsection (a) of said section or subdivision (6) of subsection (a) of said section" and to add Subpara. (C) re a violation of any predecessor statute with substantially the same essential elements, and added definition of "sexual purpose" as Subdiv. (12), effective July 1, 1999; P.A. 01-84 amended Subdiv. (2)(A) to replace reference to "a violation of subdivision (2) of section 53-21" with "a violation of subdivision (2) of section 53-21 of the general statutes in effect prior to October 1, 2000," and include a violation of "subdivision (2) of subsection (a) of section 53-21", effective July 1, 2001; P.A. 02-89 replaced reference in the introductory language to Sec. 54-259 with Sec. 54-258a, reflecting repeal of Sec. 54-259 by the same public act; P.A. 02-132 amended Subdiv. (10)(B) by replacing "Office of Adult Probation" with "Court Support Services Division"; May 9 Sp. Sess. P.A. 02-7 added Subdiv. (13) defining "employed" or "carries on a vocation" and Subdiv. (14) defining "student", effective August 15, 2002; P.A. 04-139 amended Subdiv. (2)(A) to include a violation of Sec. 53a-90a, 53a-196e or 53a-196f; P.A. 04-188 amended Subdiv. (3) to authorize the commissioner to require the taking of a biological sample other than a blood sample; P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles, effective July 1, 2004; P.A. 06-187 amended Subdiv. (2)(A) to include a violation of Sec. 53a-71(a)(9)(B) or Sec. 53a-71(a)(10), amended Subdiv. (2)(B) to include a violation of Sec. 53a-71(a)(9)(A), amended Subdiv. (5) to designate the specified violation of Sec. 53a-73a as Subpara. (A) and include therein a violation of Sec. 53a-189a(a)(2) and add Subpara. (B) to include a violation of any of the offenses specified in Subpara. (A) for which a person is criminally liable under Sec. 53a-8, 53a-48 or 53a-49, and amended Subdiv. (11)(A) to exclude a violation of Sec. 53a-71(a)(9)(B) or Sec. 53a-71(a)(10) and exclude a violation of Sec. 53a-71(a)(9)(A) if court finds that, at the time of the offense, the victim was under 18 years of age, effective July 1, 2006; P.A. 06-196 changed effective date of P.A. 06-187, S. 31-33 from July 1, 2006, to October 1, 2006, effective June 7, 2006; pursuant to P.A. 11-51, "Commissioner of Public Safety" was changed editorially by the Revisors to "Commissioner of Emergency Services and Public Protection" in Subdiv. (3), effective July 1, 2011; pursuant to P.A. 11-129, "mental retardation" was changed editorially by the Revisors to "intellectual disability" in Subdiv. (10); P.A. 13-73 redefined "release into the community" in Subdiv. (10) by adding provision re temporary leave to an approved residence by the Psychiatric Security Review Board pursuant to Sec. 17a-587 and making technical changes in Subpara. (C), effective July 1, 2013; P.A. 15-213 redefined "nonviolent sexual offense" in Subdiv. (5) by adding reference to Sec. 53a-189a(a)(3) or (4); P.A. 19-16 amended Subdiv. (2) by replacing reference to Sec. 53a-72a(a)(2) with reference to Sec. 53a-72a(a)(3) in definition of "criminal offense against a victim who is a minor"; P.A. 19-189 amended Subdiv. (11) by replacing "53a-70b," with "section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or" in definition of "sexually violent offense". Pursuant to Subdiv. (2)(B), trial court retains jurisdiction with respect to the finding of a trigger for registration, even after the rendering of judgment. 264 C. 484.

54-251. - Registration of person who has committed a criminal offense against a victim who is a minor or a nonviolent sexual offense.

(a) Any person who has been convicted or found not guilty by reason of mental disease or defect of a criminal offense against a victim who is a minor or a nonviolent sexual offense, and is released into the community on or after October 1, 1998, shall, within three days following such release or, if such person is in the custody of the Commissioner of Correction, at such time prior to release as the commissioner shall direct, and whether or not such person's place of residence is in this state, register such person's name, identifying factors, criminal history record, residence address and electronic mail address, instant message address or other similar Internet communication identifier, if any, with the Commissioner of Emergency Services and Public Protection, on such forms and in such locations as the commissioner shall direct, and shall maintain such registration for ten years from the date of such person's release into the community, except that any person who has one or more prior convictions of any such offense or who is convicted of a violation of subdivision (2) of subsection (a) of section 53a-70 shall maintain such registration for life. Prior to accepting a plea of guilty or nolo contendere from a person with respect to a criminal offense against a victim who is a minor or a nonviolent sexual offense, the court shall (1) inform the person that the entry of a finding of guilty after acceptance of the plea will subject the person to the registration requirements of this section, and (2) determine that the person fully understands the consequences of the plea. If any person who is subject to registration under this section changes such person's name, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new name. If any person who is subject to registration under this section changes such person's address, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new address and, if the new address is in another state, such person shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. If any person who is subject to registration under this section establishes or changes an electronic mail address, instant message address or other similar Internet communication identifier, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of such identifier. If any person who is subject to registration under this section is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection of such status and of any change in such status. If any person who is subject to registration under this section is employed in another state, carries on a vocation in another state or is a student in another state, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection and shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. During such period of registration, each registrant shall complete and return forms mailed to such registrant to verify such registrant's residence address and shall submit to the retaking of a photographic image upon request of the Commissioner of Emergency Services and Public Protection. (b) Notwithstanding the provisions of subsection (a) of this section, the court may exempt any person who has been convicted or found not guilty by reason of mental disease or defect of a violation of subdivision (1) of subsection (a) of section 53a-71 from the registration requirements of this section if the court finds that such person was under nineteen years of age at the time of the offense and that registration is not required for public safety. (c) Notwithstanding the provisions of subsection (a) of this section, the court may exempt any person who has been convicted or found not guilty by reason of mental disease or defect of a violation of subdivision (2) of subsection (a) of section 53a-73a or subdivision (2), (3) or (4) of subsection (a) of section 53a-189a, from the registration requirements of this section if the court finds that registration is not required for public safety. (d) Any person who files an application with the court to be exempted from the registration requirements of this section pursuant to subsection (b) or (c) of this section shall, pursuant to subsection (b) of section 54-227, notify the Office of Victim Services and the Victim Services Unit within the Department of Correction of the filing of such application. The Office of Victim Services or the Victim Services Unit within the Department of Correction, or both, shall, pursuant to section 54-230 or 54-230a, notify any victim who has requested notification of the filing of such application. Prior to granting or denying such application, the court shall consider any information or statement provided by the victim. (e) Any person who violates the provisions of subsection (a) of this section shall be guilty of a class D felony, except that, if such person violates the provisions of this section by failing to notify the Commissioner of Emergency Services and Public Protection without undue delay of a change of name, address or status or another reportable event, such person shall be subject to such penalty if such failure continues for five business days. (P.A. 98-111, S. 2; P.A. 99-183, S. 2, 13; P.A. 01-211, S. 1; May 9 Sp. Sess. P.A. 02-7, S. 79; P.A. 05-146, S. 5; P.A. 06-187, S. 34-36; 06-196, S. 292; June Sp. Sess. P.A. 07-4, S. 90; P.A. 11-51, S. 134; P.A. 15-211, S. 5; 15-213, S. 4.) History: P.A. 99-183 amended Subsec. (a) to make provisions applicable to any person convicted or found not guilty by reason of mental disease or defect of "a nonviolent sexual offense", require a person to register "whether or not such person's place of residence is in this state", add exception requiring any person who has one or more prior convictions of any such offense or who is convicted of a violation of Sec. 53a-70(a)(2) to maintain registration for life, revise provision re changing address to and registering in another state, add provision requiring a person who regularly travels into or within another state or temporarily resides in another state to notify the Commissioner of Public Safety and register with an appropriate agency in that state if that state has a registration requirement, add provision requiring registrants to submit to the retaking of a photographic image upon request and make technical changes for purposes of gender neutrality, added new Subsec. (b) to authorize the court to exempt any person convicted or found not guilty by reason of mental disease or defect of violation of Sec. 53a-71(a)(1) from the registration requirement under certain circumstances, added new Subsec. (c) to authorize the court to exempt any person convicted or found not guilty by reason of mental disease or defect of violation of Sec. 53a-73(a)(2) from the registration requirement under certain circumstances, and redesignated former Subsec. (b) as Subsec. (d), effective July 1, 1999; P.A. 01-211 added new Subsec. (d) requiring any person who files an

application to be exempted to notify the Office of Victim Services and the Department of Correction of the filing of such application, requiring said office or department, or both, to notify any victim who has requested notification of the filing of such application and requiring the court to consider any information or statement provided by the victim prior to granting or denying such application and redesignated existing Subsec. (d) as Subsec. (e) and amended same to specify that penalty is for a violation of “subsection (a)” of this section; May 9 Sp. Sess. P.A. 02-7 amended Subsec. (a) to make requirement that a person subject to registration under this section notify the commissioner and register with an appropriate agency in another state applicable if such person “is employed in another state, carries on a vocation in another state or is a student in another state” rather than if such person “regularly travels into or within another state or temporarily resides in another state for purposes including, but not limited to employment or schooling” and to add provision requiring any person subject to registration under this section who is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state to notify the commissioner of such status and any change in such status, effective August 15, 2002; P.A. 05-146 amended Subsec. (d) to specify that it is the “Victim Services Unit” within the Department of Correction to which a person gives notice of the filing of an application and which notifies any victim who requested notification of the filing of the application; P.A. 06-187 amended Subsec. (a) to require person in custody of Commissioner of Correction to register at such time prior to release as commissioner directs, require person who changes such person's name to notify commissioner in writing of new name without undue delay, replace requirement that person who changes such person's address register new address in writing with commissioner within five days with requirement that such person notify commissioner in writing of new address without undue delay, reposition provision re notification of employment, vocational or student status at trade or professional institution or institution of higher learning in this state and of any change in such status, require that such notification be made “without undue delay”, and require that notification person must give re employment, vocational or student status in another state be given “without undue delay”, amended Subsec. (c) to include a violation of Sec. 53a-189a(a)(2) and amended Subsec. (e) to add exception that person who fails to notify commissioner without undue delay of change of name, address or status or another reportable event is subject to penalty if such failure continues for five business days, effective July 1, 2006; P.A. 06-196 changed effective date of P.A. 06-187, S. 34-36 from July 1, 2006, to October 1, 2006, effective June 7, 2006; June Sp. Sess. P.A. 07-4 amended Subsec. (a) to require registration of person's “electronic mail address, instant message address or other similar Internet communication identifier, if any,” and require registrant who establishes or changes such an identifier to notify Commissioner of Public Safety in writing of such identifier without undue delay; pursuant to P.A. 11-51, “Commissioner of Public Safety” was changed editorially by the Revisors to “Commissioner of Emergency Services and Public Protection”, effective July 1, 2011; P.A. 15-211 amended Subsec. (a) to add provision re 10-year registration period to start from date of person's release into the community; P.A. 15-213 amended Subsec. (c) to add reference to Sec. 53a-189a(a)(3) or (4). Because statute imposes strict liability, actual notice to defendant and mens rea are not elements of the offense and therefore trial court's instructions were not constitutionally deficient. 286 C. 191. “Residence” means the act or fact of living in a given place for some time, but does not include temporary stays; “undue delay” means unwarranted or excessive postponement; legislature did not intend to adopt a bright-line definition for undue delay applicable to every situation but, rather, intended to make allowance for vagaries of individual conditions; “without undue delay” does not always mean within 5 business days. 306 C. 149. Trial court erred when concluding that a finding of homelessness always constitutes a change of address. 148 CA 760. Subsec. (a): Court's failure to advise defendant of registration requirement prior to defendant's Alford plea does not render defendant exempt from registration requirement. 296 C. 305. Absent clear expression of legislative intent, provisions do not apply to violations before effective date of section. 99 CA 358. Residence means any place of abode or dwelling place, however temporary it may be; court rejected defendant's claim that, due to the fact he was homeless, it was impossible for him to comply with the statutory requirement that he provide a residence address for registration purposes. 112 CA 458. Manifest injustice found where court not only failed to inform defendant that he would be required to register as a sex offender, but also failed to correct defendant's mistaken belief that by entering guilty plea pursuant to Sec. 53-21(a)(2), he would avoid such registration requirement. 127 CA 760. Because there was sufficient evidence supporting defendant's conviction of kidnapping in the second degree and because victim was under 18 at time offense was committed, Subsec. mandates defendant, upon release, register as a sex offender for a period of 10 years. 147 CA 598. Subsec. (b): Under the “may exempt” language in Subsec., even when the two enumerated factors are satisfied in a given case, the court still may decline to grant the registry exemption. 281 C. 5. Phrase “may exempt” means that a court may exercise its discretion to grant an exemption from registration once an individual has been convicted of violation of Sec. 53a-71(a)(1), regardless of whether the individual's obligation to register has commenced, as long as the two criteria set forth in Subsec. are satisfied, and therefore defendant retained statutory right to file application for exemption after having been placed on registry for approximately 7 years; plain language of Subsec. indicates that individual's right to seek exemption arises upon entry of judgment of conviction and continues throughout his or her obligation to register; Subsec. contains no provision imposing a temporal limitation on individual's statutory right to file application for exemption from registration. 320 C. 426. Trial court's determination of whether to exempt individual from registration requirements under Subsec. is properly reviewed under an abuse of discretion standard. 86 CA 186. Subsec. permits a court to grant defendant's request for an exemption from the registration requirements after the obligation to register has commenced, where the registration was made a special condition of probation and the court finds that defendant's later rehabilitated status justifies modification. 147 CA 465.

(a) Any person who has been convicted or found not guilty by reason of mental disease or defect of a sexually violent offense, and (1) is released into the community on or after October 1, 1988, and prior to October 1, 1998, and resides in this state, shall, on October 1, 1998, or within three days of residing in this state, whichever is later, or (2) is released into the community on or after October 1, 1998, shall, within three days following such release or, if such person is in the custody of the Commissioner of Correction, at such time prior to release as the commissioner shall direct, register such person's name, identifying factors and criminal history record, documentation of any treatment received by such person for mental abnormality or personality disorder, and such person's residence address and electronic mail address, instant message address or other similar Internet communication identifier, if any, with the Commissioner of Emergency Services and Public Protection on such forms and in such locations as said commissioner shall direct, and shall maintain such registration for life. Prior to accepting a plea of guilty or nolo contendere from a person with respect to a sexually violent offense, the court shall (A) inform the person that the entry of a finding of guilty after acceptance of the plea will subject the person to the registration requirements of this section, and (B) determine that the person fully understands the consequences of the plea. If any person who is subject to registration under this section changes such person's name, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new name. If any person who is subject to registration under this section changes such person's address, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new address and, if the new address is in another state, such person shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. If any person who is subject to registration under this section establishes or changes an electronic mail address, instant message address or other similar Internet communication identifier, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of such identifier. If any person who is subject to registration under this section is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection of such status and of any change in such status. If any person who is subject to registration under this section is employed in another state, carries on a vocation in another state or is a student in another state, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection and shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. During such period of registration, each registrant shall complete and return forms mailed to such registrant to verify such registrant's residence address and shall submit to the retaking of a photographic image upon request of the Commissioner of Emergency Services and Public Protection. (b) Any person who has been subject to the registration requirements of section 54-102r of the general statutes, revised to January 1, 1997, as amended by section 1 of public act 97-183, shall, not later than three working days after October 1, 1998, register under this section and thereafter comply with the provisions of sections 54-102g and 54-250 to 54-258a, inclusive, except that any person who was convicted or found not guilty by reason of mental disease or defect of an offense that is classified as a criminal offense against a victim who is a minor under subdivision (2) of section 54-250 and that is subject to a ten-year period of registration under section 54-251 shall maintain such registration for ten years from the date of such person's release into the community. (c) Notwithstanding the provisions of subsections (a) and (b) of this section, during the initial registration period following October 1, 1998, the Commissioner of Emergency Services and Public Protection may phase in completion of the registration procedure for persons released into the community prior to said date over the first three months following said date, and no such person shall be prosecuted for failure to register under this section during those three months provided such person complies with the directives of said commissioner regarding registration procedures. (d) Any person who violates the provisions of this section shall be guilty of a class D felony, except that, if such person violates the provisions of this section by failing to notify the Commissioner of Emergency Services and Public Protection without undue delay of a change of name, address or status or another reportable event, such person shall be subject to such penalty if such failure continues for five business days. (P.A. 98-111, S. 3; P.A. 99-183, S. 3, 13; P.A. 02-89, S. 86; May 9 Sp. Sess. P.A. 02-7, S. 80; P.A. 06-187, S. 37; 06-196, S. 292; June Sp. Sess. P.A. 07-4, S. 91; P.A. 11-51, S. 134; P.A. 15-211, S. 6.) History: P.A. 99-183 amended Subsec. (a) to replace provision requiring a person who "is released into the community on or after October 1, 1988," to register "within three days following such release or October 1, 1998, whichever is later" with provisions requiring a person who "is released into the community on or after October 1, 1988, and prior to October 1, 1998, and resides in this state" to register "on October 1, 1998, or within three days of residing in this state, whichever is later" and requiring a person who "is released into the community on or after October 1, 1998," to register "within three days of such release", to require that a person maintain registration "for life" rather than "until released from this obligation in accordance with section 54-255", to revise provision re changing address to and registering in another state, to add provision requiring a person who regularly travels into or within another state or temporarily resides in another state to notify the Commissioner of Public Safety and register with an appropriate agency in that state if that state has a registration requirement, and to add provision requiring registrants to submit to the retaking of a photographic image upon request and made technical changes, effective July 1, 1999; P.A. 02-89 amended Subsec. (b) to replace reference to Sec. 54-259 with Sec. 54-258a, reflecting repeal of Sec. 54-259 by the same public act; May 9 Sp. Sess. P.A. 02-7 amended Subsec. (a) to make requirement that a person subject to registration under this section notify the commissioner and register with an appropriate agency in another state applicable if such person "is employed in another state, carries on a vocation in another state or is a student in another state" rather than if such person "regularly travels into or within another state or temporarily resides in another state for purposes including, but not limited to employment or schooling" and to add provision requiring any person subject to registration under this section who is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state to notify the commissioner of such status and any

change in such status, effective August 15, 2002; P.A. 06-187 amended Subsec. (a) to require person in custody of Commissioner of Correction to register at such time prior to release as commissioner directs, require person who changes such person's name to notify commissioner in writing of new name without undue delay, replace requirement that person who changes address register new address in writing with commissioner within five days with requirement that such person notify commissioner in writing of new address without undue delay, reposition provision re notification of employment, vocational or student status at trade or professional institution or institution of higher learning in this state and of any change in such status, require that such notification be made "without undue delay", and require that notification person must give re employment, vocational or student status in another state be given "without undue delay", amended Subsec. (b) to add exception re maintenance of registration for 10 years for offense classified as a criminal offense against victim who is a minor and that is subject to 10-year period of registration and amended Subsec. (d) to add exception that person who fails to notify commissioner without undue delay of change of name, address or status or another reportable event is subject to penalty if such failure continues for 5 business days, effective July 1, 2006; P.A. 06-196 changed effective date of P.A. 06-187, S. 37 from July 1, 2006, to October 1, 2006, effective June 7, 2006; June Sp. Sess. P.A. 07-4 amended Subsec. (a) to require registration of person's "electronic mail address, instant message address or other similar Internet communication identifier, if any," require registrant who establishes or changes such an identifier to notify Commissioner of Public Safety in writing of such identifier without undue delay and make technical changes; pursuant to P.A. 11-51, "Commissioner of Public Safety" was changed editorially by the Revisors to "Commissioner of Emergency Services and Public Protection", effective July 1, 2011; P.A. 15-211 amended Subsec. (b) to add provision re 10-year registration period to start from date of person's release into the community. Violation of section is a threat to the public in general, thus the state has an important interest at stake, and involuntary administration of medication to render the accused competent for trial is justified. 122 CA 664. Defendant's federal and state equal protection challenges properly denied because defendant failed to demonstrate lack of a rational basis for the lifetime registration requirement for those convicted of violent second degree sexual assaults as compared to the 10-year registration requirement for those convicted of nonviolent second degree sexual assaults; requiring lifetime sexual offender registration for those convicted of violent second degree sexual assaults is rationally related to the government's legitimate interest in protecting the public from sexual offenders whose actions demonstrate a willingness to use force or the threat of force. 151 CA 658. Subsec. (b): Registration of nonviolent offenders under another statute does not negate requirement that sexual offenders register under repealed Sec. 52-102n. 99 CA 358.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 969 - Registration of Sexual Offenders Section 54-253. - Registration of person who has committed a sexual offense in another jurisdiction.

(a) Any person who has been convicted or found not guilty by reason of mental disease or defect in any other state, in a federal or military court or in any foreign jurisdiction of any crime (1) the essential elements of which are substantially the same as any of the crimes specified in subdivisions (2), (5) and (11) of section 54-250, or (2) which requires registration as a sexual offender in such other state or in the federal or military system, and who resides in this state on and after October 1, 1998, shall, without undue delay upon residing in this state, register with the Commissioner of Emergency Services and Public Protection in the same manner as if such person had been convicted or found not guilty by reason of mental disease or defect of such crime in this state, except that the commissioner shall maintain such registration until such person is released from the registration requirement in such other state, federal or military system or foreign jurisdiction. (b) If any person who is subject to registration under this section changes such person's name, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new name. If any person who is subject to registration under this section changes such person's address, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new address and, if the new address is in another state, such person shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. If any person who is subject to registration under this section establishes or changes an electronic mail address, instant message address or other similar Internet communication identifier, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of such identifier. If any person who is subject to registration under this section is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection of such status and of any change in such status. If any person who is subject to registration under this section is employed in another state, carries on a vocation in another state or is a student in another state, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection and shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. During such period of registration, each registrant shall complete and return forms mailed to such registrant to verify such registrant's residence address and shall submit to the retaking of a photographic image upon request of the Commissioner of Emergency Services and Public Protection. (c) Any person not a resident of this state who is registered as a sexual offender under the laws of any other state and who is employed in this state, carries on a vocation in this state or is a student in this state, shall, without undue delay after the commencement of such employment, vocation or education in this state, register such person's name, identifying factors and criminal history record, locations visited on a recurring basis, and such person's residence address, if any, in this state, residence address in such person's home state and electronic mail address, instant message address or other similar Internet communication identifier, if any, with the Commissioner of Emergency Services and Public Protection on such forms and in such locations as said commissioner shall direct and shall maintain such registration until such employment, vocation or education terminates or until such

person is released from registration as a sexual offender in such other state. If such person terminates such person's employment, vocation or education in this state, changes such person's address in this state or establishes or changes an electronic mail address, instant message address or other similar Internet communication identifier such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of such termination, new address or identifier. (d) Any person not a resident of this state who is registered as a sexual offender under the laws of any other state and who travels in this state on a recurring basis for periods of less than five days shall notify the Commissioner of Emergency Services and Public Protection of such person's temporary residence in this state and of a telephone number at which such person may be contacted. (e) Any person who violates the provisions of this section shall be guilty of a class D felony, except that, if such person violates the provisions of this section by failing to register with the Commissioner of Emergency Services and Public Protection without undue delay or notify the Commissioner of Emergency Services and Public Protection without undue delay of a change of name, address or status or another reportable event, such person shall be subject to such penalty if such failure continues for five business days. (P.A. 98-111, S. 4; P.A. 99-183, S. 4, 13; May 9 Sp. Sess. P.A. 02-7, S. 81; P.A. 06-187, S. 38; 06-196, S. 292; June Sp. Sess. P.A. 07-4, S. 92, 93; P.A. 11-51, S. 134.) History: P.A. 99-183 amended Subsec. (a) to include crimes specified in Subdiv. "(5)" of Sec. 54-250, replace reference to Subdiv. "(10)" with Subdiv. "(11)" of Sec. 54-250, make the registration requirement applicable to a person who "resides" rather than "establishes residence" in this state, require registration within ten days of "residing in this state" rather than within ten days of "establishing such residence", delete reference to the ten-year period of registration under Sec. 54-255, and make technical changes, added new Subsec. (b) re registration and notice requirements of a nonresident who is registered as a sexual offender in another state and regularly travels into or within this state or temporarily resides in this state, and redesignated former Subsec. (b) as Subsec. (c), effective July 1, 1999; May 9 Sp. Sess. P.A. 02-7 amended Subsec. (b) to make requirement that a nonresident registered sexual offender register with the commissioner applicable if such person "is employed in this state, carries on a vocation in this state or is a student in this state" rather than if such person "regularly travels into or within this state or temporarily resides in this state for purposes including, but not limited to employment or schooling", require such person to register "within five days after the commencement of such employment, vocation or education in this state" rather than "within three days after the commencement of such travel or residence in this state", and replace references to "travel or residence" with "employment, vocation or education" where appearing, added new Subsec. (c) requiring any person subject to registration under this section who is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state to notify the commissioner of such status and any change in such status, added new Subsec. (d) requiring any nonresident registered sexual offender who travels in this state on a recurring basis for periods of less than five days to notify the commissioner of such person's temporary residence and telephone number and redesignated existing Subsec. (c) as Subsec. (e), effective August 15, 2002; P.A. 06-187 amended Subsec. (a) to designate existing provision re crime the essential elements of which are substantially the same as Sec. 54-250(2), (3) or (11) as Subdiv. (1) and add Subdiv. (2) re crime which requires registration as a sexual offender in other state or in federal or military system, require person to register "without undue delay" upon residing in this state, rather than "within ten days" of residing in this state, and replace former exception re determining ten-year period of registration with exception re commissioner to maintain registration until person is released from registration requirement in other state, federal or military system or foreign jurisdiction, added Subsec. (b) requiring person subject to registration to notify commissioner if person changes such person's name or address, is employed at, carries on a vocation at or is a student at trade or professional institution or institution of higher learning in this state or is employed in another state, carries on a vocation in another state or is a student in another state and requiring registrant to verify address and submit to retaking of photographic image upon request, redesignated existing Subsec. (b) as Subsec. (c) and amended same to require person to register with commissioner "without undue delay", rather than "within five days", after commencement of employment, vocation or education in this state and require person to notify commissioner of termination of employment, vocation or education in this state or change of address "without undue delay", rather than "within five days", deleted former Subsec. (c) re notification of employment, vocational or student status at trade or professional institution or institution of higher learning in this state and of any change in such status, and amended Subsec. (e) to add exception that person who fails to register with commissioner without undue delay or notify commissioner without undue delay of change of name, address or status or another reportable event is subject to penalty if such failure continues for five business days, effective July 1, 2006; P.A. 06-196 changed effective date of P.A. 06-187, S. 38 from July 1, 2006, to October 1, 2006, effective June 7, 2006; June Sp. Sess. P.A. 07-4 amended Subsecs. (b) and (c) re notification and registration requirements regarding registrants' electronic mail addresses, instant message addresses or other similar Internet communication identifiers and made technical changes in Subsec. (c); pursuant to P.A. 11-51, "Commissioner of Public Safety" was changed editorially by the Revisors to "Commissioner of Emergency Services and Public Protection", effective July 1, 2011.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 969 - Registration of Sexual Offenders Section 54-254. - Registration of person who has committed a felony for a sexual purpose.

(a) Any person who has been convicted or found not guilty by reason of mental disease or defect in this state on or after October 1, 1998, of any felony that the court finds was committed for a sexual purpose, may be required by the court upon release into the community or, if such person is in the custody of the Commissioner of Correction, at such time prior to release as the commissioner shall direct to register such person's name, identifying factors, criminal history record, residence address and electronic mail address, instant message address or other similar Internet communication identifier, if any, with the Commissioner of Emergency Services and Public Protection, on such forms and in such locations as the commissioner shall direct, and to maintain such registration for ten

years from the date of such person's release into the community. If the court finds that a person has committed a felony for a sexual purpose and intends to require such person to register under this section, prior to accepting a plea of guilty or nolo contendere from such person with respect to such felony, the court shall (1) inform the person that the entry of a finding of guilty after acceptance of the plea will subject the person to the registration requirements of this section, and (2) determine that the person fully understands the consequences of the plea. If any person who is subject to registration under this section changes such person's name, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new name. If any person who is subject to registration under this section changes such person's address, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new address and, if the new address is in another state, such person shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. If any person who is subject to registration under this section establishes or changes an electronic mail address, instant message address or other similar Internet communication identifier, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of such identifier. If any person who is subject to registration under this section is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection of such status and of any change in such status. If any person who is subject to registration under this section is employed in another state, carries on a vocation in another state or is a student in another state, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection and shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. During such period of registration, each registrant shall complete and return forms mailed to such registrant to verify such registrant's residence address and shall submit to the retaking of a photographic image upon request of the Commissioner of Emergency Services and Public Protection. (b) Any person who violates the provisions of this section shall be guilty of a class D felony, except that, if such person violates the provisions of this section by failing to notify the Commissioner of Emergency Services and Public Protection without undue delay of a change of name, address or status or another reportable event, such person shall be subject to such penalty if such failure continues for five business days. (P.A. 98-111, S. 5; P.A. 99-183, S. 5, 13; May 9 Sp. Sess. P.A. 02-7, S. 82; P.A. 06-187, S. 39; 06-196, S. 292; June Sp. Sess. P.A. 07-4, S. 94; P.A. 11-51, S. 134; P.A. 15-211, S. 7.) History: P.A. 99-183 amended Subsec. (a) to replace "sexual purposes" with "a sexual purpose" where appearing, revise provision re changing address to and registering in another state, add provision requiring a person who regularly travels into or within another state or temporarily resides in another state to notify the Commissioner of Public Safety and register with an appropriate agency in that state if that state has a registration requirement, add provision requiring registrants to submit to the retaking of a photographic image upon request and make technical changes for purposes of gender neutrality, effective July 1, 1999; May 9 Sp. Sess. P.A. 02-07 amended Subsec. (a) to add provision requiring any person subject to registration under this section who is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state to notify the commissioner of such status and any change in such status and to make requirement that a person subject to registration under this section notify the commissioner and register with an appropriate agency in another state applicable if such person "is employed in another state, carries on a vocation in another state or is a student in another state" rather than if such person "regularly travels into or within another state or temporarily resides in another state for purposes including, but not limited to employment or schooling", effective August 15, 2002; P.A. 06-187 amended Subsec. (a) to require person in custody of Commissioner of Correction to register at such time prior to release as commissioner directs, require person who changes such person's name to notify commissioner in writing of new name without undue delay, replace requirement that person who changes address register new address in writing with commissioner within five days with requirement that such person notify commissioner in writing of new address without undue delay and require that notification person must give re employment, vocational or student status at trade or professional institution or institution of higher learning in this state and any change in such status and re employment, vocational or student status in another state be given "without undue delay" and amended Subsec. (b) to add exception that person who fails to notify commissioner without undue delay of change of name, address or status or another reportable event is subject to penalty if such failure continues for five business days, effective July 1, 2006; P.A. 06-196 changed effective date of P.A. 06-187, S. 39 from July 1, 2006, to October 1, 2006, effective June 7, 2006; June Sp. Sess. P.A. 07-4 amended Subsec. (a) to require registration of person's "electronic mail address, instant message address or other similar Internet communication identifier, if any," and require registrant who establishes or changes such an identifier to notify Commissioner of Public Safety in writing of such identifier without undue delay; pursuant to P.A. 11-51, "Commissioner of Public Safety" was changed editorially by the Revisors to "Commissioner of Emergency Services and Public Protection", effective July 1, 2011; P.A. 15-211 amended Subsec. (a) to add provision re 10-year registration period to start from date of person's release into the community. Court concluded that section is not a sentence enhancement statute; court found that evidentiary hearing is required on issue of whether the crime was committed for a sexual purpose and stated that the fact is to be found by a fair preponderance of the evidence. 69 CA 516. Subsec. (a): Order to register as sex offender not required to be based on finding that defendant posed risk of reoffense or danger to public safety but can be based on finding that crime was committed for sexual purpose. 288 C. 582.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 969 - Registration of Sexual Offenders Section 54-255. - Restriction on dissemination of registration information for certain offenders.

(a) Upon the conviction or finding of not guilty by reason of mental disease or defect of any person for a violation of section

53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, the court may order the Department of Emergency Services and Public Protection to restrict the dissemination of the registration information to law enforcement purposes only and to not make such information available for public access, provided the court finds that dissemination of the registration information is not required for public safety and that publication of the registration information would be likely to reveal the identity of the victim within the community where the victim resides. The court shall remove the restriction on the dissemination of such registration information if, at any time, the court finds that public safety requires that such person's registration information be made available to the public or that a change of circumstances makes publication of such registration information no longer likely to reveal the identity of the victim within the community where the victim resides. Prior to ordering or removing the restriction on the dissemination of such person's registration information, the court shall consider any information or statements provided by the victim. (b) Upon the conviction or finding of not guilty by reason of mental disease or defect of any person of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, where the victim of such offense was, at the time of the offense, under eighteen years of age and related to such person within any of the degrees of kindred specified in section 46b-21, the court may order the Department of Emergency Services and Public Protection to restrict the dissemination of the registration information to law enforcement purposes only and to not make such information available for public access, provided the court finds that dissemination of the registration information is not required for public safety and that publication of the registration information would be likely to reveal the identity of the victim within the community where the victim resides. The court shall remove the restriction on the dissemination of such registration information if, at any time, it finds that public safety requires that such person's registration information be made available to the public or that a change in circumstances makes publication of the registration information no longer likely to reveal the identity of the victim within the community where the victim resides. (c) Any person who: (1) Has been convicted or found not guilty by reason of mental disease or defect of a violation of subdivision (1) of subsection (a) of section 53a-71 between October 1, 1988, and June 30, 1999, and was under nineteen years of age at the time of the offense; (2) has been convicted or found not guilty by reason of mental disease or defect of a violation of subdivision (2) of subsection (a) of section 53a-73a between October 1, 1988, and June 30, 1999; (3) has been convicted or found not guilty by reason of mental disease or defect of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, between October 1, 1988, and June 30, 1999, where the victim of such offense was, at the time of the offense, under eighteen years of age and related to such person within any of the degrees of kindred specified in section 46b-21; (4) has been convicted or found not guilty by reason of mental disease or defect of a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, between October 1, 1988, and June 30, 1999; or (5) has been convicted or found not guilty by reason of mental disease or defect of any crime between October 1, 1988, and September 30, 1998, which requires registration under sections 54-250 to 54-258a, inclusive, and (A) served no jail or prison time as a result of such conviction or finding of not guilty by reason of mental disease or defect, (B) has not been subsequently convicted or found not guilty by reason of mental disease or defect of any crime which would require registration under sections 54-250 to 54-258a, inclusive, and (C) has registered with the Department of Emergency Services and Public Protection in accordance with sections 54-250 to 54-258a, inclusive; may petition the court to order the Department of Emergency Services and Public Protection to restrict the dissemination of the registration information to law enforcement purposes only and to not make such information available for public access. Any person who files such a petition shall, pursuant to subsection (b) of section 54-227, notify the Office of Victim Services and the Victim Services Unit within the Department of Correction of the filing of such petition. The Office of Victim Services or the Victim Services Unit within the Department of Correction, or both, shall, pursuant to section 54-230 or 54-230a, notify any victim who has requested notification pursuant to subsection (b) of section 54-228 of the filing of such petition. Prior to granting or denying such petition, the court shall consider any information or statements provided by the victim. The court may order the Department of Emergency Services and Public Protection to restrict the dissemination of the registration information to law enforcement purposes only and to not make such information available for public access, provided the court finds that dissemination of the registration information is not required for public safety. (P.A. 98-111, S. 6; P.A. 99-183, S. 6, 13; P.A. 01-211, S. 2; P.A. 02-89, S. 87; P.A. 05-146, S. 6; P.A. 11-51, S. 134; P.A. 19-189, S. 41.) History: P.A. 99-183 entirely replaced existing provisions that had authorized a person registered under Sec. 54-252 to apply to the court after 10 years for release from the obligation to register, that had required the court to grant such application if the person proved by clear and convincing evidence that he does not suffer from a mental abnormality or personality disorder that makes him likely to engage in sexually violent offenses and that had specified the procedure for the court to follow in acting on such application with new provisions authorizing the court under certain circumstances to order the Department of Public Safety to restrict the dissemination of registration information with respect to certain offenders to law enforcement purposes only and not make such information available for public access, effective July 1, 1999; P.A. 01-211 amended Subsec. (c) to add provisions requiring any person who files a petition to notify the Office of Victim Services and the Department of Correction of the filing of such petition, requiring said office or department, or both, to notify any victim who has requested notification of the filing of such petition and requiring the court to consider any information or statements provided by the victim prior to granting or denying such petition; P.A. 02-89 amended Subsec. (c) to replace references to Sec. 54-259 with Sec. 54-258a, reflecting repeal of Sec. 54-259 by the same public act; P.A. 05-146 amended Subsec. (c) to specify that it is the "Victim Services Unit" within the Department of Correction to which a person gives notice of the filing of a petition and which notifies any victim who requested notification of the filing of the petition; pursuant to P.A. 11-51, "Department of Public Safety" was changed editorially by the Revisors to "Department of Emergency Services and Public Protection", effective July 1, 2011; P.A. 19-189 amended Subsec. (a) and Subsec. (c)(4) by replacing "53a-70b" with "53a-70b of the general statutes, revision of 1958, revised to January 1, 2019,".

“Registration information” means any information that is received, maintained and disseminated by the registry, and restricted registration information should not be disclosed except as provided in Sec. 54-258(a)(4). 298 C. 703. When properly read in context, the phrase “jail or prison time” in Subsec. (c)(5)(A) is most reasonably construed to include confinement in a hospital for psychiatric disabilities pursuant to Sec. 17a-582(e)(1). 225 CA 16.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 969 - Registration of Sexual Offenders Section 54-256. - Responsibilities of courts and agencies in registration process.

(a) Any court, the Commissioner of Correction or the Psychiatric Security Review Board, prior to releasing into the community any person convicted or found not guilty by reason of mental disease or defect of a criminal offense against a victim who is a minor, a nonviolent sexual offense, a sexually violent offense or a felony found by the sentencing court to have been committed for a sexual purpose, except a person being released unconditionally at the conclusion of such person's sentence or commitment, shall require as a condition of such release that such person complete the registration procedure established by the Commissioner of Emergency Services and Public Protection under sections 54-251, 54-252 and 54-254. The court, the Commissioner of Correction or the Psychiatric Security Review Board, as the case may be, shall provide the person with a written summary of the person's obligations under sections 54-102g and 54-250 to 54-258a, inclusive, and transmit the completed registration package to the Commissioner of Emergency Services and Public Protection who shall enter the information into the registry established under section 54-257. If a court transmits the completed registration package to the Commissioner of Emergency Services and Public Protection with respect to a person released by the court, such package need not include identifying factors for such person. In the case of a person being released unconditionally who declines to complete the registration package through the court or the releasing agency, the court or agency shall: (1) Except with respect to information that is not available to the public pursuant to court order, rule of court or any provision of the general statutes, provide to the Commissioner of Emergency Services and Public Protection the person's name, date of release into the community, anticipated residence address, if known, and criminal history record, any known treatment history of such person, any electronic mail address, instant message address or other similar Internet communication identifier for such person, if known, and any other relevant information; (2) inform the person that such person has an obligation to register within three days with the Commissioner of Emergency Services and Public Protection for a period of ten years following the date of such person's release or for life, as the case may be, that if such person changes such person's address such person shall within five days register the new address in writing with the Commissioner of Emergency Services and Public Protection and, if the new address is in another state or if such person is employed in another state, carries on a vocation in another state or is a student in another state, such person shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders, and that if such person establishes or changes an electronic mail address, instant message address or other similar Internet communication identifier such person shall, within five days, register such identifier with the Commissioner of Emergency Services and Public Protection; (3) provide the person with a written summary of the person's obligations under sections 54-102g and 54-250 to 54-258a, inclusive, as explained to the person under subdivision (2) of this subsection; and (4) make a specific notation on the record maintained by that agency with respect to such person that the registration requirements were explained to such person and that such person was provided with a written summary of such person's obligations under sections 54-102g and 54-250 to 54-258a, inclusive. (b) Whenever a person is convicted or found not guilty by reason of mental disease or defect of an offense that will require such person to register under section 54-251, 54-252 or 54-254, the court shall provide to the Department of Emergency Services and Public Protection a written summary of the offense that includes the age and sex of any victim of the offense and a specific description of the offense. Such summary shall be added to the registry information made available to the public through the Internet. (P.A. 98-111, S. 7; P.A. 99-183, S. 7, 13; P.A. 02-89, S. 88; May 9 Sp. Sess. P.A. 02-7, S. 83; P.A. 06-187, S. 28; 06-196, S. 291; June Sp. Sess. P.A. 07-4, S. 95; P.A. 11-51, S. 134.) History: P.A. 99-183 deleted the Board of Parole from requirements of section, made provisions applicable to a person “found not guilty by reason of mental disease or defect” of the specified offenses, added “a nonviolent sexual offense” to specified offenses, replaced “sexual purposes” with “a sexual purpose”, required the court or specified agencies to “provide the person with a written summary of the person's obligations under sections 54-102g and 54-250 to 54-259, inclusive,”, added provision that if a court transmits the completed registration package to the Commissioner of Public Safety with respect to a person released by the court, the package need not include identifying factors for the person, required the court or agency to inform the person that the obligation to register is for 10 years “or for life” rather than “or until released from such obligation in accordance with section 54-255”, revised provision re changing address to and registering in another state, added provision requiring the court or agency to inform a person that if such person regularly travels into or within another state or temporarily resides in another state such person shall register with an appropriate agency in that other state if that state has a registration requirement and made technical changes for purposes of gender neutrality, effective July 1, 1999; P.A. 02-89 replaced references to Sec. 54-259 with Sec. 54-258a, reflecting repeal of Sec. 54-259 by the same public act; May 9 Sp. Sess. P.A. 02-7 amended Subdiv. (2) to require the court or agency to inform the person of requirement to register with an appropriate agency in another state if such person “is employed in another state, carries on a vocation in another state or is a student in another state” rather than if such person “regularly travels into or within another state or temporarily resides in another state for purposes including, but not limited to employment or schooling”, effective August 15, 2002; P.A. 06-187 designated existing provisions as Subsec. (a) and added Subsec. (b) requiring that court provide Department of Public Safety with written summary of offense and that summary be added to registry information available to the public through the Internet, effective July 1, 2006; P.A. 06-196 changed effective date of P.A. 06-187, S. 28 from July 1, 2006, to July 1, 2007, effective June 7, 2006; June Sp. Sess. P.A. 07-4

amended Subsec. (a)(1) to require court or agency to provide commissioner with “any electronic mail address, instant message address or other similar Internet communication identifier for such person, if known,” and make technical changes and amended Subsec. (a)(2) to require court or agency to inform person that if such person establishes or changes such an identifier such person shall, within 5 days, register such identifier with commissioner; pursuant to P.A. 11-51, “Commissioner of Public Safety” and “Department of Public Safety” were changed editorially by the Revisors to “Commissioner of Emergency Services and Public Protection” and “Department of Emergency Services and Public Protection”, respectively, effective July 1, 2011.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 969 - Registration of Sexual Offenders Section 54-257. - Registry. Suspension of registration. Verification of address. Retake of photographic image. Change of name.

(a) The Department of Emergency Services and Public Protection shall, not later than January 1, 1999, establish and maintain a registry of all persons required to register under sections 54-251, 54-252, 54-253 and 54-254. The department shall, in cooperation with the Office of the Chief Court Administrator, the Department of Correction and the Psychiatric Security Review Board, develop appropriate forms for use by agencies and individuals to report registration information, including changes of residence address. Upon receipt of registration information, the department shall enter the information into the registry and notify the local police department or state police troop having jurisdiction where the registrant resides or plans to reside. If a registrant notifies the Department of Emergency Services and Public Protection that such registrant is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, the department shall notify the law enforcement agency with jurisdiction over such institution. If a registrant reports a residence in another state, the department shall notify the state police agency of that state or such other agency in that state that maintains registry information, if known. The department shall also transmit all registration information, conviction data, photographic images and fingerprints to the Federal Bureau of Investigation in such form as said bureau shall require for inclusion in a national registry. (b) The Department of Emergency Services and Public Protection may suspend the registration of any person registered under section 54-251, 54-252, 54-253 or 54-254 while such person is incarcerated, under civil commitment or residing outside this state. During the period that such registration is under suspension, the department is not required to verify the residence address of the registrant pursuant to subsection (c) of this section and may withdraw the registration information from public access. Upon the release of the registrant from incarceration or civil commitment or resumption of residency in this state by the registrant, the department shall reinstate the registration, redistribute the registration information in accordance with subsection (a) of this section and resume verifying the residence address of the registrant in accordance with subsection (c) of this section. Suspension of registration shall not affect the date of expiration of the registration obligation of the registrant under section 54-251, 54-252 or 54-253. (c) Except as provided in subsection (b) of this section, the Department of Emergency Services and Public Protection shall verify the residence address of each registrant by mailing a nonforwardable verification form to the registrant at the registrant's last reported residence address. Such form shall require the registrant to sign a statement that the registrant continues to reside at the registrant's last reported residence address and return the form by mail, facsimile or electronic mail by a date which is ten days after the date such form was mailed to the registrant. The form shall contain a statement that failure to return the form or providing false information is a violation of section 54-251, 54-252, 54-253 or 54-254, as the case may be. In the case of a registrant who resides at a residence address for which there is no residential mail delivery, the local police department or the state police troop having jurisdiction where the registrant resides shall verify in person such registrant's residence address. Each person required to register under section 54-251, 54-252, 54-253 or 54-254 shall have such person's residence address verified in such manner every ninety days after such person's initial registration date. In the event that a registrant fails to return the residence address verification form, the Department of Emergency Services and Public Protection shall notify the local police department or the state police troop having jurisdiction over the registrant's last reported residence address, and that agency shall apply for a warrant to be issued for the registrant's arrest under section 54-251, 54-252, 54-253 or 54-254, as the case may be. The Department of Emergency Services and Public Protection shall not verify the address of registrants whose last reported residence address was outside this state. (d) The Department of Emergency Services and Public Protection shall include in the registry the most recent photographic image of each registrant taken by the department, the Department of Correction, a law enforcement agency or the Court Support Services Division of the Judicial Department and shall retake the photographic image of each registrant at least once every five years. (e) Whenever the Commissioner of Emergency Services and Public Protection receives notice from a superior court pursuant to section 52-11 or a probate court pursuant to section 45a-99 that such court has ordered the change of name of a person, and the department determines that such person is listed in the registry, the department shall revise such person's registration information accordingly. (f) The Commissioner of Emergency Services and Public Protection shall develop a protocol for the notification of other state agencies, the Judicial Department and local police departments whenever a person listed in the registry changes such person's name and notifies the commissioner of the new name pursuant to section 54-251, 54-252, 54-253 or 54-254 or whenever the commissioner determines pursuant to subsection (e) of this section that a person listed in the registry has changed such person's name. (P.A. 98-111, S. 8; P.A. 99-183, S. 8, 13; May 9 Sp. Sess. P.A. 02-7, S. 84; P.A. 03-202, S. 19; P.A. 06-187, S. 40; 06-196, S. 292; P.A. 11-51, S. 134; P.A. 23-193, S. 1.) History: P.A. 99-183 amended Subsec. (a) to delete the Board of Parole from list of agencies cooperating with the department in the development of forms to report registration information, added new Subsec. (b) re suspension of registration while a person is incarcerated, under civil commitment or residing out of state, redesignated former Subsec. (b) as Subsec. (c) and amended said Subsec. to add exception to address verification requirement when registration is suspended under Subsec. (b), to add reference to Sec. 54-253 in provision requiring the form to contain a statement that failure to return the form or providing false information is a violation of the specified

statutes, to delete provision establishing an affirmative defense in a prosecution for failure to return the address verification form and to make technical changes for purposes of gender neutrality, and added Subsec. (d) to require the retaking of the photographic image of each registrant at least once every five years, effective July 1, 1999; May 9 Sp. Sess. P.A. 02-7 amended Subsec. (a) to add provision that if a registrant notifies the department that such registrant is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, the department shall notify the law enforcement agency with jurisdiction over such institution and amended Subsec. (c) to require verification of address of a person required to register under Sec. 54-251 or 54-254 “every ninety days after such person's initial registration date” rather than “annually on the anniversary of such person's initial registration date” and to require verification of address of a person required to register under Sec. 54-253 “every ninety days after such person's initial registration date” rather than “either annually on the anniversary of such person's initial registration date or every ninety days after such person's initial registration date depending upon whether, after such initial registration, such person is subject to the requirements of section 54-251 or section 54-252, respectively”, effective August 15, 2002; P.A. 03-202 added Subsec. (e) re revision of registration information upon notice of court ordered change of name; P.A. 06-187 amended Subsec. (d) to require department to include in registry most recent photographic image of each registrant taken by department, Department of Correction, law enforcement agency or Court Support Services Division and added Subsec. (f) re development of protocol for notification of other state agencies, Judicial Department and local police departments whenever commissioner is notified or determines that person listed in the registry has changed such person's name, effective July 1, 2006; P.A. 06-196 changed effective date of P.A. 06-187, S. 40 from July 1, 2006, to October 1, 2006, effective June 7, 2006; pursuant to P.A. 11-51, “Commissioner of Public Safety” and “Department of Public Safety” were changed editorially by the Revisors to “Commissioner of Emergency Services and Public Protection” and “Department of Emergency Services and Public Protection”, respectively, effective July 1, 2011; P.A. 23-193 amended Subsecs. (a) to (c) to replace “address” with “residence address” and further amended Subsec. (c) to permit return of form by facsimile or electronic mail and add provision re registrant who resides at residence address for which there is no residential mail delivery.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 969 - Registration of Sexual Offenders Section 54-258. - Availability of registration information. Immunity.

(a)(1) Notwithstanding any other provision of the general statutes, except subdivisions (3), (4) and (5) of this subsection, the registry maintained by the Department of Emergency Services and Public Protection shall be a public record and shall be accessible to the public during normal business hours. The Department of Emergency Services and Public Protection shall make registry information available to the public through the Internet. Not less than once per calendar quarter, the Department of Emergency Services and Public Protection shall issue notices to all print and electronic media in the state regarding the availability and means of accessing the registry. Each local police department and each state police troop shall keep a record of all registration information transmitted to it by the Department of Emergency Services and Public Protection, and shall make such information accessible to the public during normal business hours. (2) (A) Any state agency, the Judicial Department, any state police troop or any local police department may, at its discretion, notify any government agency, private organization or individual of registration information when such agency, said department, such troop or such local police department, as the case may be, believes such notification is necessary to protect the public or any individual in any jurisdiction from any person who is subject to registration under section 54-251, 54-252, 54-253 or 54-254. (B) (i) Whenever a registrant is released into the community, or whenever a registrant changes such registrant's residence address and notifies the Department of Emergency Services and Public Protection of such change pursuant to section 54-251, 54-252, 54-253 or 54-254, the Department of Emergency Services and Public Protection shall, by electronic mail, notify the superintendent of schools for the school district in which the registrant resides, or plans to reside, of such release or new residence address, and provide such superintendent with the same registry information for such registrant that the department makes available to the public through the Internet under subdivision (1) of this subsection. (ii) Whenever a registrant is released into the community, or whenever a registrant changes such registrant's residence address and notifies the Department of Emergency Services and Public Protection of such change pursuant to section 54-251, 54-252, 54-253 or 54-254, the Department of Emergency Services and Public Protection shall, by electronic mail, notify the chief executive officer of the municipality in which the registrant resides, or plans to reside, of such release or new residence address, and provide such chief executive officer with the same registry information for such registrant that the department makes available to the public through the Internet under subdivision (1) of this subsection. (3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, state agencies, the Judicial Department, state police troops and local police departments shall not disclose the identity of any victim of a crime committed by a registrant or treatment information provided to the registry pursuant to sections 54-102g and 54-250 to 54-258a, inclusive, except to government agencies for bona fide law enforcement or security purposes. (4) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, registration information the dissemination of which has been restricted by court order pursuant to section 54-255 and which is not otherwise subject to disclosure, shall not be a public record and shall be released only for law enforcement purposes until such restriction is removed by the court pursuant to said section. (5) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, a registrant's electronic mail address, instant message address or other similar Internet communication identifier shall not be a public record, except that the Department of Emergency Services and Public Protection may release such identifier for law enforcement or security purposes in accordance with regulations adopted by the department. The department shall adopt regulations in accordance with chapter 54 to specify the circumstances under which and the persons to whom such identifiers may be released including, but not limited to, providers of electronic communication service or remote computing service, as those terms

are defined in section 54-260b, and operators of Internet web sites, and the procedure therefor. (6) When any registrant completes the registrant's term of registration or is otherwise released from the obligation to register under section 54-251, 54-252, 54-253 or 54-254, the Department of Emergency Services and Public Protection shall notify any state police troop or local police department having jurisdiction over the registrant's last reported residence address that the person is no longer a registrant, and the Department of Emergency Services and Public Protection, state police troop and local police department shall remove the registrant's name and information from the registry. (b) Neither the state nor any political subdivision of the state nor any officer or employee thereof, shall be held civilly liable to any registrant by reason of disclosure of any information regarding the registrant that is released or disclosed in accordance with subsection (a) of this section. The state and any political subdivision of the state and, except in cases of wanton, reckless or malicious conduct, any officer or employee thereof, shall be immune from liability for good faith conduct in carrying out the provisions of subdivision (2) of subsection (a) of this section. (P.A. 98-111, S. 9; P.A. 99-183, S. 9, 13; P.A. 02-89, S. 89; June Sp. Sess. P.A. 07-4, S. 96; P.A. 09-199, S. 1; P.A. 11-51, S. 134; P.A. 14-192, S. 6; 14-213, S. 1; P.A. 15-14, S. 18; P.A. 23-193, S. 2.) History: P.A. 99-183 amended Subsec. (a) to add exception for Subdivs. (3) and (4) of said Subsec., designate provisions re notification as new Subdiv. (2) and amend said Subdiv. to replace "The Department of Public Safety" with "Any state agency, the Judicial Department" and make technical changes, redesignate former Subdiv. (2) as Subdiv. (3) and amend said Subdiv. to replace "Notwithstanding the provisions of subdivision (1) of this subsection, the Department of Public Safety," with "Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, state agencies, the Judicial Department," add Subdiv. (4) providing that registration information the dissemination of which has been restricted by court order pursuant to Sec. 54-255 and is not otherwise subject to disclosure shall not be a public record and shall be released only for law enforcement purposes, redesignate former Subdiv. (3) as Subdiv. (5) and amend said Subdiv. to make provisions applicable when a registrant "completes the registrant's term of registration or is otherwise released from the obligation to register" rather than when a registrant "is released from the obligation to register" and to replace provision that when notified a person is no longer a registrant the Department of Public Safety, state police troop and local police department "shall remove and destroy all registration information pertaining to the person and shall make no further disclosure of such information to any government agency, private organization or individual" with provision that said department, troop and local police department "shall remove the registrant's name and information from the registry", amended Subsec. (b) to replace "Neither the state nor any municipality, nor any branch, agency or employee thereof, shall be liable" with "Neither the state nor any political subdivision of the state nor any officer or employee thereof, shall be held civilly liable" and to add provision that the state and any political subdivision of the state and, except in cases of wanton, reckless or malicious conduct, any officer or employee thereof, shall be immune from liability for good faith conduct in carrying out Subsec. (a)(2), effective July 1, 1999; P.A. 02-89 amended Subsec. (a)(3) to replace reference to Sec. 54-259 with Sec. 54-258a, reflecting repeal of Sec. 54-259 by the same public act; June Sp. Sess. P.A. 07-4 amended Subsec. (a) to except in Subdiv. (1) the provisions of Subdiv. (5), add new Subdiv. (5) re confidentiality and authorized release of registrant's electronic mail address, instant message address or other similar Internet communication identifier and adoption of regulations specifying when and to whom such identifiers may be released and the procedure therefor and redesignate existing Subdiv. (5) as Subdiv. (6); P.A. 09-199 amended Subsec. (a)(2) to designate existing provisions as Subpara. (A) and add Subpara. (B) re notification by electronic mail of, and provision of registry information to, the appropriate superintendent of schools whenever a registrant is released into the community, effective September 1, 2009; pursuant to P.A. 11-51, "Department of Public Safety" was changed editorially by the Revisors to "Department of Emergency Services and Public Protection" in Subsec. (a), effective July 1, 2011; P.A. 14-192 amended Subsec. (a)(2)(B) to designate existing provisions as Subdiv. (1) and add Subdiv. (2) re notice to chief executive officer of municipality in which registrant resides or plans to reside, effective July 1, 2014; P.A. 14-213 amended Subsec. (a)(2)(B) to designate existing provisions as Subdiv. (1) and amend same to add provision re notification when registrant changes address and notifies Department of Emergency Services and Public Protection of such change, and to add Subdiv. (2) re notification to chief executive officer of municipality upon release or change of address of registrant, effective July 1, 2014; P.A. 15-14 made technical changes in Subsec. (a)(2); P.A. 23-193 amended Subsec. (a)(2)(B)(i) and (ii) to replace "address" with "residence address".

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 969 - Registration of Sexual Offenders Section 54-258a. - Warning against wrongful use of registry information.

Any agency of the state or any political subdivision thereof that provides public access to information contained in the registry shall post a warning that states: "Any person who uses information in this registry to injure, harass or commit a criminal act against any person included in the registry or any other person is subject to criminal prosecution." Such warning shall be in a suitable size and location to ensure that it will be seen by any person accessing registry information. (P.A. 99-183, S. 10, 13.) History: P.A. 99-183 effective July 1, 1999.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 969 - Registration of Sexual Offenders Section 54-259. - Sexual Offender Registration Committee.

Section 54-259 is repealed, effective October 1, 2002. (P.A. 98-111, S. 11; P.A. 02-89, S. 90.)

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 969 - Registration of Sexual Offenders Section 54-259a. - Risk Assessment Board. Development and use of risk assessment scale. Report.

Section 54-259a is repealed, effective July 1, 2013. (P.A. 06-187, S. 30; 06-196, S. 295; June Sp. Sess. P.A. 07-4, S. 99; P.A. 11-51,

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 969 - Registration of Sexual Offenders Section 54-260. (Formerly Sec. 54-102s). - Notification of change of name or address of sexual offenders on parole or probation.

(a) For the purposes of this section, “sexual offender” means any person convicted of a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (2) of section 53-21 of the general statutes in effect prior to October 1, 2000, or subdivision (2) of subsection (a) of section 53-21, or section 53a-70, 53a-70a, 53a-71, 53a-72a or 53a-72b committed on or after October 1, 1995. (b) Any sexual offender who is released from a correctional institution on parole or who is sentenced to a period of probation shall, during the period of such parole or probation and as a condition of such parole or probation, immediately notify such person's parole officer or probation officer, as the case may be, whenever such person changes such person's name or residence address. Each parole officer or probation officer who is notified of such change of address shall notify the chief of police of the police department or resident state trooper for the municipality of the new address of the parolee or probationer and any other law enforcement official such parole officer or probation officer deems appropriate. (c) Nothing in this section shall be construed to prohibit a parole officer or probation officer acting in the performance of his duties and within the scope of his employment from disclosing any information concerning the parolee or probationer to any person whenever he deems such disclosure to be appropriate. (P.A. 95-142, S. 6; P.A. 01-84, S. 23, 26; P.A. 03-202, S. 20; P.A. 19-189, S. 42.) History: Sec. 54-102s transferred to Sec. 54-260 in 1999 (Revisor's note: In Subsec. (c) the words “or section 54-102r” were deleted editorially by the Revisors to reflect the repeal of Sec. 54-102r by P.A. 98-111); P.A. 01-84 amended Subsec. (a) to replace reference to “a violation of subdivision (2) of section 53-21” with “a violation of subdivision (2) of section 53-21 of the general statutes in effect prior to October 1, 2000,” and include a violation of “subdivision (2) of subsection (a) of section 53-21”, effective July 1, 2001; P.A. 03-202 amended Subsec. (b) by adding provision re change of name and making technical changes; P.A. 19-189 amended Subsec. (a) by replacing “53a-70b,” with “section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or” and made technical changes in definition of “sexual offender”. Annotation to former section 54-102s: Legislature, in enacting statute, did not intend to restrict discretionary power of Office of Adult Probation to notify public in cases in which probationer has been convicted under a provision not enumerated in Subsec. (a). 250 C. 280. Annotation to present section: Section does not give probation and parole officers unrestrained discretionary power to disseminate sex offender registration information to the public and is not punitive for ex post facto purposes. 256 C. 23.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 969 - Registration of Sexual Offenders Section 54-260a. - Report on number of registrants being electronically monitored and need for additional resources.

Not later than January fifteenth of each year, the Department of Correction, the Board of Pardons and Paroles and the Court Support Services Division of the Judicial Department shall each submit a report setting forth the number of persons subject to registration under this chapter who are being electronically monitored while being supervised in the community by such agency, including monitoring by global positioning system devices, and what, if any, additional resources are needed by such agency to ensure that persons subject to registration under this chapter are being supervised while in the community. (P.A. 06-187, S. 41.) History: P.A. 06-187 effective July 1, 2006.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 969 - Registration of Sexual Offenders Section 54-260b. - Criminal investigation of registrants using the Internet. Ex parte court order to compel disclosure of basic subscriber information of registrants.

(a) For the purposes of this section: (1) “Basic subscriber information” means: (A) Name, (B) address, (C) age or date of birth, (D) electronic mail address, instant message address or other similar Internet communication identifier, and (E) subscriber number or identity, including any assigned Internet protocol address; (2) “Electronic communication” means “electronic communication” as defined in 18 USC 2510, as amended from time to time; (3) “Electronic communication service” means “electronic communication service” as defined in 18 USC 2510, as amended from time to time; (4) “Registrant” means a person required to register under section 54-251, 54-252, 54-253 or 54-254; and (5) “Remote computing service” means “remote computing service” as defined in section 18 USC 2711, as amended from time to time. (b) The Commissioner of Emergency Services and Public Protection shall designate a sworn law enforcement officer to serve as liaison between the Department of Emergency Services and Public Protection and providers of electronic communication services or remote computing services to facilitate the exchange of non-personally-identifiable information concerning registrants. (c) Whenever such designated law enforcement officer ascertains from such exchange of non-personally-identifiable information that there are subscribers, customers or users of such providers who are registrants, such officer shall initiate a criminal investigation to determine if such registrants are in violation of the registration requirements of section 54-251, 54-252, 54-253 or 54-254 or of the terms and conditions of their parole or probation by virtue of being subscribers, customers or users of such providers. (d) Such designated law enforcement officer may request an ex parte order from a judge of the Superior Court to compel a provider of electronic communication service or remote computing service to disclose basic subscriber information pertaining to subscribers, customers or users who have been identified by such provider to be registrants. The judge shall grant such order if the law enforcement officer offers specific and articulable facts showing that there are reasonable grounds to believe that the basic subscriber information sought is relevant and material to the ongoing criminal investigation. The order shall state upon its face the case number assigned to such investigation, the date and time of issuance and

the name of the judge authorizing the order. The law enforcement officer shall have any ex parte order issued pursuant to this subsection signed by the authorizing judge within forty-eight hours or not later than the next business day, whichever is earlier. (e) A provider of electronic communication service or remote computing service shall disclose basic subscriber information to such designated law enforcement officer when an order is issued pursuant to subsection (d) of this section. (f) A provider of electronic communication service or remote computing service that provides information in good faith pursuant to an order issued pursuant to subsection (d) of this section shall be afforded the legal protections provided under 18 USC 3124, as amended from time to time, with regard to such actions. (June Sp. Sess. P.A. 07-4, S. 98; P.A. 10-36, S. 32; P.A. 11-51, S. 134.) History: P.A. 10-36 amended Subsec. (a) to delete former Subdiv. (6) defining “wire communication”, effective July 1, 2010; pursuant to P.A. 11-51, “Commissioner of Public Safety” and “Department of Public Safety” were changed editorially by the Revisors to “Commissioner of Emergency Services and Public Protection” and “Department of Emergency Services and Public Protection”, respectively, in Subsec. (b), effective July 1, 2011. See Sec. 53a-261a re location of an offense committed by means of communication transmitted by use of an electronic communication service.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 969 - Registration of Sexual Offenders Section 54-261. - Community response education program.

(a) The Court Support Services Division, in conjunction with state-wide experts in law enforcement, the treatment of sexual offenders and sexual assault victim services, shall, within available appropriations, develop a community response education program to be offered to neighborhoods and municipalities that have been notified pursuant to section 54-258 that a person who has registered under said section is or will be residing in that community. (b) The purpose of such program shall be to assist neighborhoods, senior centers and other facilities serving or housing senior citizens in such neighborhoods, parents and children to learn how to better protect themselves from sexual abuse and sexual assault. The program shall develop educational materials and community information resources on prevention and risk reduction concerning sexual abuse and sexual assault and the enforcement of requirements concerning the registration and supervision of sexual offenders and the notification of communities where such offenders reside. (c) The program may include the following: (1) An initial community meeting following a community notification, sponsored by the Court Support Services Division and held in conjunction with the chief of police, chief elected officials, the superintendent of schools and other municipal officials of the community, to discuss the implementation of the statutory requirements concerning the registration of a sexual offender and the notification of the community where such offender resides, to provide information on the crime or crimes involved and to provide information on how the offender will be monitored by the Court Support Services Division and the specific conditions of probation applicable to the offender; (2) Information on how and where concerned residents may report observed violations by an offender of the conditions of such offender's probation; (3) Resources to educate families, children and senior citizens in the prevention and avoidance of sexual abuse and sexual assault and for parents seeking supportive methods for discussing relevant issues with their children; (4) Resources on when and how a community may wish to establish a network of “Safe Houses” for neighborhood children to use when they seek safe shelter or the creation of a neighborhood block watch or crime watch; (5) Resources for police departments and boards of education to use in consulting with parents on appropriate school-based classroom programs stressing safety, prevention and risk reduction and to use in developing educational programs for parents to discuss relevant issues with their children; (6) Resources for police departments and municipal officials to provide programs stressing safety, prevention and risk reduction for senior citizens living in the community or receiving services at a senior center or other facility located in the community; and (7) Compilation and distribution of a list of child protective agencies, child guidance clinics and rape crisis centers for families seeking more in-depth counseling after a community notification has occurred. (d) The Court Support Services Division may apply for and receive grants from the federal government or any agency thereof or from any foundation, corporation, association or individual for purposes of the development of the community response education program under this section. (P.A. 98-135, S. 1, 2; June Sp. Sess. P.A. 98-1, S. 111; P.A. 02-132, S. 52; P.A. 21-7, S. 5.) History: P.A. 98-135 effective May 27, 1998; June Sp. Sess. P.A. 98-1 made a technical change in Subsec. (a); P.A. 02-132 replaced “Office of Adult Probation” with “Court Support Services Division” throughout and made a technical change in Subsec. (c); P.A. 21-7 amended Subsec. (b) by adding senior centers and other facilities serving or housing senior citizens and amended Subsec. (c) by adding senior citizens in Subdiv. (3), adding new Subdiv. (6) re resources for programs stressing safety, prevention and risk reduction for senior citizens and redesignating existing Subdiv.(6) as Subdiv. (7), effective July 1, 2021.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 969a - Registration of Certain Offenders Section 54-280. - Definitions. Registry of offenders convicted of offense committed with a deadly weapon. Suspension of registration. Registration information. Notification protocol. Confidentiality.

(a) For the purposes of this section and sections 45a-99, 52-11, 54-280a and 54-280b: (1) “Commissioner” means the Commissioner of Emergency Services and Public Protection; (2) “Convicted” means that a person has a judgment entered in this state against such person by a court upon a plea of guilty, a plea of nolo contendere or a finding of guilty by a jury or the court notwithstanding any pending appeal or habeas corpus proceeding arising from such judgment; (3) “Deadly weapon” means a deadly weapon, as defined in section 53a-3; (4) “Department” means the Department of Emergency Services and Public Protection; (5) “Identifying factors” means fingerprints, a photographic image, and a description of any other identifying characteristics as may be required by the Commissioner of Emergency Services and Public Protection; (6) “Not guilty by reason of mental disease or defect” means a finding by a court or jury of not guilty by reason of mental disease or defect pursuant to section 53a-13 notwithstanding any pending appeal

or habeas corpus proceeding arising from such finding; (7) "Offender convicted of committing a crime with a deadly weapon" or "offender" means a person who has been convicted of an offense committed with a deadly weapon; (8) "Offense committed with a deadly weapon" or "offense" means: (A) A violation of subsection (c) of section 2-1e, subsection (e) of section 29-28, subsections (a) to (e), inclusive, or (j) of section 29-33, section 29-34, subsection (a) of section 29-35, section 29-36, 29-36k, 29-37a or 29-37e, subsection (c) of section 29-37g, section 29-37j, subsection (b), (c) or (g) of section 53-202, section 53-202b, 53-202c, 53-202j, 53-202k, 53-202l, 53-202aa or 53-206b, subsection (b) of section 53a-8, section 53a-55a, 53a-56a, 53a-60a, 53a-60c, 53a-72b, 53a-92a, 53a-94a, 53a-102a, 53a-103a, 53a-211, 53a-212, 53a-216, 53a-217, 53a-217a, 53a-217b or 53a-217c, or a second or subsequent violation of section 53-202g; or (B) a violation of any section of the general statutes which constitutes a felony, as defined in section 53a-25, provided the court makes a finding that, at the time of the offense, the offender used a deadly weapon, or was armed with and threatened the use of or displayed or represented by words or conduct that the offender possessed a deadly weapon; (9) "Registrant" means a person required to register under section 54-280a; (10) "Registry" means a central record system in this state that is established pursuant to this section and receives, maintains and disseminates to law enforcement agencies information on persons convicted or found not guilty by reason of mental disease or defect of an offense committed with a deadly weapon; and (11) "Release into the community" means, with respect to a conviction or a finding of not guilty by reason of mental disease or defect of an offense committed with a deadly weapon, (A) any release by a court after such conviction or finding of not guilty by reason of mental disease or defect, a sentence of probation or any other sentence under section 53a-28 that does not result in the offender's immediate placement in the custody of the Commissioner of Correction; (B) release from a correctional facility at the discretion of the Board of Pardons and Paroles, by the Department of Correction to a program authorized by section 18-100c or upon completion of the maximum term or terms of the offender's sentence or sentences, or to the supervision of the Court Support Services Division in accordance with the terms of the offender's sentence; or (C) temporary leave to an approved residence by the Psychiatric Security Review Board pursuant to section 17a-587, conditional release from a hospital for mental illness or a facility for persons with intellectual disability by the Psychiatric Security Review Board pursuant to section 17a-588 or release upon termination of commitment to the Psychiatric Security Review Board. (b) The Department of Emergency Services and Public Protection shall, not later than January 1, 2014, establish and maintain a registry of all persons required to register under section 54-280a as offenders convicted of an offense committed with a deadly weapon. The department shall, in cooperation with the Office of the Chief Court Administrator, the Department of Correction and the Psychiatric Security Review Board, develop appropriate forms for use by agencies and individuals to report registration information, including changes of address. Upon receipt of registration information, the department shall enter the information into the registry and notify the local police department or state police troop having jurisdiction where the registrant resides or plans to reside. Upon receiving notification pursuant to section 54-280a that a registrant has changed his or her address, the department shall enter the information into the registry and notify the local police departments or state police troops having jurisdiction where the registrant previously resided and the jurisdiction where the registrant has relocated. The Commissioner of Emergency Services and Public Protection shall also ensure that the name and residence address of each registrant is available through the Connecticut on-line law enforcement communication teleprocessing system maintained by the department. If a registrant reports a residence in another state, the department may notify the state police agency of that state or such other agency in that state that maintains registry information, if known. (c) The Department of Emergency Services and Public Protection may suspend the registration of any person registered under section 54-280a while such person is incarcerated, under civil commitment or residing outside this state. During the period that such registration is under suspension, the department may withdraw the registration information from access to law enforcement agencies. Upon the release of the registrant from incarceration or civil commitment or resumption of residency in this state by the registrant, the department shall reinstate the registration and redistribute the registration information in accordance with subsection (b) of this section. Suspension of registration shall not affect the date of expiration of the registration obligation of the registrant under section 54-280a. (d) The Department of Emergency Services and Public Protection shall include in the registry the most recent photographic image of each registrant taken by the department, the Department of Correction, a law enforcement agency or the Court Support Services Division of the Judicial Department. (e) Whenever the Commissioner of Emergency Services and Public Protection receives notice from a superior court pursuant to section 52-11 or a probate court pursuant to section 45a-99 that such court has ordered the change of name of a person, and the department determines that such person is listed in the registry, the department shall revise such person's registration information accordingly. (f) The Commissioner of Emergency Services and Public Protection shall develop a protocol for the notification of other state agencies, the Judicial Department and local police departments whenever a person listed in the registry changes such person's name and notifies the commissioner of the new name pursuant to section 54-280a or whenever the commissioner determines pursuant to subsection (e) of this section that a person listed in the registry has changed such person's name. (g) The information in the registry shall not be a public record or file for the purposes of section 1-200. Any information disclosed pursuant to this section or section 54-280a or 54-280b, shall not be further disclosed unless such disclosure is permitted under this section or section 54-280a or 54-280b. (P.A. 13-3, S. 18; P.A. 23-53, S. 22.) History: P.A. 13-3 effective January 1, 2014; P.A. 23-53 amended Subsec. (a)(8) by changing reference to Sec. 29-33(i) to Sec. 29-33(j).

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 969a - Registration of Certain Offenders Section 54-280a. - Registration of person convicted of offense committed with a deadly weapon. Personal appearance requirement. Penalty.

(a)(1) Any person who has been convicted or found not guilty by reason of mental disease or defect of an offense committed with a

deadly weapon and is released into the community on or after January 1, 2014, shall, within fourteen calendar days following such release or, if such person is in the custody of the Commissioner of Correction, at such time prior to release as the Commissioner of Correction shall direct, and whether or not such person's place of residence is in this state, register such person's name, identifying factors, criminal history record, residence address and electronic mail address with the Commissioner of Emergency Services and Public Protection, on such forms and in such locations as the Commissioner of Emergency Services and Public Protection shall direct, and shall maintain such registration for five years. (2) Prior to accepting a plea of guilty or nolo contendere from a person with respect to an offense committed with a deadly weapon, the court shall (A) inform the person that the entry of a finding of guilty after acceptance of the plea will subject the person to the registration requirements of this section, and (B) determine that the person fully understands the consequences of the plea. (3) If any person who is subject to registration under this section changes such person's name, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new name. If any person who is subject to registration under this section changes such person's address, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new address. During such period of registration, each registrant shall complete and return any forms mailed to such registrant to verify such registrant's residence address and shall submit to the retaking of a photographic image upon request of the Commissioner of Emergency Services and Public Protection. (b) Any offender convicted of committing a crime with a deadly weapon who is required to register under this section shall, not later than twenty calendar days after each anniversary date of such initial registration, until the date such registration requirement expires under subdivision (1) of subsection (a) of this section, personally appear at the local police department or state police troop having jurisdiction where the registrant resides to verify and update, as appropriate, the contents of his or her registration. The local police department or state police troop, as the case may be, may defer such requirement to personally appear to a later date for good cause shown. Not later than thirty calendar days prior to such anniversary date, the Department of Emergency Services and Public Protection shall mail written notice of the personal appearance requirement of this subsection to the registrant and the local police department or state police troop having jurisdiction where the registrant resides. Not later than thirty calendar days after the anniversary date of each registrant, the local police department or state police troop having jurisdiction where the registrant resides shall notify the Commissioner of Emergency Services and Public Protection, on such form as the commissioner may prescribe, (1) whether the registrant complied with the personal appearance requirement of this subsection or whether such personal appearance requirement was deferred to a later date for good cause shown, and (2) if the personal appearance requirement was deferred to a later date for good cause shown, the local police department or state police troop shall indicate the later date established for such personal appearance and describe the good cause shown. (c) Any person who is subject to registration under this section who violates any provisions of subsection (a) or (b) of this section, except a violation consisting of failure to notify the Commissioner of Emergency Services and Public Protection of a change of name or address, shall be guilty of a class D felony. Any person who is subject to registration under this section who fails to notify the Commissioner of Emergency Services and Public Protection of a change of name or address not later than five business days after such change of name or address shall be guilty of a class D felony. (P.A. 13-3, S. 19.) History: P.A. 13-3 effective January 1, 2014. In order for a convictee to be subject to the registration requirements of Sec., both the conviction date and the release date must be on or after January 1, 2014. 226 CA 313.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 969a - Registration of Certain Offenders Section 54-280b. - Registration information.

(a) The registration information for each registrant shall include: (1) The offender's name, including any other name by which the offender has been legally known, and any aliases used by the offender; (2) Identifying information, including a physical description of the offender; (3) The current residence address of the offender; (4) The date of conviction of the offense; (5) A description of the offense; and (6) If the offender was sentenced to a term of incarceration for such offense, a portion of which was not suspended, the date the offender was released from such incarceration. (b) The offender shall sign and date the registration. (c) At the time that the offender appears for the purpose of registering, the Department of Emergency Services and Public Protection shall photograph the offender and arrange for the fingerprinting of the offender and include such photograph and a complete set of fingerprints in the registry. If the offender is required to submit to the taking of a blood or other biological sample of sufficient quality for DNA (deoxyribonucleic acid) analysis pursuant to section 54-102g, and has not submitted to the taking of such sample, the commissioner shall also require such sample to be taken for analysis pursuant to section 54-102g. (d) The Department of Emergency Services and Public Protection may require the offender to provide documentation to verify the contents of his or her registration. (P.A. 13-3, S. 20.) History: P.A. 13-3 effective January 1, 2014.

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 970 - Connecticut Sentencing Commission Section 54-300. - Sentencing Commission.

(a) There is established, within existing budgetary resources, a Connecticut Sentencing Commission which shall be within the Office of Policy and Management for administrative purposes only. (b) The mission of the commission shall be to review the existing criminal sentencing structure in the state and any proposed changes thereto, including existing statutes, proposed criminal justice legislation and existing and proposed sentencing policies and practices and make recommendations to the Governor, the General Assembly and appropriate criminal justice agencies. (c) In fulfilling its mission, the commission shall recognize that: (1) The primary purpose of sentencing in the state is to enhance public safety while holding the offender accountable to the community, (2)

sentencing should reflect the seriousness of the offense and be proportional to the harm to victims and the community, using the most appropriate sanctions available, including incarceration, community punishment and supervision, (3) sentencing should have as an overriding goal the reduction of criminal activity, the imposition of just punishment and the provision of meaningful and effective rehabilitation and reintegration of the offender, and (4) sentences should be fair, just and equitable while promoting respect for the law. (d) The commission shall be composed of the following members: (1) Eight persons appointed one each by: (A) The Governor, (B) the Chief Justice of the Supreme Court, (C) the president pro tempore of the Senate, (D) the speaker of the House of Representatives, (E) the majority leader of the Senate, (F) the majority leader of the House of Representatives, (G) the minority leader of the Senate, and (H) the minority leader of the House of Representatives, all of whom shall serve for a term of four years; (2) Two judges appointed by the Chief Justice of the Supreme Court, one of whom shall serve for a term of one year and one of whom shall serve for a term of three years; (3) One representative of the Court Support Services Division of the Judicial Branch appointed by the Chief Justice of the Supreme Court, who shall serve for a term of two years; (4) The Commissioner of Correction, who shall serve for a term coterminous with his or her term of office; (5) The Chief State's Attorney, who shall serve for a term coterminous with his or her term of office; (6) The Chief Public Defender, who shall serve for a term coterminous with his or her term of office; (7) One state's attorney appointed by the Chief State's Attorney, who shall serve for a term of three years; (8) One member of the criminal defense bar appointed by the president of the Connecticut Criminal Defense Lawyers Association, who shall serve for a term of three years; (9) The Victim Advocate, who shall serve for a term coterminous with his or her term of office; (10) The chairperson of the Board of Pardons and Paroles, who shall serve for a term coterminous with his or her term of office; (11) The Commissioner of Emergency Services and Public Protection, who shall serve for a term coterminous with his or her term of office; (12) A municipal police chief appointed by the president of the Connecticut Police Chiefs Association, who shall serve for a term of two years; (13) The Commissioner of Mental Health and Addiction Services, who shall serve for a term coterminous with his or her term of office; (14) The undersecretary of the Criminal Justice Policy and Planning Division within the Office of Policy and Management, who shall serve for a term coterminous with his or her term of office; and (15) An active or retired judge appointed by the Chief Justice of the Supreme Court, who shall serve as chairperson of the commission and serve for a term of four years. (e) The commission shall elect a vice-chairperson from among the membership. Appointed members of the commission shall serve for the term specified in subsection (d) of this section and may be reappointed. Any vacancy in the appointed membership of the commission shall be filled by the appointing authority for the unexpired portion of the term. (f) The commission shall: (1) Facilitate the development and maintenance of a state-wide sentencing database in collaboration with state and local agencies, using existing state databases or resources where appropriate; (2) Evaluate existing sentencing statutes, policies and practices including conducting a cost-benefit analysis; (3) Conduct sentencing trends analyses and studies and prepare offender profiles; (4) Provide training regarding sentencing and related issues, policies and practices; (5) Act as a sentencing policy resource for the state; (6) Preserve judicial discretion and provide for individualized sentencing; (7) Evaluate the impact of pretrial, sentencing diversion, incarceration and post-release supervision programs; (8) Perform fiscal impact analyses on selected proposed criminal justice legislation; and (9) Identify potential areas of sentencing disparity related to racial, ethnic, gender and socioeconomic status. (g) Upon completing the development of the state-wide sentencing database pursuant to subdivision (1) of subsection (f) of this section, the commission shall review criminal justice legislation as requested and as resources allow. (h) The commission shall make recommendations concerning criminal justice legislation, including proposed modifications thereto, to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary which shall hold a hearing thereon. (i) The commission shall have access to confidential information received by sentencing courts and the Board of Pardons and Paroles including, but not limited to, arrest data, criminal history records, medical records and other nonconviction information. (j) The commission shall obtain full and complete information with respect to programs and other activities and operations of the state that relate to the criminal sentencing structure in the state. (k) The commission may request any office, department, board, commission or other agency of the state or any political subdivision of the state to supply such records, information and assistance as may be necessary or appropriate in order for the commission to carry out its duties. Each officer or employee of such office, department, board, commission or other agency of the state or any political subdivision of the state is authorized and directed to cooperate with the commission and to furnish such records, information and assistance. (l) The commission may accept, on behalf of the state, any grants of federal or private funds made available for any purposes consistent with the provisions of this section. (m) Any records or information supplied to the commission that is confidential in accordance with any provision of the general statutes shall remain confidential while in the custody of the commission and shall not be disclosed. Any penalty for the disclosure of such records or information applicable to the officials, employees and authorized representatives of the office, department, board, commission or other agency of the state or any political subdivision of the state that supplied such records or information shall apply in the same manner and to the same extent to the members, staff and authorized representatives of the commission. (n) The commission shall be deemed to be a criminal justice agency as defined in subsection (b) of section 54-142g. (o) The commission shall meet at least once during each calendar quarter and at such other times as the chairperson deems necessary. (p) Not later than January 15, 2012, and annually thereafter, the commission shall submit a report, in accordance with the provisions of section 11-4a, to the Governor, the General Assembly and the Chief Justice of the Supreme Court. (P.A. 10-129, S. 1; P.A. 11-51, S. 134.) History: P.A. 10-129 effective February 1, 2011; pursuant to P.A. 11-51, "Commissioner of Public Safety" was changed editorially by the Revisors to "Commissioner of Emergency Services and Public Protection" in Subsec. (d)(11), effective July 1, 2011. See Sec. 4-38f for definition of "administrative purposes only".

2024 Connecticut General Statutes Title 54 - Criminal Procedure Chapter 970 - Connecticut Sentencing Commission Section 54-301. - Posting of data and evaluation re provisional pardons and certificates of rehabilitation. Reports.

(a) Not later than January 1, 2016, the Connecticut Sentencing Commission shall post data on its Internet web site that the commission received from the Board of Pardons and Paroles pursuant to subsection (1) of section 54-130e and the Court Support Services Division of the Judicial Branch pursuant to section 54-108f, and shall update such data on its Internet web site annually thereafter. (b) The Connecticut Sentencing Commission, or its designee, shall evaluate the effectiveness of provisional pardons and certificates of rehabilitation issued pursuant to section 54-130e and certificates of rehabilitation issued pursuant to section 54-108f, at promoting the public policy of rehabilitating ex-offenders consistent with the public interest in public safety, the safety of crime victims and the protection of property. Such evaluation shall continue for a period of three years from October 1, 2015. The commission shall submit a report to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary not later than January 15, 2016, January 15, 2017, and January 15, 2018, on the effectiveness of such provisional pardons and certificates of rehabilitation at promoting such public policy and public interest. Such report shall include recommendations, if any, for amendments to the general statutes governing such provisional pardons and certificates of rehabilitation in order to promote such public policy and public interest. (P.A. 14-27, S. 4.)

Title: title-14

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-1. - Definitions.

Terms used in this chapter shall be construed as follows, unless another construction is clearly apparent from the language or context in which the term is used or unless the construction is inconsistent with the manifest intention of the General Assembly: (1) "Activity vehicle" means a student transportation vehicle that is used to transport students in connection with school-sponsored events and activities, but is not used to transport students to and from school; (2) "Agricultural tractor" means a tractor or other form of nonmuscular motive power used for transporting, hauling, plowing, cultivating, planting, harvesting, reaping or other agricultural purposes on any farm or other private property, or used for the purpose of transporting, from one farm to another, agricultural implements and farm products, provided the agricultural tractor is not used on any highway for transporting a pay load or for some other commercial purpose; (3) "Antique, rare or special interest motor vehicle" means a motor vehicle twenty years old or older which is being preserved because of historic interest and which is not altered or modified from the original manufacturer's specifications; (4) "Apparent candle power" means an illumination equal to the normal illumination in foot candles produced by any lamp or lamps, divided by the square of the distance in feet between the lamp or lamps and the point at which the measurement is made; (5) "Authorized emergency vehicle" means (A) a fire department vehicle, (B) a police vehicle, or (C) an authorized emergency medical services vehicle, as defined in section 19a-175; (6) "Autocycle" means a motor vehicle that meets the requirements of a motorcycle under 49 CFR Part 571, and (A) does not have more than three wheels in contact with the ground, (B) is designed to be controlled with a steering mechanism and foot pedals for acceleration, braking or shifting, (C) has a seat or seats that are fully or partially enclosed and in which the occupants sit with their legs forward, and (D) is equipped with safety belts, in accordance with section 14-100a, for all occupants; (7) "Auxiliary driving lamp" means an additional lighting device on a motor vehicle used primarily to supplement the general illumination in front of a motor vehicle provided by the motor vehicle's head lamps; (8) "Bulb" means a light source consisting of a glass bulb containing a filament or substance capable of being electrically maintained at incandescence; (9) "Camp trailer" includes any trailer designed for living or sleeping purposes and used exclusively for camping or recreational purposes; (10) "Camp trailer registration" means the type of registration issued to any trailer that is for nonbusiness use and is limited to camp trailers and utility trailers; (11) "Camp vehicle" means any motor vehicle that is regularly used to transport persons under eighteen years of age in connection with the activities of any youth camp, as defined in section 19a-420; (12) "Camper" means any motor vehicle designed or permanently altered in such a way as to provide temporary living quarters for travel, camping or recreational purposes; (13) "Class 1 electric bicycle" means an electric bicycle equipped with a motor that engages only when the rider operates the electric bicycle's foot pedals, and disengages when the rider stops pedaling or such electric bicycle reaches the speed of twenty miles per hour; (14) "Class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle, and disengages when the brakes are applied or such electric bicycle reaches the speed of twenty miles per hour; (15) "Class 3 electric bicycle" means an electric bicycle equipped with a motor that engages only when the rider operates the electric bicycle's foot pedals, and disengages when the rider stops pedaling or such electric bicycle reaches the speed of twenty-eight miles per hour; (16) "Combination registration" means the type of registration issued to a motor vehicle used for both private passenger and commercial purposes if such vehicle does not have a gross vehicle weight rating in excess of twelve thousand five hundred pounds; (17) "Commercial driver's license" or "CDL" means a license issued to an individual in accordance with the provisions of sections 14-44a to 14-44m, inclusive, which authorizes such individual to drive a commercial motor vehicle; (18) "Commercial driver's license information system" or "CDLIS" means the national database of holders of commercial driver's licenses established by the Federal Motor Carrier Safety Administration pursuant to Section 12007 of the Commercial Motor Vehicle Safety Act of 1986; (19) "Commercial motor vehicle" means a vehicle designed or used to transport passengers or property, except a vehicle used for farming purposes in accordance with 49 CFR 383.3(d), fire fighting apparatus or an emergency vehicle, as defined in section 14-283, or a recreational vehicle in private use, which (A) has a gross vehicle weight rating of twenty-six thousand and one pounds or more, or a gross combination weight rating of twenty-six

thousand and one pounds or more, inclusive of a towed unit or units with a gross vehicle weight rating of more than ten thousand pounds; (B) is designed to transport sixteen or more passengers, including the driver, or is designed to transport more than ten passengers, including the driver, and is used to transport students under the age of twenty-one years to and from school; or (C) is transporting hazardous materials and is required to be placarded in accordance with 49 CFR 172, Subpart F, as amended, or any quantity of a material listed as a select agent or toxin in 42 CFR Part 73; (20) "Commercial registration" means the type of registration required for any motor vehicle designed or used to transport merchandise, freight or persons in connection with any business enterprise, unless a more specific type of registration is authorized and issued by the commissioner for such class of vehicle; (21) "Commercial trailer" means a trailer used in the conduct of a business to transport freight, materials or equipment whether or not permanently affixed to the bed of the trailer; (22) "Commercial trailer registration" means the type of registration issued to any commercial trailer; (23) "Commissioner" includes the Commissioner of Motor Vehicles and any assistant to the Commissioner of Motor Vehicles who is designated and authorized by, and who is acting for, the Commissioner of Motor Vehicles under a designation; except that the deputy commissioners of motor vehicles and the Attorney General are deemed, unless the Commissioner of Motor Vehicles otherwise provides, to be designated and authorized by, and acting for, the Commissioner of Motor Vehicles under a designation; (24) "Controlled substance" has the same meaning as provided in section 21a-240 and the federal laws and regulations incorporated in chapter 420b; (25) "Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated; (26) "Dealer" includes any person actively engaged in buying, selling or exchanging motor vehicles or trailers who has an established place of business in this state and who may, incidental to such business, repair motor vehicles or trailers, or cause them to be repaired by persons in his or her employ; (27) "Disqualification" means a withdrawal of the privilege to drive a commercial motor vehicle, which occurs as a result of (A) any suspension, revocation, or cancellation by the commissioner of the privilege to operate a motor vehicle; (B) a determination by the Federal Highway Administration, under the rules of practice for motor carrier safety contained in 49 CFR 386, as amended from time to time, that a person is no longer qualified to operate a commercial motor vehicle under the standards set forth in 49 CFR 391, as amended from time to time; or (C) the loss of qualification which follows any of the convictions or administrative actions specified in section 14-44k; (28) "Drive" means to drive, operate or be in physical control of a motor vehicle, including a motor vehicle being towed by another; (29) "Driver" means any person who drives, operates or is in physical control of a commercial motor vehicle, or who is required to hold a commercial driver's license; (30) "Driver's license" or "operator's license" means a valid Connecticut motor vehicle operator's license or a license issued by another state or foreign jurisdiction authorizing the holder thereof to operate a motor vehicle on the highways; (31) "Electric bicycle" means a bicycle equipped with operable foot pedals and an electric motor of fewer than seven hundred fifty watts of power that is either a class 1, class 2 or class 3 bicycle. "Electric bicycle" does not include a dirt bike or an all-terrain vehicle; (32) "Electric foot scooter" means a device (A) that weighs not more than seventy-five pounds, (B) that has two or three wheels, handlebars and a floorboard that can be stood upon while riding, (C) that is powered by an electric motor and human power, and (D) whose maximum speed, with or without human propulsion on a paved level surface, is not more than twenty miles per hour; (33) "Employee" means any operator of a commercial motor vehicle, including full-time, regularly employed drivers, casual, intermittent or occasional drivers, drivers under contract and independent owner-operator contractors, who, while in the course of operating a commercial motor vehicle, are either directly employed by, or are under contract to, an employer; (34) "Employer" means any person, including the United States, a state or any political subdivision thereof, who owns or leases a commercial motor vehicle, or assigns a person to drive a commercial motor vehicle; (35) "Farm implement" means a vehicle designed and adapted exclusively for agricultural, horticultural or livestock-raising operations and which is not operated on a highway for transporting a pay load or for any other commercial purpose; (36) "Felony" means any offense, as defined in section 53a-25 and includes any offense designated as a felony under federal law; (37) "Fatality" means the death of a person as a result of a motor vehicle accident; (38) "Foreign jurisdiction" means any jurisdiction other than a state of the United States; (39) "Fuels" means (A) all products commonly or commercially known or sold as gasoline, including casinghead and absorption or natural gasoline, regardless of their classification or uses, (B) any liquid prepared, advertised, offered for sale or sold for use, or commonly and commercially used, as a fuel in internal combustion engines, which, when subjected to distillation in accordance with the standard method of test for distillation of gasoline, naphtha, kerosene and similar petroleum products by "American Society for Testing Materials Method D-86", shows not less than ten per cent distilled (recovered) below 347° Fahrenheit (175° Centigrade) and not less than ninety-five per cent distilled (recovered) below 464° Fahrenheit (240° Centigrade); provided the term "fuels" does not include commercial solvents or naphthas which distill, by "American Society for Testing Materials Method D-86", not more than nine per cent at 176° Fahrenheit and which have a distillation range of 150° Fahrenheit, or less, or liquefied gases which would not exist as liquids at a temperature of 60° Fahrenheit and a pressure of 14.7 pounds per square inch absolute, and (C) any liquid commonly referred to as "gasohol" which is prepared, advertised, offered for sale or sold for use, or commonly and commercially used, as a fuel in internal combustion engines, consisting of a blend of gasoline and a minimum of ten per cent by volume of ethyl or methyl alcohol; (40) "Garage" includes every place of business where motor vehicles are, for compensation, received for housing, storage or repair; (41) "Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination (articulated) vehicle. The GVWR of a combination (articulated) vehicle commonly referred to as the "gross combination weight rating" or GCWR is the GVWR of the power unit plus the GVWR of the towed unit or units; (42) "Gross weight" means the light

weight of a vehicle plus the weight of any load on the vehicle, provided, in the case of a tractor-trailer unit, "gross weight" means the light weight of the tractor plus the light weight of the trailer or semitrailer plus the weight of the load on the vehicle; (43) "Hazardous materials" has the same meaning as provided in 49 CFR 383.5; (44) "Head lamp" means a lighting device affixed to the front of a motor vehicle projecting a high intensity beam which lights the road in front of the vehicle so that it can proceed safely during the hours of darkness; (45) "High-mileage vehicle" means a motor vehicle having the following characteristics: (A) Not less than three wheels in contact with the ground; (B) a completely enclosed seat on which the driver sits; (C) a single or two cylinder, gasoline or diesel engine or an electric-powered engine; and (D) efficient fuel consumption; (46) "Highway" includes any state or other public highway, road, street, avenue, alley, driveway, parkway, place or dedicated roadway for bus rapid transit service, under the control of the state or any political subdivision of the state, dedicated, appropriated or opened to public travel or other use; (47) "Imminent hazard" means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury or endangerment; (48) "Intersecting highway" includes any public highway which joins another at an angle whether or not it crosses the other; (49) "Light weight" means the weight of an unloaded motor vehicle as ordinarily equipped and ready for use, exclusive of the weight of the operator of the motor vehicle; (50) "Limited access highway" means a state highway so designated under the provisions of section 13b-27; (51) "Local authorities" includes the board of aldermen, common council, chief of police, warden and burgesses, board of selectmen or other officials having authority for the enactment or enforcement of traffic regulations within their respective towns, cities or boroughs; (52) "Low-speed vehicle" has the same meaning as provided in 49 CFR 571.3, as amended from time to time; (53) "Maintenance vehicle" means any vehicle in use by the state or by any town, city, borough or district, any state bridge or parkway authority or any public service company, as defined in section 16-1, in the maintenance of public highways or bridges and facilities located within the limits of public highways or bridges; (54) "Manufacturer" means (A) a person, whether a resident or nonresident, engaged in the business of constructing or assembling new motor vehicles of a type required to be registered by the commissioner, for operation upon any highway, except a utility trailer, which are offered for sale in this state, or (B) a person who distributes new motor vehicles to new car dealers licensed in this state; (55) "Median divider" means an intervening space or physical barrier or clearly indicated dividing section separating traffic lanes provided for vehicles proceeding in opposite directions; (56) "Modified antique motor vehicle" means a motor vehicle twenty years old or older which has been modified for safe road use, including, but not limited to, modifications to the drive train, suspension, braking system and safety or comfort apparatus; (57) "Motor bus" includes any motor vehicle, except a taxicab, as defined in section 13b-95, operated in whole or in part on any street or highway in a manner affording a means of transportation by indiscriminately receiving or discharging passengers, or running on a regular route or over any portion of a regular route or between fixed termini; (58) "Motor home" means a vehicular unit designed to provide living quarters and necessary amenities which are built into an integral part of, or permanently attached to, a truck or van chassis; (59) "Motor-driven cycle" means any of the following vehicles that have a seat height of not less than twenty-six inches and a motor having a capacity of less than fifty cubic centimeters piston displacement: (A) A motorcycle, other than an auticycle; (B) a motor scooter; or (C) a bicycle with attached motor, except an electric bicycle; (60) "Motor vehicle" means any vehicle propelled or drawn by any nonmuscular power, including a low-speed vehicle. "Motor vehicle" does not include aircraft, motor boats, road rollers, baggage trucks used about railroad stations or other mass transit facilities, electric battery-operated wheel chairs when operated by persons with physical disabilities at speeds not exceeding fifteen miles per hour, golf carts operated on highways solely for the purpose of crossing from one part of the golf course to another, golf-cart-type vehicles operated on roads or highways on the grounds of state institutions by state employees, agricultural tractors, farm implements, such vehicles as run only on rails or tracks, self-propelled snow plows, snow blowers and lawn mowers, when used for the purposes for which they were designed and operated at speeds not exceeding four miles per hour, whether or not the operator rides on or walks behind such equipment, motor-driven cycles, as defined in section 14-286, special mobile equipment, as defined in section 14-165, mini-motorcycles, as defined in section 14-289j, electric bicycles, electric foot scooters and any other vehicle not suitable for operation on a highway; (61) "Motorcycle" means (A) an auticycle, as defined in this section, or (B) a motor vehicle, with or without a side car, that has (i) not more than three wheels in contact with the ground, (ii) a saddle or seat which the rider straddles or a platform on which the rider stands, and (iii) handlebars with which the rider controls the movement of the vehicle. "Motorcycle" does not include a motor-driven cycle, an electric bicycle or an electric foot scooter; (62) "National Driver Registry" or "NDR" means the licensing information system and database operated by the National Highway Traffic Safety Administration and established pursuant to the National Driver Registry Act of 1982, as amended; (63) "New motor vehicle" means a motor vehicle, the equitable or legal title to which has never been transferred by a manufacturer, distributor or dealer to an ultimate consumer; (64) "Nonresident" means any person whose legal residence is in a state other than Connecticut or in a foreign country; (65) "Nonresident commercial driver's license" or "nonresident CDL" means a commercial driver's license issued by a state to an individual who resides in a foreign jurisdiction; (66) "Nonskid device" means any device applied to the tires, wheels, axles or frame of a motor vehicle for the purpose of increasing the traction of the motor vehicle; (67) "Number plate" means any sign or marker furnished by the commissioner on which is displayed the registration number assigned to a motor vehicle by the commissioner; (68) "Officer" includes any constable, state marshal, inspector of motor vehicles, state policeman or other official authorized to make arrests or to serve process, provided the officer is in uniform or displays the officer's badge of office in a conspicuous place when making an arrest; (69) "Operator" means any person who operates a motor vehicle or who steers or directs the course of a motor vehicle being towed by another motor vehicle and includes a driver; (70) "Out-of-service order" means an order (A) issued by a person having inspection authority, as defined in regulations

adopted by the commissioner pursuant to section 14-163c, or by an authorized official of the United States Department of Transportation Federal Motor Carrier Safety Administration pursuant to any provision of federal law, to prohibit any motor vehicle specified in subsection (a) of section 14-163c from being operated on any highway, or to prohibit a driver from operating any such motor vehicle, or (B) issued by the United States Department of Transportation Federal Motor Carrier Safety Administration, pursuant to any provision of federal law, to prohibit any motor carrier, as defined in Section 386.2 of Title 49 of the Code of Federal Regulations, from engaging in commercial motor vehicle operations; (71) "Owner" means any person holding title to a motor vehicle, or having the legal right to register the same, including purchasers under conditional bills of sale; (72) "Parked vehicle" means a motor vehicle in a stationary position within the limits of a public highway; (73) "Passenger and commercial motor vehicle" means a motor vehicle used for private passenger and commercial purposes which is eligible for combination registration; (74) "Passenger motor vehicle" means a motor vehicle used for the private transportation of persons and their personal belongings, designed to carry occupants in comfort and safety, with a capacity of carrying not more than ten passengers including the operator thereof; (75) "Passenger registration" means the type of registration issued to a passenger motor vehicle unless a more specific type of registration is authorized and issued by the commissioner for such class of vehicle; (76) "Person" includes any individual, corporation, limited liability company, association, copartnership, company, firm, business trust or other aggregation of individuals but does not include the state or any political subdivision thereof, unless the context clearly states or requires; (77) "Pick-up truck" means a motor vehicle with an enclosed forward passenger compartment and an open rearward compartment used for the transportation of property; (78) "Pneumatic tires" means tires inflated or inflatable with air; (79) "Pole trailer" means a trailer which is (A) intended for transporting long or irregularly shaped loads such as poles, logs, pipes or structural members, which loads are capable of sustaining themselves as beams between supporting connections, and (B) designed to be drawn by a motor vehicle and attached or secured directly to the motor vehicle by any means including a reach, pole or boom; (80) "Public passenger endorsement" means an endorsement issued to an individual, which authorizes such individual to transport passengers, including, but not limited to, passengers who are students in accordance with subsection (b) or (c) of section 14-36a; (81) "Recreational vehicle" includes the camper, camp trailer and motor home classes of vehicles; (82) "Registration" includes the certificate of motor vehicle registration and the number plate or plates used in connection with such registration; (83) "Registration number" means the identifying number or letters, or both, assigned by the commissioner to a motor vehicle; (84) "Resident", for the purpose of registering motor vehicles, includes any person who is a legal resident of this state, as the commissioner may presume from the fact that such person occupies a place of dwelling in this state for more than six months in a year, or any person, firm or corporation owning or leasing a motor vehicle used or operated in intrastate business in this state, or a firm or corporation having its principal office or place of business in this state; (85) "School bus" means any school bus, as defined in section 14-275, including a commercial motor vehicle used to transport preschool, elementary school or secondary school students from home to school, from school to home, or to and from school-sponsored events, but does not include a bus used as a common carrier; (86) "Second" violation or "subsequent" violation means an offense committed not more than three years after the date of an arrest which resulted in a previous conviction for a violation of the same statutory provision, except in the case of a violation of section 14-215, 14-224, 14-227a or 14-227m, "second" violation or "subsequent" violation means an offense committed not more than ten years after the date of an arrest which resulted in a previous conviction for a violation of the same statutory provision; (87) "Semitrailer" means any trailer type vehicle designed and used in conjunction with a motor vehicle so that some part of its own weight and load rests on or is carried by another vehicle; (88) "Serious traffic violation" means a conviction of any of the following offenses: (A) Excessive speeding, involving a single offense in which the speed is fifteen miles per hour or more above the posted speed limit, in violation of section 14-218a or 14-219; (B) reckless driving in violation of section 14-222; (C) following too closely in violation of section 14-240 or 14-240a; (D) improper or erratic lane changes, in violation of section 14-236; (E) using a hand-held mobile telephone or other electronic device or typing, reading or sending text or a text message with or from a mobile telephone or mobile electronic device in violation of subsection (e) of section 14-296aa while operating a commercial motor vehicle; (F) driving a commercial motor vehicle without a valid commercial driver's license in violation of section 14-36a or 14-44a; (G) failure to carry a commercial driver's license in violation of section 14-44a; (H) failure to have the proper class of license or endorsement, or violation of a license restriction in violation of section 14-44a; or (I) a violation of any provision of chapter 248, by an operator who holds a commercial driver's license or learner's permit that results in the death of another person; (89) "Service bus" includes any vehicle except a vanpool vehicle or a school bus designed and regularly used to carry ten or more passengers when used in private service for the transportation of persons without charge to the individual; (90) "Service car" means any motor vehicle used by a manufacturer, dealer or repairer for emergency motor vehicle repairs on the highways of this state, for towing or for the transportation of necessary persons, tools and materials to and from the scene of such emergency repairs or towing; (91) "Shoulder" means that portion of a highway immediately adjacent and contiguous to the travel lanes or main traveled portion of the roadway; (92) "Solid tires" means tires of rubber, or other elastic material approved by the Commissioner of Transportation, which do not depend on confined air for the support of the load; (93) "Spot lamp" or "spot light" means a lighting device projecting a high intensity beam, the direction of which can be readily controlled for special or emergency lighting as distinguished from ordinary road illumination; (94) "State" means any state of the United States and the District of Columbia unless the context indicates a more specific reference to the state of Connecticut; (95) "Stop" means complete cessation of movement; (96) "Student" means any person under the age of twenty-one years who is attending a preprimary, primary or secondary school program of education; (97) "Tail lamp" means a lighting device affixed to the rear of a motor vehicle showing a red light to the rear and indicating the presence of the motor vehicle when viewed from behind; (98) "Tank vehicle" means any commercial motor vehicle designed to transport any liquid or gaseous material within a

tank that is either permanently or temporarily attached to the vehicle or its chassis, which includes, but is not limited to, a cargo tank and portable tank, as defined in 49 CFR 383.5, as amended, provided it does not include a portable tank with a rated capacity not to exceed one thousand gallons; (99) “Tractor” or “truck tractor” means a motor vehicle designed and used for drawing a semitrailer; (100) “Tractor-trailer unit” means a combination of a tractor and a trailer or a combination of a tractor and a semitrailer; (101) “Trailer” means any rubber-tired vehicle without motive power drawn or propelled by a motor vehicle; (102) “Truck” means a motor vehicle designed, used or maintained primarily for the transportation of property; (103) “Ultimate consumer” means, with respect to a motor vehicle, the first person, other than a dealer, who in good faith purchases the motor vehicle for purposes other than resale; (104) “United States” means the fifty states and the District of Columbia; (105) “Used motor vehicle” includes any motor vehicle which has been previously separately registered by an ultimate consumer; (106) “Utility trailer” means a trailer designed and used to transport personal property, materials or equipment, whether or not permanently affixed to the bed of the trailer; (107) “Vanpool vehicle” includes all motor vehicles, the primary purpose of which is the daily transportation, on a prearranged nonprofit basis, of individuals between home and work, and which: (A) If owned by or leased to a person, or to an employee of the person, or to an employee of a local, state or federal government unit or agency located in Connecticut, are manufactured and equipped in such manner as to provide a seating capacity of at least seven but not more than fifteen individuals, or (B) if owned by or leased to a regional ride-sharing organization in the state recognized by the Commissioner of Transportation, are manufactured and equipped in such manner as to provide a seating capacity of at least six but not more than nineteen individuals; (108) “Vehicle” includes any device suitable for the conveyance, drawing or other transportation of persons or property, whether operated on wheels, runners, a cushion of air or by any other means. The term does not include devices propelled or drawn by human power or devices used exclusively on tracks; (109) “Vehicle identification number” or “VIN” means a series of Arabic numbers and Roman letters that is assigned to each new motor vehicle that is manufactured within or imported into the United States, in accordance with the provisions of 49 CFR 565, unless another sequence of numbers and letters has been assigned to a motor vehicle by the commissioner, in accordance with the provisions of section 14-149; (110) “Wrecker” means a vehicle which is registered, designed, equipped and used for the purposes of towing or transporting wrecked or disabled motor vehicles for compensation or for related purposes by a person, firm or corporation licensed in accordance with the provisions of subpart (D) of part III of this chapter or a vehicle contracted for the consensual towing or transporting of one or more motor vehicles to or from a place of sale, purchase, salvage or repair. (1949 Rev., S. 2350; 1953, S. 1278d, 1281d; 1955, S. 1279d, 1280d; 1959, P.A. 162; 283, S. 1; 1961, P.A. 233, S. 10; 1963, P.A. 560; February, 1965, P.A. 414, S. 1; 448, S. 1, 2, 3; 1967, P.A. 454, S. 1; 799; 821; 1969, P.A. 189; 569, S. 1; 1971, P.A. 355, S. 1, 2; 416, S. 2; 629; 740, S. 1; 848, S. 1, 2; 1972, P.A. 255, S. 1; P.A. 73-676, S. 1; P.A. 75-253, S. 1, 2; P.A. 76-250, S. 2-4; P.A. 77-67; P.A. 79-25, S. 1; 79-175, S. 2, 3; 79-244, S. 1, 5, 6; 79-627, S. 5, 6; P.A. 80-466, S. 2, 25; P.A. 81-394, S. 1; P.A. 82-460, S. 1, 2, 9; 82-472, S. 39, 183; P.A. 83-224, S. 1, 2; 83-278; 83-431, S. 2; 83-587, S. 67, 96; P.A. 84-429, S. 1; 84-546, S. 37, 173; P.A. 86-383, S. 1, 6; P.A. 88-245, S. 1, 7; P.A. 90-263, S. 1, 74; P.A. 91-272, S. 5, 8; P.A. 93-341, S. 1, 38; P.A. 95-79, S. 39, 189; 95-314, S. 4; P.A. 97-236, S. 23, 27; P.A. 99-268, S. 1, 2, 29; P.A. 00-35, S. 1; 00-99, S. 44, 154; 00-169, S. 22, 35; P.A. 02-70, S. 1, 17; P.A. 03-265, S. 5; P.A. 04-199, S. 7; 04-217, S. 1; P.A. 05-218, S. 2, 3, 15, 16, 42, 43; P.A. 06-130, S. 15; P.A. 07-167, S. 1-3, 38; P.A. 08-150, S. 1; P.A. 09-187, S. 34, 41, 49, 54; P.A. 10-32, S. 46; 10-110, S. 37; P.A. 11-213, S. 51, 52, 61; P.A. 12-81, S. 26; P.A. 13-271, S. 3-5; 13-277, S. 8; P.A. 14-130, S. 2; P.A. 15-46, S. 1; P.A. 16-55, S. 13; 16-126, S. 6; P.A. 17-202, S. 42; P.A. 18-165, S. 3; P.A. 19-119, S. 21; 19-162, S. 1; P.A. 21-106, S. 35; P.A. 22-44, S. 13, 22; 22-58, S. 22; P.A. 24-20, S. 15, 35.) History: 1959 acts added Subsecs. (21) and (51); 1961 act redefined “used or secondhand motor vehicle” in and added definitions of “new motor vehicle” and “ultimate consumer” to Subsec. (55); 1963 act redefined “second” or “subsequent” violation in Subsec. (44); 1965 acts added snow and lawn machines to Subsec. (26), “driver” to Subsec. (32) and Subsecs. (6), (14), (23), (39), (48) and (54); 1967 acts added Subsecs. (57) and (58) defining “tractor” or “truck tractor” and “wrecker” or “wrecker vehicle” and redefined “resident” in Subsec. (42) to delete persons carrying on business or engaged in occupation for more than six months a year; 1969 acts redefined “motor vehicle” in Subsec. (26) to exclude golf carts and added Subsec. (59) defining “farm implements”; 1971 acts redefined “gross weight” in Subsec. (14) to include special provision re tractor-trailer units, redefined “officer” in Subsec. (31) to include sheriffs and deputy sheriffs, redefined “manufacturer” in Subsec. (22), redefined “vehicle” in Subsec. (56) to include vehicles operated on cushions of air and to delete requirement that machine be suitable for use on highways and added Subsecs. (60) and (61) defining “tractor-trailer unit” and “limited access highway”; 1972 act redefined “manufacturer” in Subsec. (22) to include distributor of vehicles to new car dealers; P.A. 73-676 added Subsec. (62) defining “minibike” or “minicycle”; P.A. 75-253 redefined “motorcycle” to exclude vehicles with wholly or partially enclosed drivers' seat with motor outside enclosed area; P.A. 76-250 excluded bicycles with helper motors in Subsec. (25) defining “motorcycle” and Subsec. (26) defining “motor vehicle”; P.A. 77-67 redefined “motor vehicles” in Subsec. (26) to delete requirement that vehicle be suitable for operation on a highway, to exclude vehicles used at mass transit facilities other than railroads and vehicles not suitable for operation on highway; P.A. 79-25 added Subsecs. (63) and (64) defining “antique, rare or special interest motor vehicle” and “modified antique motor vehicle”; P.A. 79-175 added Subsec. (65) defining “vanpool vehicle”; P.A. 79-244 also added Subsec. (65) re vanpool vehicles and excluded vanpool vehicles from definitions of “public service motor vehicle” and “service bus” in Subsecs. (40) and (46); P.A. 79-627 included gasohol in Subsec. (12) defining “fuels”, effective July 1, 1979, and applicable to fuel sold on or after that date; P.A. 80-466 amended definition of “motor vehicle registration” in Subsec. (27) to reflect use of single license plate; P.A. 81-394 added Subdiv. (66) defining “high-mileage vehicle”; P.A. 82-460 redefined “passenger motor vehicle” to specify applicability to vehicles capable of carrying not more than ten passengers, redefined “commercial motor vehicle”, deleting limitations re use in business of registrant and propulsion method and redefined “passenger

and commercial motor vehicle”, deleting requirement that vehicles be “designed for use” for passenger and commercial purposes; P.A. 82-472 made technical corrections in definition of “high-mileage vehicle”; P.A. 83-224 amended Subdiv. (26) to exclude from the definition of a motor vehicle, golf cart type vehicles operated by state employees on state institution grounds; P.A. 83-278 amended Subdiv. (65) to include in definition of “vanpool vehicle” certain vehicles owned by or leased to recognized regional ride-sharing organizations; P.A. 83-431 amended Subdiv. (26) to exclude from the definition of a motor vehicle, special mobile equipment as defined in Sec. 14-165 (i); P.A. 83-587 made technical change in Subdiv. (12); P.A. 84-429 deleted the definition of “curb” in Subsec. (9), “distributor” in Subsec. (11), “head light” in Subsec. (15), “intersection” in Subsec. (18), “motor vehicle registration” in Subsec. (27), “rotary traffic island” in Subsec. (43), “secondhand motor vehicle” in Subsec. (55) and “wrecker vehicle” in Subsec. (58), transferred definition of “head lamp” from Subsec. (15) to (16), “registration” from Subsec. (27) to (45), “used motor vehicle” from Subsec. (55) to (62), “new motor vehicle” from Subsec. (55) to (31), “ultimate consumer” from Subsec. (55) to (61) and “wrecker” from Subsec. (58) to (65), added Subsec. (4) from Sec. 14-1a, renumbered the remaining Subsecs. as follows: (2) to (3), (3) to (5), (4) to (6), (5) to (7), (6) to (8), (7) to (9), (8) to (10), (10) to (11), (12) to (13), (13) to (14), (14) to (15), (16) to (18), (17) to (19), (19) to (20), (20) to (22), (21) to (23), (22) to (24), (23) to (25), (24) to (28), (25) to (29), (26) to (30), (28) to (32), (29) to (33), (30) to (34), (31) to (35), (32) to (36), (33) to (37), (34) to (38), (35) to (40), (36) to (39), (37) to (41), (38) to (42), (39) to (43), (40) to (44), (41) to (46), (42) to (47), (44) to (48), (45) to (49), (46) to (50), (47) to (51), (48) to (52), (49) to (53), (50) to (54), (51) to (55), (52) to (56), (53) to (59), (54) to (60), (56) to (64), (59) to (12), (60) to (58), (61) to (21), (62) to (2), (63) to (27), (64) to (63) and (66) to (17), and rephrased renumbered Subsec. (10) re definition of “commissioner”; P.A. 84-546 redefined “commissioner” to include deputy commissioner of motor vehicles, attorney general and any assistant to motor vehicles commissioner, but did not take effect, P.A. 84-429 having taken precedence; P.A. 86-383 redefined “commercial motor vehicle” in Subdiv. (9) to include vehicles transporting other passengers with their necessary personal belongings; P.A. 88-245 made technical change to definition of “commissioner” in Subsec. (10); P.A. 90-263 subdivided the section into Subsecs. (a) and (b), in Subsec. (a) amending Subdiv. (7) to substitute recreational for pleasure purposes and to delete phrase “used for the purpose of transporting personal property of the owner”, amending Subdiv. (8) to redefine “camper” as any motor vehicle designed or permanently altered in such a way as to provide temporary living quarters for travel, camping or recreational purposes, amending Subdiv. (9) to delete definition of “commercial motor vehicle” and insert definition of “combination registration”, adding new definitions of “commercial driver’s license” in Subdiv. (10), “commercial motor vehicle” in Subdiv. (11), “commercial registration” in Subdiv. (12), “commercial trailer” in Subdiv. (13), “controlled substance” in Subdiv. (15), “conviction” in Subdiv. (16), “disqualification” in Subdiv. (18), “drive” in Subdiv. (19), “driver” in Subdiv. (20), “driver’s license” in Subdiv. (21), “employee” in Subdiv. (22), “employer” in Subdiv. (23), “felony” in Subdiv. (25), “foreign jurisdiction” in Subdiv. (26), “gross weight rating” in Subdiv. (29), “hazardous materials” in Subdiv. (31), “motor home” in Subdiv. (45), “nonresident commercial driver’s license” in Subdiv. (50), “out-of-service order” in Subdiv. (55), “passenger registration” in Subdiv. (60), “recreational vehicle” in Subdiv. (64), “serious traffic violation” in Subdiv. (70), “state” in Subdiv. (76), “tank vehicle” in Subdiv. (79), “United States” in Subdiv. (85), and “utility trailer” in Subdiv. (87) and renumbering the other Subdivs. accordingly, amending definition of “motor bus” in Subdiv. (44), formerly Subdiv. (28), to include any motor vehicle, except a taxicab, deleting reference to public service motor vehicle, amending definition of “operator” in Subdiv. (54), formerly Subdiv. (36), to include a driver, amending definition of “passenger and commercial motor vehicle” in Subdiv. (58), formerly Subdiv. (39), to include vehicles eligible for combination registration, amending definition of “passenger motor vehicle” in Subdiv. (59), formerly Subdiv. (40), to delete former provisions and insert new provisions concerning use, design and capacity, amending definition of “person” in Subdiv. (61), formerly Subdiv. (41), to specifically exclude the state or any political subdivision thereof, amending definition of “pole trailer” in Subdiv. (63), formerly Subdiv. (43), to delete reference to commercial motor vehicle, and deleting definition of “public service motor vehicle” in Subdiv. (44), and inserting new language in Subsec. (b) re meaning of term “public passenger transportation permit”; P.A. 91-272 amended exception to definition of “commercial motor vehicle” in Subsec. (a)(11)(B) to include vehicles designed to transport “more than” 10 passengers and used to transport students under 21 to and from school; P.A. 93-341 amended definition of “commercial driver’s license” by deleting the reference to a “Class 1” license and reference to Sec. 14-36a, redefined “commercial motor vehicle” to exclude vehicles used “within one hundred fifty miles of a farm in connection with the operation of such farm” and recreational vehicles “in private use”, redefined “serious traffic violation” to add a new Subpara. (E) re accident resulting in death, redefined “service bus” to include “school bus” and added definition of “school bus”, renumbering previously existing Subdivs. of Subsec. (a) as necessary and made technical change in Subsec. (b), effective July 1, 1994; P.A. 95-79 amended Subsec. (a)(61) by redefining “person” to include a limited liability company, effective May 31, 1995; P.A. 95-314 amended Subsec. (a)(69) to provide that a “second” or “subsequent” violation is one committed within “three” years after date of arrest resulting in a previous conviction for the same offense, in lieu of 5 years, and to redefine term in the case of a violation of Sec. 14-215, 14-224 or 14-227a(a); P.A. 97-236 redefined “service bus” to require that school bus be “regularly used” to carry 8 or more persons, effective June 24, 1997; P.A. 99-268 redefined “motorcycle” in Subsec. (a)(46) to exclude a vehicle “designed to have” a completely enclosed driver’s seat in lieu of a vehicle having a completely “or partially” enclosed driver’s seat, redefined “serious traffic violation” in Subsec. (a)(71) by changing from a violation of “sections 14-230 to 14-237, inclusive” to a violation of “section 14-236” in Subpara. (D) and redefined “service bus” in Subsec. (a)(72) to increase the minimum number of persons such vehicle may carry from “eight or more persons” to “ten or more passengers”; P.A. 00-35 redefined “wrecker” in Subsec. (a)(91) to delete “exclusively” following “equipped and used” and to add “by a person, firm or corporation licensed in accordance with the provisions of subdivision (D) of part III of this chapter”; P.A. 00-99 replaced reference to sheriff and deputy sheriff in Subsec. (a)(53) with state marshal, effective December 1,

2000; P.A. 00-169 redefined "person" in Subsec. (a)(61) to include a business trust and revised effective date of P.A. 99-268 but without affecting this section; P.A. 02-70 amended Subsec. (a)(9) to add "rating", substituted "place of residence" for "legal residence" and provide that such residence be occupied for more than six months in a year in Subdiv. (67), added new Subdiv. (91) re definition of "vehicle identification number" or "VIN", redesignated existing Subdiv. (91) as Subdiv. (92) and made technical changes in Subdivs. (4), (17), (40), (53) and (55), effective July 1, 2002, and amended Subsec. (a)(40) to add "new" and replace "under section 14-12, who offers the motor vehicles" with "by the commissioner, for operation upon any highway, which are offered" in Subpara. (A) and to make a technical change in Subpara. (B) (Revisor's note: The reference in Subsec. (a)(92) to "subdivision (D)" was changed editorially by the Revisors to "subpart (D)" for clarity of reference); P.A. 03-265 redefined "passenger motor vehicle" in Subdiv. (59); P.A. 04-199 defined "pick-up truck", made technical changes and renumbered Subdivs. in Subsec. (a), effective July 1, 2004; P.A. 04-217 defined "activity vehicle", "commercial driver's license information system", "fatality", "imminent hazard" and "National Driver Registry", redefined "disqualification", "school bus" and "serious traffic violation", made technical changes and renumbered Subdivs. in Subsec. (a), effective January 1, 2005; P.A. 05-218 amended Subsec. (a)(10) by substituting "twelve thousand five hundred" for "ten thousand" and amended Subsec. (a)(67) by deleting "and having a gross vehicle weight rating of less than ten thousand pounds" and, effective July 1, 2005, amended Subsec. (a)(3) by changing "twenty-five" to "twenty", amended Subsec. (a)(44) by adding "except a utility trailer", amended Subsec. (a)(47) by changing "twenty-five" to "twenty" and making a technical change, and added Subsec. (a)(99) defining "camp vehicle"; P.A. 06-130 amended Subsec. (a) by redefining "commercial motor vehicle" in Subdiv. (13), redefining "gross vehicle weight rating" in Subdiv. (32), redefining "hazardous materials" in Subdiv. (34), deleting former Subdiv. (46) re definition of "minibike or minicycle", renumbering Subdivs. (47) to (50) as (46) to (49), inclusive, adding "mini-motorcycle" to definition of "motor vehicle" and renumbering it as Subdiv. (50), renumbering Subdivs. (52) to (97) as (51) to (96), inclusive, redefining "wrecker" and renumbering it as Subdiv. (97) and renumbering Subdiv. (99) as (98), effective June 2, 2006; P.A. 07-167 made technical changes in Subsec. (a)(13), (24) and (50), effective June 25, 2007, and deleted Subsec. (a) designator and former Subsec. (b) re definition of "public passenger transportation permit", effective July 1, 2007; P.A. 08-150 redefined "camp trailer" in Subdiv. (8), added new Subdiv. (9) defining "camp trailer registration", added new Subdiv. (18) defining "commercial trailer registration", added new Subdiv. (52) defining "motor-driven cycle", redefined "motorcycle" in existing Subdiv. (49) and renumbered said definition as new Subdiv. (54), redefined "resident" in existing Subdiv. (72) and renumbered said definition as new Subdiv. (76), added new Subdiv. (88) defining "student", renumbered existing Subdiv. (98) defining "camp vehicle" as new Subdiv. (10) and renumbered remaining Subdivs. and internal references accordingly; P.A. 09-187 amended Subdiv. (53) to replace "bicycles with helper motors" with "motor-driven cycles" in definition of "motor vehicle", Subdiv. (63) to redefine "out-of-service order", Subdiv. (80)(A) to replace "Speeding in excess of fifteen miles per hour or more over the posted speed limit" with "Excessive speeding, involving a single offense in which the speed is fifteen miles per hour or more above the posted speed limit" in definition of "serious traffic violation", and Subdiv. (98) to delete "with a manufacturer's GVWR of ten thousand pounds or less" in definition of "utility trailer"; P.A. 10-32 made a technical change in Subdiv. (53), effective May 10, 2010; P.A. 10-110 deleted former Subdiv. (1) re definition of "activity vehicle" and redesignated existing Subdivs. (2) to (102) as Subdivs. (1) to (101), effective July 1, 2011; P.A. 11-213 changed effective date of P.A. 10-110, S. 37, from July 1, 2011, to July 1, 2012, and redefined "serious traffic violation" in Subdiv. (79) of section as amended by P.A. 10-110, effective July 1, 2011, and redefined "serious traffic violation" in Subdiv. (80) of present section, effective July 13, 2011; P.A. 12-81 added new Subdiv. (1) restoring definition of "activity vehicle", redesignated existing Subdivs. (1) to (101) as Subdivs. (2) to (102) and made a technical change in Subdiv. (62), effective July 1, 2012 (Revisor's note: In Subdiv. (53), a reference to "subsection (i) of section 14-165" was changed editorially by the Revisors to "section 14-165" to conform with a change made to the prior version of section by P.A. 10-32, S. 46); P.A. 13-271 amended Subdiv. (52) to redefine "motor-driven cycle" by replacing reference to motor horsepower with reference to motor capacity, amended Subdiv. (63) to redefine "out-of-service order" by replacing provision re orders issued by police or motor vehicle inspector with provision re orders issued by persons having inspection authority, replacing reference to commercial motor vehicle with reference to motor vehicle specified in Sec. 14-163c(a) and making technical changes, and amended Subdiv. (80) to redefine "serious traffic violation" by adding provision re use of hand-held mobile telephone or other electronic device in Subpara. (E) and replacing "while operating a commercial motor vehicle" with "by an operator who holds a commercial driver's license or instruction permit" in Subpara. (I), effective July 1, 2013; P.A. 13-277 amended Subdiv. (40) to redefine "highway" by adding reference to dedicated roadway for bus rapid transit service, effective July 1, 2013; P.A. 14-130 added Subdiv. (103) defining "public passenger endorsement", effective June 6, 2014; P.A. 15-46 added new Subdiv. (6) defining "autocycle", redesignated existing Subdivs. (6) to (103) as Subdivs. (7) to (104), amended redesignated Subdiv. (53) to redefine "motor-driven cycle", and amended redesignated Subdiv. (55) to redefine "motorcycle", effective July 1, 2015; P.A. 16-55 redesignated existing Subdiv. (104) re public passenger endorsement as Subdiv. (74) and redesignated existing Subdivs. (74) to (103) as Subdivs. (75) to (104), effective May 31, 2016; P.A. 16-126 amended Subdiv. (79) by replacing reference to Sec. 14-227a(a) with reference to Sec. 14-227a and by adding reference to Sec. 14-227m; P.A. 17-202 amended Subdiv. (54) to replace "physically handicapped persons" with "persons with physical disabilities"; P.A. 18-165 added "sections 14-289k and 14-289l and this section" to introductory language, added new Subdiv. (13) defining "class 1 electric bicycle", new Subdiv. (14) defining "class 2 electric bicycle" and new Subdiv. (15) defining "class 3 electric bicycle", redesignated existing Subdivs. (13) to (27) as Subdivs. (16) to (30), added new Subdiv. (31) defining "electric bicycle", redesignated existing Subdivs. (28) to (104) as (32) to (108), amended redesignated Subdiv. (57) redefining "motor-driven cycle", redesignated Subdiv. (58) redefining "motor vehicle" and redesignated Subdiv. (59) redefining "motorcycle", and made a conforming change;

P.A. 19-119 amended Subdiv. (27) to make technical changes, effective July 1, 2019; P.A. 19-162 deleted “, sections 14-289k and 14-289l and this section” in introductory language, added new Subdiv. (32) defining “electric foot scooter”, redesignated existing Subdivs. (32) to (108) as Subdivs. (33) to (109), amended redesignated Subdiv. (39) to replace “shall not include” with “does not include”, amended redesignated Subdiv. (59) to add reference to electric foot scooters, amended redesignated Subdiv. (60) to add reference to electric foot scooter and made technical changes; P.A. 21-106 amended Subdiv. (5)(C) to replace reference to public service company or municipal department ambulance or emergency vehicle authorized by commissioner with reference to ambulance, effective June 30, 2021; P.A. 22-44 amended Subdiv. (6) redefining “autocycle”, effective October 1, 2022, and amended Subdiv. (38) to make a technical change, effective July 1, 2022; P.A. 22-58 amended Subdiv. (5)(C) to replace reference to ambulance with reference to authorized emergency medical services vehicle, effective May 23, 2022; P.A. 24-20 added new Subdiv. (52) defining “low-speed vehicle”, redesignated existing Subdivs. (52) to (109) as Subdivs. (53) to (110), amended redesignated Subdiv. (60) to add reference to low-speed vehicle, amended redesignated Subdiv. (88) by replacing reference to commercial driver's instruction permit with reference to commercial learner's permit, and make technical changes. See Sec. 14-51 for definitions applicable with respect to dealers' and repairers' licenses. See Sec. 14-68 for definitions applicable with respect to drivers' schools. See Sec. 14-100(b) for definition of “safety glass”. “Operation” defined. 90 C. 414; 96 C. 391. “Owner” defined. 92 C. 252; 100 C. 120; 104 C. 169. “Intersecting highway” defined. 101 C. 443. “Nonresident” defined. 107 C. 140. “Guest” defined. 108 C. 630. Cited. 114 C. 408. Defendant, who had seized wheel while instructing another, was “operator”. 119 C. 563. Cited. 124 C. 552; 131 C. 714; 139 C. 707; 141 C. 539. Former provision defining “parked vehicle” must be construed and interpreted together with Sec. 14-251. 142 C. 592. No distinction made between cars that are occupied and those that are not. 145 C. 141. Definition of “intersection” (former Subdiv. (18)) includes area embraced within prolongation of the lateral curb lines of two or more highways which join one another at an angle whether or not one such highway crosses the other. 152 C. 219. Where court rendered judgment on a stipulation of facts that portion of former Subdiv. (47) defining the phrase “ultimate consumer” is unconstitutional, held that judgment did not include any determination of validity of statute as it remained after definition was held invalid and the judgment was clearly inadequate in that it did not conform to the pleadings, issues and prayers for relief. *Id.*, 645. Cited. 163 C. 369; 165 C. 422; 168 C. 587; 171 C. 255. Operation of a motor vehicle relates to the driving or movement of the vehicle itself or a circumstance resulting from movement of the vehicle; hydraulic hoist on a truck was not suitable for operation on a highway and was not a motor vehicle; the use of any mechanical or electrical device not an integral part of a motor vehicle not considered “operation of a motor vehicle”. 180 C. 469. Cited. 189 C. 354; *Id.*, 550; 194 C. 129; 203 C. 45, 56; 215 C. 55; 221 C. 356; 223 C. 127. Motorcycles are not passenger motor vehicles within meaning of section. 239 C. 1. Cited. 1 CA 517, 518; 2 CA 523; 3 CA 246; 7 CA 575; 8 CA 125; 9 CA 221; *Id.*, 686; 10 CA 18; *Id.*, 22; 25 CA 492; judgment reversed, see 222 C. 744; 30 CA 108; *Id.*, 263; 41 CA 664. Analysis of vehicle eligibility for commercial registration. 69 CA 482. “Mobile home” as commonly understood does not encompass “motor homes”. 70 CA 86. A payload loader is the same type of equipment as a bucket loader, as defined in Sec. 14-165, and therefore not a motor vehicle under this section or Sec. 31-293a. 156 CA 727. Cited. 24 CS 365. Policy of motor vehicle department to register fork lifts indicates they are “suitable for operation on a highway”. 36 CS 101. Cited. *Id.*, 586; 40 CS 156, 157; 41 CS 326. All-terrain vehicle qualifies for uninsured motorist coverage under the policy definition. 45 CS 144. Only purpose of golf cart exception is to allow the vehicle to be operated on highway for very limited purposes. 46 CS 24. Definition of “used” car not restricted to former Subdiv. (55). 2 Conn. Cir. Ct. 90. Cited. *Id.*, 662. Road maintained by the town qualifies as public highway within statutory definition of a “highway”. 3 Conn. Cir. Ct. 513. State is not limited to proving a vehicle a registered school bus by a certified copy of the registration prepared by Commissioner of Motor Vehicles; it could prove this element by such other evidence as it sees fit. 4 Conn. Cir. Ct. 5, 6. A standing machine affixed to and operated by the motor of a highway truck held a motor vehicle. *Id.*, 116. A motorcycle is included in the overall definition of a motor vehicle for general application of the motor vehicle statutes. 5 Conn. Cir. Ct. 219. Cited. *Id.*, 221.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-10. - Definitions. Records. Disclosure of personal information and highly restricted personal information. Penalty. Regulations.

(a) For the purposes of this section: (1) “Disclose” means to engage in any practice or conduct to make available and make known, by any means of communication, personal information or highly restricted personal information contained in a motor vehicle record pertaining to an individual to any other individual, organization or entity; (2) “Motor vehicle record” means any record that pertains to an operator's license, instruction or learner's permit, identity card, registration, certificate of title or any other document issued by the Department of Motor Vehicles. “Motor vehicle record” does not include any record relating to vessels and certificates of title for vessels, as provided in section 15-210; (3) “Personal information” means information that identifies an individual and includes an individual's photograph or computerized image, Social Security number, operator's license number, name, address other than the zip code, telephone number, electronic mail address, or medical or disability information, but does not include information on motor vehicle accidents or violations, or information relative to the status of an operator's license, registration or insurance coverage; (4) “Highly restricted personal information” means an individual's photograph or computerized image, Social Security number or medical or disability information; and (5) “Express consent” means an affirmative agreement given by the individual who is the subject of personal information that specifically grants permission to the department to release such information to the requesting party. Such agreement shall (A) be in writing or such other form as the commissioner may determine in regulations adopted in accordance with the provisions of chapter 54, and (B) specify a procedure for the individual to withdraw such consent, as provided

in regulations adopted in accordance with the provisions of chapter 54. (b) A number shall be assigned to each motor vehicle registration and operator's license and a record of all applications for motor vehicle registrations and operators' licenses issued shall be kept by the commissioner at the main office of the Department of Motor Vehicles. (c) (1) All records of the Department of Motor Vehicles pertaining to the application for registration, and the registration, of motor vehicles of the current or previous three years shall be maintained by the commissioner at the main office of the department. Any such records over three years old may be destroyed at the discretion of the commissioner. (2) Before disclosing personal information pertaining to an applicant or registrant from such motor vehicle records or allowing the inspection of any such record containing such personal information in the course of any transaction conducted at such main office, the commissioner shall ascertain whether such disclosure is authorized under subsection (f) of this section, and require the person or entity making the request to (A) complete an application that shall be on a form prescribed by the commissioner, and (B) provide personal identification satisfactory to the commissioner. An attorney-at-law admitted to practice in this state may provide his or her juris number to the commissioner in lieu of the requirements of subparagraph (B) of this subdivision. The commissioner may disclose such personal information or permit the inspection of such record containing such information only if such disclosure is authorized under subsection (f) of this section. (d) The commissioner may disclose personal information from a motor vehicle record pertaining to an operator's license or a driving history or permit the inspection or copying of any such record or history containing such information in the course of any transaction conducted at the main office of the department only if such disclosure is authorized under subsection (f) of this section. Any such records over five years old may be destroyed at the discretion of the commissioner. (e) In the event (1) a federal court judge, federal court magistrate or judge of the Superior Court, Appellate Court or Supreme Court of the state, (2) a police officer, as defined in section 7-294a, or a member of the Division of State Police within the Department of Emergency Services and Public Protection, (3) an employee of the Department of Correction, (4) an attorney-at-law who represents or has represented the state in a criminal prosecution, (5) a member or employee of the Board of Pardons and Paroles, (6) a judicial branch employee regularly engaged in court-ordered enforcement or investigatory activities, (7) an inspector employed by the Division of Criminal Justice, (8) a federal law enforcement officer who works and resides in this state, (9) a state referee under section 52-434, (10) a lake patrolman appointed pursuant to subsection (a) of section 7-151b engaged in boating law enforcement, or (11) a state marshal, submits a written request and furnishes such individual's business address to the commissioner, such business address only shall be disclosed or available for public inspection to the extent authorized by this section. (f) The commissioner may disclose personal information from a motor vehicle record to: (1) Any federal, state or local government agency in carrying out its functions or to any individual or entity acting on behalf of any such agency, or (2) Any individual, organization or entity that signs and files with the commissioner, under penalty of false statement as provided in section 53a-157b, a statement on a form approved by the commissioner, together with such supporting documentation or information as the commissioner may require, that such information will be used for any of the following purposes: (A) In connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, motor vehicle market research activities including survey research, motor vehicle product and service communications and removal of nonowner records from the original owner records of motor vehicle manufacturers to implement the provisions of the federal Automobile Information Disclosure Act, 15 USC 1231 et seq., the Clean Air Act, 42 USC 7401 et seq., and 49 USC Chapters 301, 305 and 321 to 331, inclusive, as amended from time to time, and any provision of the general statutes enacted to attain compliance with said federal provisions; (B) In the normal course of business by the requesting party, but only to confirm the accuracy of personal information submitted by the individual to the requesting party; (C) In connection with any civil, criminal, administrative or arbitral proceeding in any court or government agency or before any self-regulatory body, including the service of process, an investigation in anticipation of litigation by an attorney-at-law or any individual acting on behalf of an attorney-at-law and the execution or enforcement of judgments and orders, or pursuant to an order of any court provided the requesting party is a party in interest to such proceeding; (D) In connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles and motor vehicle parts and dealers, producing statistical reports and removal of nonowner records from the original owner records of motor vehicle manufacturers, provided the personal information is not published, disclosed or used to contact individuals except as permitted under subparagraph (A) of this subdivision; (E) By any insurer or insurance support organization or by a self-insured entity or its agents, employees or contractors, in connection with the investigation of claims arising under insurance policies, antifraud activities, rating or underwriting; (F) In providing any notice required by law to owners or lienholders named in the certificate of title of towed, abandoned or impounded motor vehicles; (G) By an employer or its agent or insurer to obtain or verify information relating to a holder of a passenger endorsement or commercial driver's license required under 49 USC Chapter 313, and sections 14-44 to 14-44m, inclusive; (H) In connection with any lawful purpose of a labor organization, as defined in section 31-77, provided (i) such organization has entered into a contract with the commissioner, on such terms and conditions as the commissioner may require, and (ii) the information will be used only for the purposes specified in the contract other than campaign or political purposes; (I) For bulk distribution for surveys, marketing or solicitations provided the commissioner has obtained the express consent of the individual to whom such personal information pertains; (J) For the purpose of preventing fraud by verifying the accuracy of personal information contained in a motor vehicle record, including an individual's photograph or computerized image, as submitted by an individual to a legitimate business or an agent, employee or contractor of a legitimate business, provided the individual has provided express consent in accordance with subdivision (5) of subsection (a) of this section; (K) Inclusion of personal information about persons who have indicated consent to become organ and tissue donors in a donor registry established by a procurement organization, as defined in

section 19a-289a; (L) By any private detective or private detective licensed in accordance with the provisions of chapter 534, in connection with an investigation involving matters concerning motor vehicles; (M) By a state marshal, for use in the performance of duties under the provisions of section 6-38a. Such information may be requested by facsimile transmission, or by such other means as the commissioner may require, and shall be provided by facsimile transmission, or by such other means, within a reasonable time. (g) Any person receiving personal information or highly restricted personal information from a motor vehicle record pursuant to subsection (f) of this section shall be entitled to use such information for any of the purposes set forth in said subsection for which such information may be disclosed by the commissioner. No such person may resell or redisclose the information for any purpose that is not set forth in subsection (f) of this section, or reasonably related to any such purpose. (h) Notwithstanding any provision of this section, the disclosure of personal information from a motor vehicle record pursuant to subsection (f) of this section shall be subject to the provisions of section 14-50a concerning (1) the fees that shall be charged for copies of or information pertaining to motor vehicle records and (2) the authority of the commissioner to establish fees for information furnished on a volume basis in accordance with such terms and conditions regarding the use and distribution of such information as the commissioner may prescribe. (i) Notwithstanding any provision of this section that restricts or prohibits the disclosure of personal information from a motor vehicle record, the commissioner may disclose personal information contained in any such record to any individual who is the subject of such personal information or to any person who certifies under penalty of false statement that such person has obtained the express consent of the subject of such personal information. (j) Notwithstanding any provision of this section that permits the disclosure of personal information from a motor vehicle record, the commissioner may disclose highly restricted personal information contained in any such record only in accordance with the provisions of 18 USC 2721 et seq., as amended. (k) Any person, including any officer, employee, agent or contractor of the Department of Motor Vehicles, who sells, transfers or otherwise discloses personal information or highly restricted personal information obtained from the Department of Motor Vehicles for any purpose not authorized by the provisions of this section shall be guilty of a class A misdemeanor. (l) The commissioner may adopt regulations in accordance with chapter 54 to implement the provisions of this section. (1949 Rev., S. 2359; P.A. 76-263, S. 2, 9; 76-402, S. 2, 3; P.A. 84-429, S. 2; P.A. 89-228; P.A. 90-230, S. 20, 101; P.A. 94-206, S. 1; P.A. 97-266, S. 1, 2; P.A. 99-77, S. 2; 99-232, S. 1; 99-268, S. 28; P.A. 00-169, S. 22, 33, 36; P.A. 02-70, S. 49; P.A. 03-265, S. 6, 7; P.A. 04-122, S. 2; 04-143, S. 17; 04-199, S. 28; 04-234, S. 2; 04-257, S. 115; P.A. 05-108, S. 3; P.A. 07-167, S. 6, 36; June Sp. Sess. 07-5, S. 30; P.A. 08-135, S. 1; 08-150, S. 3; P.A. 10-110, S. 28, 29; 10-123, S. 26; P.A. 11-48, S. 28; 11-51, S. 134; 11-213, S. 5; P.A. 12-81, S. 36; P.A. 14-63, S. 33; P.A. 22-26, S. 57; P.A. 24-20, S. 30.) History: P.A. 76-263 removed operator's licenses from former provisions and removed provision re confidentiality of records and created new Subsecs. (b) and (c) re operator's licenses and confidentiality of records; P.A. 76-402 deleted Subsec. (c) re confidentiality of records; P.A. 84-429 added new Subsec. (a) re number assignments and records from Subsec. (a) of Sec. 14-42, relettered Subsecs. and made other technical changes; P.A. 89-228 added a new Subsec. (d), restricting public access to the residential address of a judge, magistrate or policeman; P.A. 90-230 made technical corrections to Subsec. (d); P.A. 94-206 added extensive provisions to Subsec. (b) concerning procedure for disclosure of motor vehicle department records, added provisions in Subsec. (c) detailing to whom operator license or driver history may be disclosed, added Subsec. (d)(3) and (4) and made some technical changes in order to conform the Subsec. to the revised language of the section, and added a new Subsec. (e) re inapplicability of section's provisions; (Revisor's note: In 1997 references throughout the general statutes to "Motor Vehicle(s) Commissioner" and "Motor Vehicle(s) Department" were replaced editorially by the Revisors with "Commissioner of Motor Vehicles" or "Department of Motor Vehicles", as the case may be, for consistency with customary statutory usage); P.A. 97-266 inserted new language in Subsec. (a), defining "disclose", "motor vehicle record", "personal information" and "consent"; relettered former Subsec. (a) as (b) and added provision requiring notice re disclosure of personal information to be included on each form for issuance or renewal of registration, operator's license and identity card; relettered former Subsec. (b) as (c), deleted requirement in Subdiv. (1) that records re registration be open to public inspection at main office during office hours, substituting provision that such records be maintained by the commissioner at main office, restated provisions of Subdiv. (2), substituting "personal information" for name, address or registration number, requiring in the course of any transaction conducted at main office that commissioner ascertain whether individual who is the subject of request has elected to allow disclosure, eliminating requirement that commissioner mail notice of application to individual who is the subject of the request and make disclosure or permit inspection at least seven days after receipt of completed application, eliminating exemption from provisions of Subdiv. for federal, state or local agency, adding provision allowing commissioner to disclose personal information or permit inspection of such record only if individual who is the subject of the request has elected to allow disclosure and making technical changes; relettered former Subsec. (c) as (d) and restated provisions of Subsec., allowing commissioner to disclose personal information from a record re operator's license or driving history or permit inspection or copying in the course of any transaction conducted at main office only if individual who is the subject of the request has elected to allow disclosure, deleting Subdivs. (1) to (3), inclusive, and making technical changes; relettered former Subsec. (d) as (e), eliminating phrase "Notwithstanding the provisions of subsections (b) and (c) of this section" and making a technical change; deleted former Subsec. (e), added Subsecs. (f) to (i), inclusive, re disclosure and use of personal information and added Subsec. (j), authorizing the adoption of regulations, effective July 1, 1997; P.A. 99-77 added Subsec. (e)(5) permitting a member or employee of the Board of Parole to request that only his business address be disclosed or available for public inspection; P.A. 99-232 amended Subsec. (b) to delete requirement that not later than July 1, 1998, each form for issuance or renewal of a motor vehicle registration, operator's license or identity card contain the specified notice and consent form re disclosure of personal information and to delete such notice and consent form, amended Subsecs. (c) and (d) to substitute "such disclosure is authorized under subsection (f) of this section" for "the individual who is the subject of the request has elected to

allow disclosure”, amended Subsec. (f) to delete language notwithstanding the provisions of Subsecs. (c) and (d), to delete reference to any person contracting with the department, and to amend Subdiv. (2)(D) to reference “motor vehicle product and service communications”, and throughout section made provisions gender neutral and substituted “that” for “which”; P.A. 99-268 added new Subsec. (i) prohibiting sale of photographs or computerized images on or before June 30, 2000, and relettered existing Subsecs. (i) and (j) as Subsecs. (j) and (k), respectively; P.A. 00-169 deleted the definition of “consent” in Subdiv. (a)(4) and replaced it with “express consent”, defined to mean “an affirmative agreement”, and required that such agreement be in writing, and prescribed the procedure for withdrawal of such consent, replaced the provision in Subdiv. (h)(I) that an individual be required to prohibit personal information from being distributed with a provision requiring an individual to give express consent for personal information to be distributed, added Subdiv. (h)(J) re prevention of fraud, deleted Subsec. (i) re prohibition on the sale of photographs or computerized images, relettered Subsecs. (j) and (k) as (i) and (j), respectively, and in Subsec. (i), required express consent from the subject of such personal information, effective June 1, 2000, and revised effective date of P.A. 99-268 but without affecting this section; P.A. 02-70 amended Subsec. (a)(1) to add “highly restricted personal information” within definition of “disclose”, added new Subdiv. (4) defining “highly restricted personal information” and redesignated existing Subdiv. (4) as Subdiv. (5), amended Subsec. (c)(2) to make a technical change for purposes of gender neutrality, added new Subsec. (j) authorizing commissioner to disclose highly restricted personal information contained in a motor vehicle record only in accordance with 18 USC 2721 et seq. and redesignated existing Subsec. (j) as Subsec. (k), effective June 3, 2002; P.A. 03-265 amended Subsec. (c)(2) to delete former Subpara. (C) re payment of fee to commissioner for disclosure of personal information from motor vehicle records, and, effective July 1, 2003, amended Subsec. (f)(2)(A) to change references to federal acts, amended Subsec. (f)(2)(C) to limit commissioner's disclosure of personal information from motor vehicle record in connection with investigation in anticipation of litigation to attorney-at-law or individual acting on behalf of attorney-at-law, amended Subsec. (f)(2)(G) to change reference to federal act, and made a technical change in Subsec. (f)(2)(J); P.A. 04-122 added Subsec. (f)(2)(K) allowing disclosure of personal information to procurement organizations; P.A. 04-143 made a technical change in Subsec. (f)(2)(A), effective May 21, 2004; P.A. 04-199 amended Subsec. (f)(2) to transfer “motor vehicle market research activities including survey research, motor vehicle product and service communications” from Subpara. (D) to Subpara. (A) and to include “producing statistical reports” in Subpara. (D), effective July 1, 2004; P.A. 04-234 replaced Board of Parole with Board of Pardons and Paroles in Subsec. (e)(5), effective July 1, 2004; P.A. 04-257 amended Subsec. (e)(5) to delete reference to an “employee” of the Board of Parole, effective June 14, 2004; P.A. 05-108 amended Subsec. (e)(5) to restore reference to an “employee” of the Board of Pardons and Paroles, effective June 7, 2005; P.A. 07-167 amended Subsec. (e) by adding Subdivs. (6) to (8) re business address of judicial branch employee regularly engaged in court-ordered enforcement or investigatory activities, federal law enforcement officer who works and resides in this state, and state referee and added Subsec. (f)(2)(L) re use of information by private detective in connection with investigation re motor vehicle matters; June Sp. Sess. P.A. 07-5 made technical changes in Subsec. (e)(8); P.A. 08-135 amended Subsec. (e) to add new Subdiv. (7) re inspector employed by Division of Criminal Justice and renumber existing Subdivs. (7) and (8) as new Subdivs. (8) and (9), effective June 5, 2008; P.A. 08-150 amended Subsec. (g) to make provisions applicable to the receipt of “highly restricted personal information”, limit the use of information for any of the purposes “for which such information may be disclosed by the commissioner” and add provision re prohibition on reselling or redisclosing information, added new Subsec. (k) re penalty for selling, transferring or otherwise disclosing information for unauthorized purpose, and redesignated existing Subsec. (k) as Subsec. (l); P.A. 10-110 amended Subsec. (e) to add Subdiv. (10) permitting lake patrolman engaged in boating law enforcement to request that only such patrolman's business address be disclosed or available for inspection and amended Subsec. (f)(2) by adding Subpara. (M) re disclosure of personal information from a motor vehicle record to a state marshal; P.A. 10-123 amended Subsec. (f)(2)(K) by replacing reference to Sec. 19a-279a with Sec. 19a-289a; P.A. 11-48 amended Subsec. (a)(3) by redefining “personal information” to include electronic mail address, effective July 1, 2011; pursuant to P.A. 11-51, “Department of Public Safety” was changed editorially by the Revisors to “Department of Emergency Services and Public Protection” in Subsec. (e)(2), effective July 1, 2011; P.A. 11-213 amended Subsec. (c)(2)(B) to replace requirement for 2 forms of acceptable identification with requirement for personal identification satisfactory to commissioner, and amended Subsec. (e)(2) to replace “member of a municipal police department” with “police officer, as defined in section 7-294a”, effective July 1, 2011; P.A. 12-81 amended Subsec. (a)(2) to replace “learner's permit” with “instruction permit” in definition of “motor vehicle record”, effective January 1, 2013; P.A. 14-63 redefined “motor vehicle record” in Subsec. (a)(2), effective January 1, 2016; P.A. 22-26 amended Subsec. (e) to add Subdiv. (11) permitting a state marshal to request that only such marshal's business address be disclosed or available for inspection, effective July 1, 2022; P.A. 24-20 amended Subsec. (a)(2) to add reference to learner's permit. Cited. 240 C. 10. Statute does not prohibit municipal tax assessor from disclosing information contained in records received from Department of Motor Vehicles or the motor vehicle grand lists compiled from such records; Freedom of Information Commission correctly concluded that assessor violated Sec. 1-210(a) by failing to provide complainant with access to requested motor vehicle grand lists. 47 CS 309.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-100. - Safety glass. Use of plastics.

(a) The commissioner shall not register any motor vehicle manufactured after July 1, 1937, unless the windshield, the doors, windows and glass partitions are equipped with safety glass, except that, in lieu of safety glass, the commissioner may permit the use of plastic materials manufactured and processed into transparent sheets, at such locations as he designates. The commissioner shall issue regulations, in accordance with nationally accepted standards, concerning the specifications for safety glass and plastic

materials and the locations where they may be used. (b) The term “safety glass”, as used in this chapter, means glass so treated or combined with other materials that its use in motor vehicles will afford a greater degree of protection to occupants thereof than the use of glass not so treated or combined. (1949 Rev., S. 2447; 1949, S. 1335d; 1959, P.A. 62, S. 6.) History: 1959 act removed provision for approval by commissioner of type of safety glass and added provision re issuance of regulations by commissioner in Subsec. (a). See Sec. 14-99f re windshield and view requirements. See Sec. 14-99g re use of tinted or reflectorized windows and obstruction of view. Registration of a motor vehicle, the windshield of which was not composed of approved safety glass as required by former statute, is not negligence which can be the basis of a cause of action against the public official issuing the registration by an individual injured, as the duty imposed was to the public. 142 C. 585. Duty imposed on Commissioner of Motor Vehicles is a public duty and he is liable only to the state for nonperformance. 19 CS 172.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-100a. - Seat safety belts. Child restraint systems. Wheelchair transportation devices.

(a) No new passenger motor vehicle may be sold or registered in this state unless equipped with at least two sets of seat safety belts for the front and rear seats of the motor vehicle, which belts comply with the requirements of subsection (b) of this section. The anchorage unit at the attachment point shall be of such construction, design and strength as to support a loop load strength of not less than four thousand pounds for each belt. (b) No seat safety belt may be sold for use in connection with the operation of a motor vehicle on any highway of this state unless it is so constructed and installed as to have a loop strength through the complete attachment of not less than four thousand pounds, and the buckle or closing device shall be of such construction and design that after it has received the aforesaid loop belt load it can be released with one hand with a pull of less than forty-five pounds. (c) (1) The operator of and any passenger in any motor vehicle or fire fighting apparatus originally equipped with seat safety belts complying with the provisions of 49 CFR 571.209, as amended from time to time, shall wear such seat safety belt while the vehicle or fire fighting apparatus is being operated on any highway, except as follows: (A) A child under eight years of age shall be restrained as provided in subsection (d) of this section; and (B) The operator of such vehicle shall secure or cause to be secured in a seat safety belt any passenger eight years of age or older and under sixteen years of age. (2) The provisions of subdivision (1) of this subsection shall not apply to: (A) Any person whose physical disability or impairment would prevent restraint in such safety belt, provided such person obtains a written statement from a licensed physician, a licensed physician assistant or a licensed advanced practice registered nurse containing reasons for such person's inability to wear such safety belt and including information concerning the nature and extent of such condition. Such person shall carry the statement on his or her person or in the motor vehicle at all times when it is being operated, (B) an authorized emergency vehicle, other than fire fighting apparatus, responding to an emergency call or a motor vehicle operated by a rural letter carrier of the United States postal service while performing his or her official duties or by a person engaged in the delivery of newspapers, or (C) any passenger on a bus, as defined in 49 USC 30127, as amended from time to time. (3) Failure to wear a seat safety belt shall not be considered as contributory negligence nor shall such failure be admissible evidence in any civil action. (4) No law enforcement official may stop a motor vehicle solely for the apparent or actual failure of a back seat passenger who is sixteen years of age or older to wear a seat safety belt. (5) Any operator of a motor vehicle, who is eighteen years of age or older, and any passenger in such motor vehicle, who violates any provision of this subsection shall have committed an infraction and shall be fined fifty dollars. Any operator of a motor vehicle who is under eighteen years of age and any passenger in such motor vehicle who violates any provision of this subsection shall have committed an infraction and shall be fined seventy-five dollars. Points may not be assessed against the operator's license of any person convicted of such violation. (d) (1) (A) Any person who transports a child under two years of age or weighing less than thirty pounds in a motor vehicle on the highways of this state shall provide and require the child to ride rear-facing in a child restraint system equipped with a five-point harness approved pursuant to regulations that the Department of Motor Vehicles shall adopt in accordance with the provisions of chapter 54. (B) Any person who transports a child under five years of age, but not under two years of age, or weighing less than forty pounds, but not less than thirty pounds, in a motor vehicle on the highways of this state shall provide and require the child to ride rear-facing or forward-facing in a child restraint system equipped with a five-point harness approved pursuant to such regulations. (C) Any person who transports a child under eight years of age, but not under five years of age, or weighing less than sixty pounds, but not less than forty pounds, in a motor vehicle on the highways of this state shall provide and require the child to ride rear-facing or forward-facing in a child restraint system equipped with a five-point harness or a booster seat secured by a seat safety belt approved pursuant to such regulations. (D) No person shall transport a child in a motor vehicle on the highways of this state in a rear-facing child restraint system in the front seat of any motor vehicle that is equipped with a functional air bag on the passenger side of such motor vehicle. (2) Any person who transports a child eight years of age or older and weighing sixty or more pounds in a motor vehicle on the highways of this state shall either provide and require the child to use an approved child restraint system or require the child to use a seat safety belt. Failure to use a child restraint system shall not be considered as contributory negligence nor shall such failure be admissible evidence in any civil action. As used in this subsection, “motor vehicle” does not mean a bus having a tonnage rating of one ton or more. (3) Notwithstanding the provisions of subdivision (1) of this subsection, any person who transports a child four years of age or older in a student transportation vehicle, as defined in section 14-212, on the highways of this state shall either provide and require the child to use an approved child restraint system or require the child to use a seat safety belt. Any person who transports a child under four years of age weighing less than forty pounds in a student transportation vehicle on the highways of this state shall provide and require the child to use a child restraint system approved pursuant to such regulations. (4) No person shall restrain a child in a booster seat unless the motor vehicle is equipped with a safety

seat belt that includes a shoulder belt and otherwise meets the requirement of subsection (b) of this section. (5) Any person who violates the provisions of subdivision (1), (2), (3) or (4) of this subsection shall, for a first violation, have committed an infraction; for a second violation, be fined not more than one hundred ninety-nine dollars; and, for a third or subsequent violation, be guilty of a class A misdemeanor. The court may, subsequent to the violation but prior to the imposition of a fine, remit the fine for a first-time violator who presents proof of the acquisition, rental or purchase of a child restraint system or booster seat appropriate for the weight and age of the child that such person transports not later than fourteen days from the date of the violation. The commissioner shall require any person who has committed a first or second violation of the provisions of this subsection to attend a child car seat safety course offered or approved by the Department of Motor Vehicles. The commissioner may, after notice and an opportunity for a hearing, suspend for a period of not more than two months the motor vehicle operator's license of any person who fails to attend or successfully complete the course. (e) (1) Any person who transports an individual who remains in a wheelchair while being transferred into and out of a vehicle, in any motor vehicle on the highways of this state, shall provide and require the use of a device designed to secure individuals in wheelchairs while transferring such individuals from the ground to the vehicle and from the time the motor vehicle is brought to a stop until such individuals are transferred from the vehicle to the ground. Such device shall be located in the motor vehicle at all times. The Commissioner of Motor Vehicles may, after consultation with the Departments of Transportation and Public Health, establish regulations to implement the provisions of this section and sections 13b-105 and 14-102a, subsection (d) of section 14-103, subsection (a) of section 14-275 and subsection (a) of section 19a-180. (2) The following motor vehicles registered in this state for the first time on or after October 1, 2007, that transport individuals who remain in wheelchairs while being transported, shall, in addition to the requirements of subdivision (1) of this subsection, install or provide and require the use of a device that secures the wheelchair to the motor vehicle's mechanical lift or otherwise prevents or seeks to prevent an individual in a wheelchair from falling from such mechanical lift or motor vehicle: (A) Motor vehicles in livery service, as defined in section 13b-101, (B) service buses, as defined in section 14-1, (C) invalid coaches, as defined in section 19a-175, (D) vanpool vehicles, as defined in section 14-1, (E) school buses, as defined in section 14-1, (F) motor buses, as defined in section 14-1, (G) student transportation vehicles, as defined in section 14-212, and (H) camp vehicles, as defined in section 14-1. The provisions of this subsection shall also apply to all motor vehicles used by municipal, volunteer and commercial ambulance services and rescue services, as defined in section 19a-175. (3) Violation of any provision of this subsection is an infraction. (f) The commissioner shall administer the provisions of this section. (1961, P.A. 532; 1963, P.A. 405; P.A. 82-292; P.A. 84-429, S. 35; P.A. 85-429, S. 1, 8; P.A. 91-192, S. 2; P.A. 93-10; P.A. 94-52; P.A. 96-180, S. 149, 166; 96-257, S. 1; P.A. 02-70, S. 78; P.A. 05-58, S. 1; P.A. 07-134, S. 1; P.A. 08-32, S. 5; 08-150, S. 37; P.A. 10-3, S. 50; 10-110, S. 7; P.A. 14-231, S. 51; P.A. 16-39, S. 11; P.A. 17-230, S. 11; P.A. 21-121, S. 96; 21-175, S. 16; 21-196, S. 13; P.A. 23-40, S. 15.) History: 1963 act made equipping of new cars with seat belts mandatory, 1961 act having made anchorage units only mandatory; P.A. 82-292 inserted new Subsec. (c) requiring the use of child restraint systems, relettering former Subsec. (c) accordingly; P.A. 84-429 rephrased provisions and made other technical changes; P.A. 85-429 amended Subsec. (a) to require that vehicles be equipped with safety belts for rear seats and inserted new Subsec. (c) re required use of seat belts, exemptions and penalties related to such use, relettering prior Subsecs. (c) and (d) accordingly; P.A. 91-192 amended Subsec. (c)(1) and (3) to require use of seat belts in fire fighting apparatus and (c)(5) to delete obsolete provision re issuance of verbal warnings by law enforcement officers for violations; P.A. 93-10 amended Subsec. (c)(1) to eliminate exemption from requirement to use seat belts for vehicles equipped with air bags; P.A. 94-52 amended Subsec. (c) by deleting "front seat" in the last sentence of Subdiv. (1), making it applicable to any passenger 4 years of age or older and under 16, not only a "front seat" passenger, and amended Subsec. (d) by making its first sentence applicable to children under 4 years of age and weighing less than 40 pounds, deleting language which provided that: "For any child between the ages of one year and four years, a seat safety belt in the rear seat of the motor vehicle which complies with the provisions of subsection (b) of this section may be used in lieu of a child restraint system." and providing instead that: "Any person who transports a child under the age of four years, weighing forty or more pounds, in a motor vehicle on the highways of this state shall either provide and require the child to use an approved child restraint system or require the child to use a seat safety belt" and eliminating language which said that "motor vehicle" does not mean "a recreational vehicle of the truck or van type or a truck"; P.A. 96-180 amended of Subsec. (c)(1) to substitute Subsec. "(e)" for "(g)" of Sec. 38a-363, effective June 3, 1996; P.A. 96-257 amended Subsec. (d) to eliminate provision requiring court waiver of fine upon proof that person installed child restraint system prior to court appearance date, to provide graduated penalties for violation of subsection and to require persons who have committed a first or second violation to attend a child car seat safety course; P.A. 02-70 amended Subsec. (c) to replace references to "private passenger" type of motor vehicle, "as defined in subsection (e) of section 38a-363" and "vanpool vehicle", with reference to motor vehicle "with a gross vehicle weight rating not exceeding ten thousand pounds", and to require seat belt use in fire fighting apparatus "originally" equipped with such belts in Subdiv. (1), combined existing Subdiv. (3) with Subdiv. (2) and made technical changes therein and redesignated existing Subdivs. (4) and (5) as Subdivs. (3) and (4); P.A. 05-58 amended Subsec. (c)(1) by substituting "six years of age and under" for "under the age of four years" and changing "four" to "seven" years of age or older, and amended Subsec. (d) by designating existing provisions as Subdivs. (1) and (5) and, in Subdiv. (1), substituting "six years of age and under or" for "under the age of four years" and changing 40 to 60 pounds, adding Subdiv. (2) re child restraint system for transport of child under 1 year of age or weighing less than 20 pounds, adding Subdiv. (3) re child restraint systems in a student transportation vehicle, adding Subdiv. (4) re restraint of child in booster seat and, in Subdiv. (5), adding "subdivision (1), (2), (3) or (4) of"; P.A. 07-134 added new Subsec. (e) re wheelchair transportation safety devices for individuals who remain in wheelchairs while being transferred into and out of a vehicle, and for motor vehicles in livery service, service buses, invalid coaches, vanpool vehicles, school buses, motor buses, student

transportation vehicles and camp vehicles registered on or after October 1, 2007, that transport individuals who remain in wheelchairs while being transported, and redesignated existing Subsec. (e) as Subsec. (f); P.A. 08-32 amended Subsec. (c) to make technical changes and, in Subdiv. (1), to add requirement that if operator of vehicle is under eighteen, operator and each passenger shall wear seat belt while vehicle is being operated on any highway and, in Subdiv. (4), to provide that any operator of vehicle who is eighteen or older and any passenger who violates any provision of Subsec. (c) shall have committed an infraction and be fined \$15 and that any operator under eighteen and any passenger who violates any provision of Subsec. (c) shall have committed an infraction and be fined \$75, effective August 1, 2008; P.A. 08-150 amended Subsec. (e)(2) to make technical changes; P.A. 10-3 amended Subsec. (c)(4) to increase fine from \$15 to \$50 for operator of motor vehicle 18 years of age or older and any passenger in that motor vehicle, effective April 14, 2010; P.A. 10-110 amended Subsec. (c)(1) to delete limitation of seat belt requirement to vehicles with gross vehicle weight rating not exceeding 10,000 pounds and make technical changes; P.A. 14-231 amended Subsec. (e)(2) by deleting reference to management services and making technical changes; P.A. 16-39 amended Subsec. (c)(2)(A) by adding reference to licensed advanced practice registered nurse; P.A. 17-230 amended Subsec. (c)(1)(A) to replace “six years of age and under” with “under eight years of age”, amended Subsec. (c)(1)(B) to replace “seven” with “eight”, and amended Subsec. (d) to delete former Subdiv. (1) re child age 6 and under or weighing less than 60 pounds, to redesignate existing Subdiv. (2) re child under age 1 or weighing less than 20 pounds as Subdiv. (1)(A) and amending same to replace provision re child under age 1 or weighing less than 20 pounds with provision re child under age 2 or weighing less than 30 pounds and add “equipped with a five-point harness”, to add Subpara. (B) re child under age 5 but not under age 2, or weighing less than 40 pounds but not less than 30 pounds, to add Subpara. (C) re child under age 8, but not under age 5, or weighing less than 60 pounds but not less than 40 pounds, to add Subpara. (D) re rear-facing child restraint system in front seat of motor vehicle with air bag, to add Subdiv. (2) re child age 8 or older and weighing 60 or more pounds, and to make technical changes in Subdiv. (3); P.A. 21-121 amended Subsec. (e) by deleting “subdivision (11) of” in Subdiv. (2)(C), effective July 6, 2021; P.A. 21-175 amended Subsec. (c) by deleting “front seat” in Subdiv. (1), deleting Subdiv. (1)(C) re operator under eighteen years old and each passenger to wear seat belt while vehicle is operated on highway, adding Subdiv. (2)(C) re passenger on bus, adding new Subdiv. (4) re no law enforcement official to stop vehicle solely for failure of back seat passenger sixteen years old or older to wear seat belt, redesignating existing Subdiv. (4) as Subdiv. (5) and making technical changes; P.A. 21-196 amended Subsec. (c)(2) by adding reference to licensed physician assistant; P.A. 23-40 amended Subsec. (d)(5) by adding provision re remittance of fine for first-time violator who acquires appropriate child restraint system or booster seat.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-100b. - Air pollution control devices required on certain passenger motor vehicles.

On and after January 1, 1968, no passenger motor vehicle designated as a 1968 or later model shall be registered in this state unless equipped with an effective air pollution control device. The Commissioner of Energy and Environmental Protection, with the advice of the Commissioner of Motor Vehicles, may make regulations establishing standards for such devices, which standards shall be consistent with provisions of federal law, if any, relating to control of emissions from the vehicles concerned. The Commissioner of Motor Vehicles shall not require, as a condition precedent to the initial sale of a vehicle or vehicular equipment, the inspection, certification or other approval of any feature or equipment designed for the control of emissions from motor vehicles if such feature or equipment has been certified, approved or otherwise authorized pursuant to federal law. (1967, P.A. 676; 1971, P.A. 872, S. 29; P.A. 11-80, S. 1.) History: 1971 act made environmental protection commissioner rather than commissioner of motor vehicles responsible for regulations but kept commissioner of motor vehicles as advisor; pursuant to P.A. 11-80, “Commissioner of Environmental Protection” was changed editorially by the Revisors to “Commissioner of Energy and Environmental Protection”, effective July 1, 2011.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-101. - Turn signals.

Any person who operates on any highway any motor vehicle so constructed or so loaded that the operator is unable to clearly indicate by hand signals to both approaching and following traffic his intention of stopping or turning, unless such motor vehicle is equipped with a turn signal or signalling device, or fails to cause such turn signal or device to be maintained, at all times, in good and sufficient working order, or fails to use the same when making any stop or turn, or the owner of any such motor vehicle who allows it to be so operated, shall be fined the amount designated for such infraction. (1949 Rev., S. 2448; 1953, S. 1339d; 1959, P.A. 62, S. 7; 1967, P.A. 834, S. 30; P.A. 75-577, S. 58, 126.) History: 1959 act added words “turn signal” in Subsec. (a) and deleted word “mechanical” in front of words “signalling device” and “signal device” in Subsecs. (a) and (b); 1967 act repealed Subsec. (b); P.A. 75-577 replaced provision for \$25 maximum fine with statement that fine be “the amount designated for such infraction”. See Sec. 14-96e(b) re measurements determining when turn signals required. See Sec. 14-244 re hand signals. Statutes do not require driver to give hand signal in preference to mechanical signal. 122 C. 210. Cited. 129 C. 122. Cited. 2 CS 99. Cited. 5 Conn. Cir. Ct. 694.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-102. - View in and exits from motor vehicles used to transport passengers for hire.

The passenger compartment in any motor vehicle used to transport passengers for hire shall, if enclosed or partly enclosed, be so

constructed as to give an unobstructed view of the interior of the same from any point within such vehicle. Each such motor vehicle of a seating capacity of more than seven shall have exits on more than one side thereof. Any person who owns or operates any such motor vehicle which fails to comply with the requirements of this section shall be fined the amount designated for each such infraction. (1949 Rev., S. 2450; P.A. 75-577, S. 59, 126; P.A. 90-263, S. 49, 74.) History: P.A. 75-577 replaced provision for \$5 minimum fine and \$25 maximum fine with reference to fine in “the amount designated for each such infraction”; P.A. 90-263 substituted “motor vehicle used to transport passengers for hire” for “public service motor vehicle”.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-102a. - Inspection of student transportation vehicles.

Each student transportation vehicle shall be inspected for safety before its initial registration in accordance with a schedule to be adopted by the Commissioner of Motor Vehicles. Each such student transportation vehicle shall pass inspection before each renewal of registration. Any student transportation vehicle that transports individuals in wheelchairs shall meet the requirements of subsection (e) of section 14-100a in order to pass inspection. The fee for each such inspection shall be twenty dollars, except there shall be no fee for inspection of a student transportation vehicle owned by the state or a municipality. (P.A. 05-218, S. 14; P.A. 07-134, S. 5.) History: P.A. 05-218 effective July 1, 2005; P.A. 07-134 added provision requiring student transportation vehicles transporting individuals in wheelchairs to meet the requirements of Sec. 14-100a(e).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-103. - Inspection of motor vehicles.

(a) The commissioner, an inspector authorized by the commissioner, any officer of the Division of State Police within the Department of Emergency Services and Public Protection or any local police officer may examine any motor vehicle and its number, equipment and identification. Any person who willfully interferes with or obstructs, or attempts to interfere with or obstruct, any such examination shall be guilty of a class D misdemeanor. (b) The Commissioner of Motor Vehicles may establish and maintain a system of voluntary examination of equipment of motor vehicles registered in this state or being operated on the highways thereof. Such examination may be made by a new car dealer, a used car dealer or a repairer, who is licensed in accordance with the provisions of section 14-52 and approved by said commissioner for such purpose. (c) All state and local police officers, whenever they see a motor vehicle being operated in apparent violation of any statute relative to the equipment of a motor vehicle, may stop such vehicle and may issue to the operator a warning of defective equipment directing the owner of such vehicle to take it to any inspection station approved by the commissioner and have such vehicle restored to safe operating condition and officially inspected as soon as possible, and not later than ten days from the date of the issuance of the warning notice. Such warning shall be furnished by the commissioner in such form as the commissioner prescribes and shall be in triplicate, the original of which shall be mailed by the issuing officer to the Department of Motor Vehicles. The duplicate copy shall be given to the motor vehicle operator and shall be presented to the official inspection station at the time the vehicle is submitted for examination. The triplicate copy shall be retained by the issuing officer for such officer's department records. When the inspection station approves such vehicle, its authorized representative shall sign the duplicate copy of the warning of defective equipment and mail it to the Department of Motor Vehicles. If the Department of Motor Vehicles does not receive the duplicate copy, as approved by the inspection station, within twenty days from the date of issuance, or if the registration for such vehicle is not cancelled, the commissioner, after giving notice and an opportunity for a hearing to such motorist, may suspend the privilege of the owner to register any motor vehicle or to operate any motor vehicle on the highways of this state that is registered in another jurisdiction, until such time as the vehicle is restored to safe operating condition. (d) Each service bus shall be inspected for safety before its initial registration, in accordance with a schedule to be adopted by the commissioner. Each such service bus shall pass inspection before each renewal of registration. Any service bus that transports individuals in wheelchairs shall meet the requirements of subsection (e) of section 14-100a in order to pass inspection. The fee for each such inspection shall be forty dollars, except there shall be no fee for inspection of a service bus owned by the state or a municipality. The commissioner may use the services of any motor vehicle dealer or repairer licensed, in accordance with section 14-52, to conduct a required service bus inspection, provided any fee charged by such dealer or repairer shall not exceed forty dollars, or, if the vehicle inspected has a gross vehicle weight rating in excess of twenty-six thousand pounds, eighty dollars. (1949 Rev., S. 2451; 1959, P.A. 653; February, 1965, P.A. 448, S. 12; P.A. 77-614, S. 486, 610; P.A. 80-466, S. 17, 25; P.A. 92-177, S. 3, 12; P.A. 93-341, S. 22, 38; P.A. 94-189, S. 9, 34; P.A. 96-167, S. 32; June 30 Sp. Sess. P.A. 03-3, S. 36; P.A. 04-199, S. 6; P.A. 05-218, S. 11; P.A. 07-134, S. 3; P.A. 11-51, S. 134; P.A. 12-80, S. 63; P.A. 23-40, S. 9.) History: 1959 act excluded limited repairers from authorized inspectors, removed provision that no owner could be compelled to have vehicle inspected under Subsec. (b) and added Subsec. (c); 1965 act changed “shall” to “may” in first sentence of Subsec. (c); P.A. 77-614 replaced state police department with division of state police within the department of public safety, effective January 1, 1979; P.A. 80-466 added reference to single license plate in Subsec. (c); P.A. 92-177 added a new Subsec. (d) requiring persons issued a warning notice under Subsec. (c) to be assessed a civil penalty of \$10; P.A. 93-341 added new Subsec. (e) re annual inspection and fee, effective July 1, 1993; P.A. 94-189 amended Subsec. (c) by increasing the number of days within which the department of motor vehicles should receive the duplicate copy of the warning from 15 to 20 days, deleting provisions concerning notification of the owner to return his plates and registration to the department and return of same to the owner upon receipt of an inspection-station-approved copy of the warning or other evidence that the vehicle has been put in safe operating condition and by adding provisions concerning a civil penalty of \$50, deleting Subsec. (d) re \$10 civil penalty and relettering the former Subsec. (e)

as (d), effective July 1, 1994; P.A. 96-167 amended Subsec. (a) to allow local police officers to examine motor vehicles; (Revisor's note: In 1997 references throughout the general statutes to "Motor Vehicle(s) Commissioner" and "Motor Vehicle(s) Department" were replaced editorially by the Revisors with "Commissioner of Motor Vehicles" or "Department of Motor Vehicles", as the case may be, for consistency with customary statutory usage); June 30 Sp. Sess. P.A. 03-3 made technical changes in Subsecs. (a) and (c) and replaced Subsec. (d) re annual inspection and fee with new Subsec. (d) re biennial inspection and fee, effective August 20, 2003; P.A. 04-199 amended Subsec. (c) to eliminate civil penalty of \$50 imposed on owner if department does not receive duplicate copy, to eliminate suspension of registration for failure of owner to pay penalty and to provide that, if department does not receive duplicate copy or if registration for vehicle not cancelled, commissioner may suspend privilege of owner to register any motor vehicle or to operate vehicle registered in another jurisdiction on highways of state, effective July 1, 2004; P.A. 05-218 amended Subsec. (d) to change method of inspection of service bus by adding provision requiring safety inspection before initial registration and that service bus shall pass inspection before each renewal of registration, to provide that there is no fee for inspection of service bus owned by state or municipality, to allow commissioner to use services of licensed motor vehicle dealer or repairer to conduct inspections, and to establish fees for such inspections, effective July 1, 2005; P.A. 07-134 amended Subsec. (d) by adding provision requiring any service bus that transports individuals in wheelchairs to meet the requirements of Sec. 14-100a(e); pursuant to P.A. 11-51, "Department of Public Safety" was changed editorially by the Revisors to "Department of Emergency Services and Public Protection" in Subsec. (a), effective July 1, 2011; P.A. 12-80 amended Subsec. (a) to change penalty from a fine of not more than \$50 or imprisonment of not more than 30 days or both to a class D misdemeanor and make technical changes; P.A. 23-40 amended Subsec. (b) to delete reference to limited repairers, add reference to Sec. 14-52 and make technical and conforming changes, effective January 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-103a. - Inspection of altered, composite, grey-market and salvage vehicles and vehicles made by unlicensed manufacturers.

(a) For the purposes of this section: (1) "Altered vehicle" means a motor vehicle that has been materially modified from its original construction by the removal, addition or substitution of essential parts, new or used; (2) "Composite vehicle" means a motor vehicle that is (A) composed or assembled from several parts of other motor vehicles, (B) assembled from a motor vehicle kit, or (C) has been altered, assembled or modified from the original manufacturer's specifications; (3) "Grey-market vehicle" means a motor vehicle that is manufactured for use outside of, and imported into, the United States and is not certified to meet motor vehicle safety standards promulgated by the National Highway Traffic Safety Administration or emission standards promulgated by the federal Environmental Protection Agency at the time the motor vehicle was manufactured; (4) "Major component part" has the same meaning as provided in subsection (a) of section 14-149a; and (5) "Salvage vehicle" means a motor vehicle that has been declared a total loss by any insurance carrier and subsequently reconstructed. (b) Any motor vehicle that the Commissioner of Motor Vehicles deems to be an altered vehicle, composite vehicle, grey-market vehicle or salvage vehicle shall be inspected by the commissioner to determine whether the vehicle is properly equipped and in good mechanical condition. The model year designation for the purpose of registration of a composite motor vehicle inspected in accordance with the provisions of this section shall be the model year that the body of such composite motor vehicle most closely resembles. Any altered vehicle, composite vehicle or grey-market vehicle shall be presented for inspection at a location of the Department of Motor Vehicles designated by the commissioner. Any salvage vehicle shall be presented for inspection at any motor vehicle dealer or repairer who is licensed in accordance with section 14-52 and authorized by the commissioner to perform such inspection. The commissioner may require the inspection of any other motor vehicle that has not been manufactured by a person, firm or corporation licensed in accordance with the provisions of section 14-67a. (c) The commissioner may require any person presenting any altered vehicle, composite vehicle, grey-market vehicle or salvage vehicle for inspection to provide proof of lawful purchase of any major component part that was not part of the vehicle when first sold by the manufacturer. (d) The fee for any inspection required by the provisions of this section shall be eighty-eight dollars. The inspection fee shall be in addition to regular registration fees. (February, 1965, P.A. 448, S. 4; 1971, P.A. 527; P.A. 80-292, S. 3; P.A. 84-254, S. 48, 62; P.A. 85-613, S. 30, 154; P.A. 91-355, S. 3; P.A. 94-189, S. 10; P.A. 02-70, S. 57; P.A. 07-167, S. 10, 43; June Sp. Sess. P.A. 07-5, S. 31; P.A. 09-187, S. 31; P.A. 24-20, S. 10.) History: 1971 act replaced provision for fees equaling those for inspection of vehicles purchased outside state pursuant to Sec. 14-12 with provision for \$25 fee; P.A. 80-292 included reference to vehicles rebuilt after declared total loss by insurer, required inspection to determine whether vehicle is in possession of lawful owner and allowed commissioner to require proof of purchase for major component parts not originally part of vehicle; P.A. 84-254 periodically increased the inspection fee, from \$25 to \$88 as of July 1, 1993; P.A. 85-613 made technical change; P.A. 91-355 required such vehicle to be presented for inspection at any state motor vehicle department office or any authorized official emissions inspection station and required inspection fees collected at such inspection stations to be deposited in separate safety inspection account within emissions inspection fund; P.A. 94-189 amended the section by deleting obsolete language re inspection fee increases and changing the reference to "subsection" in the last sentence to "section"; (Revisor's note: In 1997 references throughout the general statutes to "Motor Vehicle(s) Commissioner" and "Motor Vehicle(s) Department" were replaced editorially by the Revisors with "Commissioner of Motor Vehicles" or "Department of Motor Vehicles", as the case may be, for consistency with customary statutory usage); P.A. 02-70 made a technical change, effective July 1, 2002; P.A. 07-167 deleted provisions re inspection at official emissions inspection station and re deposit of fees collected at such station in separate safety inspection account, effective July 1, 2007, and added references to reconstructed vehicles, deleted references to rebuilt vehicles and

defined “reconstructed”; June Sp. Sess. P.A. 07-5 made technical changes; P.A. 09-187 added provision re model year designation for registration of composite motor vehicle shall be model year that body of vehicle most closely resembles, and authorized commissioner to require inspection of any other motor vehicle manufactured by person, firm or corporation without a manufacturer's license issued under Sec. 14-67a; P.A. 24-20 added Subsec. (a) re definitions, designated existing provision re inspections as Subsec. (b) and amended same to add provision re salvage vehicle to be presented for inspection at authorized dealer or repairer, designated existing provision re proof of lawful purchase of major component part as Subsec. (c), designated existing provision re inspection fee as Subsec. (d) and amended same to delete definition of “reconstructed” and made technical and conforming changes, effective July 1, 2024. See Sec. 14-67h for definition of “major component parts.”

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-103b. - High-mileage vehicles, regulations re safety and performance standards.

Section 14-103b is repealed, effective January 1, 2010. (P.A. 81-394, S. 11; P.A. 09-187, S. 69.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-103c. - Vehicles using liquid propane gas as fuel.

Section 14-103c is repealed. (P.A. 81-76; P.A. 86-19.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-103d. - Vehicles using any pressurized gas as fuel. Regulations. Class C misdemeanor.

(a) No motor vehicle which uses any pressurized gas except natural gas or hydrogen as a fuel for its engine may enter or be parked in any area that is under grade level. Any vehicle within the state which carries any pressurized gas as its fuel in a tank attached to the vehicle in any concealed area, including, but not limited to, trunks, compartments or under such vehicle, except a vehicle that is in compliance with all applicable federal codes and standards for light duty passenger use, shall have displayed on its exterior the words “Pressurized Flammable Gas” or a standard abbreviation or symbol as determined by the Office of the State Fire Marshal, in block letters at least two inches high, which letters shall be of contrasting colors and shall be placed as near as possible to the area where the tank is located. No person may dispense any pressurized gas used as a vehicle fuel into any tank in a concealed area of a vehicle unless the vehicle is in compliance with the requirements of this subsection. The Commissioner of Motor Vehicles shall adopt regulations in accordance with the provisions of chapter 54 to carry out the provisions of this section. (b) Any person who violates any provision of this section or any regulation adopted pursuant to this section shall be guilty of a class C misdemeanor. (P.A. 83-317; P.A. 91-179, S. 3; P.A. 93-90; 93-206, S. 3, 16; P.A. 16-135, S. 9.) History: P.A. 91-179 in Subsec. (a) added exemption allowing vehicles powered by clean alternative fuel to travel through any tunnels in the state; P.A. 93-90 deleted provision allowing natural gas vehicles to travel through highway tunnels and instead wholly exempted natural gas vehicles from provisions of section; P.A. 93-206 amended Subsec. (a) to substitute office of the state fire marshal for bureau of the state fire marshal, effective July 1, 1993; P.A. 16-135 amended Subsec. (a) to add “or hydrogen” in provision re under grade level parking restrictions and add “except a vehicle that is in compliance with all applicable federal codes and standards for light duty passenger use”, effective July 1, 2016.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-104. - Fenders and other wheel protectors.

(a) No person shall operate on any public highway any motor vehicle with a passenger or commercial registration which is not equipped with fenders on all wheels which come into contact with the highway unless the body of the vehicle or attachments thereto afford adequate protection to effectively minimize the spray or splash of water or mud to the rear of the vehicle. (b) No person shall operate or cause to be operated any bus, truck, truck-tractor, full trailer or semitrailer of registered gross weight exceeding three tons on any public highway unless the same is equipped with suitable metal protectors or substantial flexible flaps behind the rearmost wheels, and, in case the rear wheels are not covered at the top and rear by fender, body or other parts of the vehicle, the rear wheels shall be covered at the top and rear by protective means of such standard type or design and so installed as to reduce, as far as practicable, such wheels from throwing dirt, water or other materials on the windshields of following vehicles, except in cases in which the motor vehicle is so designed and constructed that the above requirements are accomplished by reason of the fender or body construction or other means of enclosure. (c) Violation of any provision of this section shall be an infraction. (1953, 1955, S. 1340d; February, 1965, P.A. 448, S. 13; 1969, P.A. 576; P.A. 76-381, S. 6; P.A. 90-263, S. 65, 74; P.A. 99-268, S. 5; P.A. 00-169, S. 22.) History: 1965 act added “truck tractor” to first sentence of Subsec. (b) and deleted provision exempting vehicles requiring complete freedom around the wheel area from last sentence of Subsec. (b); 1969 act amended Subsec. (a) to require fenders on all wheels in contact with highway unless vehicle is equipped to minimize spray or splash of mud or water and specified applicability to passenger or commercial motor vehicles and motorcycles; P.A. 76-381 replaced provision re fine and/or imprisonment with statement that violation is an infraction; P.A. 90-263 amended Subsec. (a) to substitute phrase “motor vehicle with a passenger or commercial registration” for “passenger or commercial motor vehicle or motorcycle”; P.A. 99-268 amended Subsec. (b) to delete exemption for farm vehicles; P.A. 00-169 revised effective date of P.A. 99-268 but without affecting this section. Cited. 30 CA 263.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor

VehiclesSection 14-105. - Television screens or similar devices prohibited. Exceptions.

(a) No television screen or other device of a similar nature shall be installed or used in this state in any position or location in a motor vehicle where a moving image, other than text, may be visible to a person who is operating the vehicle and is properly restrained by such person's seat belt or where it may in any other manner interfere with the safe operation and control of the vehicle. The provisions of this subsection shall not apply to screens or devices meeting one or more of the following criteria: (1) A closed video monitor that is used to assist the operator while backing, parking, maneuvering at a speed of not more than twelve miles per hour, or monitoring passengers seated rearward of the operator; (2) a video display unit or device that is capable of operation only when the vehicle is stationary and is automatically disabled whenever the wheels of the vehicle are in motion; (3) a video display unit or device that is used to enhance or supplement the operator's view of the roadway or to assist the operator in object detection; (4) a video display unit used for control or instrumentation purposes, to provide vehicle information, or to assist in the operation of navigation, related traffic, road and weather information functions; or (5) a video display unit or device that is installed in any emergency vehicle. (b) Notwithstanding the provisions of subsection (a) of this section, the driver of a commercial motor vehicle equipped with a garbage compactor, detachable container or a curbside recycling body may, when engaged in the activity of refuse collection on any public highway, use a closed video monitor for backing after such vehicle is shifted out of reverse and placed into forward motion, for such time as may be necessary to observe motor vehicles or pedestrians that may be behind such vehicle in a position that cannot be viewed using such vehicle's mirror system. (c) Violation of any provision of this section shall be an infraction. (1949, S. 1337d; P.A. 75-577, S. 60, 126; P.A. 84-215; P.A. 00-169, S. 6; P.A. 05-218, S. 25; P.A. 06-130, S. 12; 06-196, S. 286; P.A. 08-150, S. 12; P.A. 09-187, S. 48.) History: P.A. 75-577 replaced provision re \$100 maximum fine with statement that violation is an infraction; P.A. 84-215 permitted the installation or use of video display units for instrumentation purposes in motor vehicles; P.A. 00-169 authorized use of closed video monitor for backing; P.A. 05-218 changed "utilized" to "used" and changed "whenever" to "no later than fifteen seconds after"; P.A. 06-130 designated existing section as Subsec. (a) and added Subsecs. (b) re garbage and recycling vehicles and (c) re penalty, effective June 2, 2006; P.A. 06-196 made a technical change in Subsec. (a), effective June 7, 2006; P.A. 08-150 amended Subsec. (a) by deleting exception for closed video monitor for backing and by adding exception for certain devices installed by manufacturer of the motor vehicle; P.A. 09-187 amended Subsec. (a) to delete exception for video display unit used for instrumentation purposes, to limit prohibition of television to location or position where moving image, other than text, may be visible to operator of vehicle who is properly restrained by seat belt, to delete exception for devices installed by vehicle manufacturer, to expand exemption for closed video monitor in Subdiv. (1), to add Subdiv. (4) to exempt video display unit used for specified purposes and Subdiv. (5) to exempt video display unit installed in emergency vehicle, and to make conforming changes. Cited. 35 CS 659.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 246 - Motor VehiclesSection 14-106. - Air conditioning equipment.

(a) The term "air conditioning equipment" or "equipment", as used or referred to in this section, means mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle. (b) Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable, unless such refrigerant is included in the list published by the United States Environmental Protection Agency as a safe alternative motor vehicle air conditioning substitute for chlorofluorocarbon-12 pursuant to 42 USC 7671k(c). (c) The commissioner may adopt and enforce safety requirements, regulations and specifications, consistent with the requirements of this section, applicable to such equipment, which shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the Society of Automotive Engineers. (d) No person shall have for sale, offer for sale, sell, equip or maintain any motor vehicle with any such equipment unless he is licensed under section 14-52 and such equipment complies with the requirements of this section. (e) No person shall operate on any highway any motor vehicle equipped with any air conditioning equipment unless such equipment complies with the requirements of this section. (f) Violation of any provision of subsections (d) and (e) of this section shall be an infraction. (1955, S. 1341d; P.A. 75-577, S. 61, 126; P.A. 08-150, S. 31.) History: P.A. 75-577 added Subsec. (f); P.A. 08-150 amended Subsec. (b) to add exception for refrigerant included as a safe alternative motor vehicle air conditioning substitute in list published by the United States Environmental Protection Agency.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 246 - Motor VehiclesSection 14-106a. - Tamper-resistant odometer required. Mileage reading required on registration application.

(a) On and after January 1, 1971, no passenger motor vehicle designated as a 1971 or later model shall be registered in this state unless it is equipped with a tamper-resistant odometer designed with the intent to reduce the likelihood of unlawful tampering with the mileage reading thereon. The Commissioner of Motor Vehicles may make regulations establishing standards for such devices, which standards shall be consistent with provisions of federal law, if any, relating thereto. The Commissioner of Motor Vehicles shall not require, as a condition precedent to the initial sale of a vehicle, the inspection, certification or other approval of such odometer if such device or equipment has been certified by the manufacturer as complying with federal or state law or regulation. (b) The application for registration of a motor vehicle shall include the mileage reading at the time of registration, sale or transfer. (1969, P.A. 366; P.A. 85-338, S. 1.) History: P.A. 85-338 added Subsec. (b), requiring that motor vehicle registration applications

include mileage reading at time of registration, sale or transfer.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-106b. - Properly functioning odometer required. Tampering with odometer prohibited.

(a) Each self-propelled motor vehicle registered in this state that is designed and manufactured with an odometer shall at all times while operating on the highway be equipped with a properly functioning odometer. Any person who violates any provision of this section shall be issued a warning for defective equipment under the provisions of subsection (c) of section 14-103. (b) No person or such person's agent shall remove, turn back or change the reading on the odometer of any motor vehicle required under the provisions of subsection (a) of this section or subsection (a) of section 14-106a to be equipped with an odometer, except in connection with the repair of such odometer either while installed in or removed from such motor vehicle and unless such person is licensed as a new car dealer, used car dealer or repairer pursuant to section 14-52. Each odometer repaired and each new or used odometer installed in any motor vehicle required to be equipped with an odometer shall display mileage at least equal to the mileage displayed by the odometer in such motor vehicle immediately prior to such repair or replacement. (c) No person shall sell, offer for sale, use, install or cause to be installed any device which causes the odometer in any motor vehicle required under the provisions of subsection (a) of this section or subsection (a) of section 14-106a to be so equipped to register any mileage other than the true mileage driven. For purposes of this section, the true mileage driven is that mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance. (d) Any person violating the provisions of subsections (b) or (c) of this section shall be guilty of committing a class A misdemeanor. Any person violating the provisions of said subsections shall be liable for damages equal to three times the amount of actual damage or one thousand five hundred dollars, whichever is greater, court costs and reasonable attorney's fees and shall pay a civil penalty of not more than one thousand dollars for each violation. A violation of the provisions of said subsections shall be deemed to be an unfair trade practice within the provisions of chapter 735a. Any person licensed as a new car dealer, used car dealer or repairer pursuant to section 14-52 shall, in addition to the penalties imposed by this section, be subject to the suspension or revocation of such person's license as provided in section 14-64. (P.A. 73-429, S. 2-5; P.A. 75-329; P.A. 85-338, S. 2; P.A. 15-46, S. 4; P.A. 16-55, S. 19; P.A. 23-40, S. 10.) History: P.A. 75-329 inserted new Subsec. (e) re devices which modify odometer, redesignated former Subsecs. (c) and (d) as (d) and (e) respectively and added reference to new Subsec. (c) in Subsec. (d); P.A. 85-338 amended Subsec. (d) to make violation a class A rather than class C misdemeanor and impose additional penalties—liability for damages equal to three times the amount of actual damage or \$1,500 and payment of a civil penalty, and to provide that violations shall be unfair trade practices; P.A. 15-46 deleted former Subsec. (e) re inapplicability of section and Sec. 14-145 to motorcycles, effective July 1, 2015; P.A. 16-55 amended Subsecs. (b) and (d) by making technical changes, effective May 31, 2016; P.A. 23-40 amended Subsecs. (b) and (d) to replace reference to general or limited repairer with reference to repairer and made technical changes, effective January 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-106c. - Headerboards required on commercial van-type motor vehicles.

No commercial van-type motor vehicle manufactured after January 1, 1975 shall be operated in this state unless equipped with headerboards or similar devices of sufficient strength to prevent load shifting and penetration or crushing of the driver's compartment. Such headerboards or similar devices shall conform to the requirements of such devices set forth in the Motor Carrier Safety Regulations of the U.S. Department of Transportation, Federal Highway Administration. (P.A. 73-227; P.A. 75-314.) History: P.A. 75-314 rephrased provisions but made no substantive change.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-106d. - Sale, offer for sale, manufacture, importation or installation of counterfeit or nonfunctional air bag prohibited. Unfair or deceptive trade practice. Penalty.

(a) As used in this section: (1) "Air bag" means a motor vehicle inflatable occupant restraint system, including all component parts, such as the cover, sensors, controllers, inflators and wiring, that (A) operates in the event of a crash, and (B) is designed in accordance with federal motor vehicle safety standards for the specific make, model and year of the motor vehicle in which it is or will be installed. (2) "Counterfeit air bag" means a motor vehicle inflatable occupant restraint system, including all component parts, such as the cover, sensors, controllers, inflators and wiring, displaying a mark identical or similar to the genuine mark of a motor vehicle manufacturer without authorization from such manufacturer. (3) "Nonfunctional airbag" means a replacement motor vehicle inflatable occupant restraint system, including all component parts, such as the cover, sensors, controllers, inflators and wiring, that (A) was previously deployed or damaged, (B) has an electric fault that is detected by the vehicle airbag diagnostic system after the installation procedure is completed, or (C) includes any part or object, including, but not limited to, a counterfeit or repaired airbag cover, installed in a motor vehicle to mislead the owner or operator of such motor vehicle into believing that a functional airbag has been installed. (b) No person shall manufacture, import, install, reinstall, sell or offer for sale any device with the intent that such device replace an air bag in any motor vehicle if such person knows or reasonably should know that such device is a counterfeit air bag, a nonfunctional air bag or does not meet federal safety requirements as provided in 49 CFR 571.208. (c) No person shall sell or install or reinstall in any vehicle any device that causes such vehicle's diagnostic system to inaccurately indicate that such vehicle is equipped with a functional air bag when a counterfeit air bag, a nonfunctional air bag or no air bag is installed. (d) A violation of subsection (b) or (c) of this section shall be deemed an unfair or deceptive trade practice under subsection (a) of section 42-110b.

Each manufacture, importation, installation, reinstallation, sale or offer for sale shall constitute a separate and distinct violation. (e) Any person who violates subsection (b) or (c) of this section shall be guilty of a class D felony. (P.A. 06-25, S. 1; P.A. 13-282, S. 1.) History: P.A. 06-25 effective July 1, 2006; P.A. 13-282 added new Subsec. (a) to define “air bag”, “counterfeit air bag” and “nonfunctional air bag”, redesignated existing Subsecs. (a), (b) and (c) as Subsecs. (b), (d) and (e), respectively, amended redesignated Subsec. (b) to prohibit manufacture, import, installation or reinstallation of counterfeit or nonfunctional air bags, added new Subsec. (c) re sale or installation of any device that causes a vehicle's diagnostic system to inaccurately indicate vehicle is equipped with functional air bag, amended redesignated Subsec. (d) to add “manufacture, importation, installation, reinstallation” and amended redesignated Subsec. (e) to make violation a class D felony rather than a class A misdemeanor.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-107. - Liability of owner, operator, lessee.

(a) The owner, operator or lessee of any motor vehicle may be prosecuted jointly or individually for violation of any provision of section 10a-79, 10a-84, 10a-92 or 10a-139, subsection (a) of section 14-13, section 14-18, section 14-39 so far as it relates to the registration of motor vehicles, section 14-80, sections 14-80b, 14-80h, 14-80i and 14-99f, sections 14-96a to 14-96aa, inclusive, or section 14-228, 14-251, 14-252, 14-260 or 14-267a. (b) Whenever there occurs a violation of section 10a-79, 10a-92, 10a-139, 14-218a, 14-219, 14-222, 14-223, 14-224 or 14-253a, or sections 14-275 to 14-281, inclusive, or a violation of an ordinance, bylaw or regulation of any town, city or borough in regard to parking, proof of the registration number of any motor vehicle therein concerned shall be prima facie evidence in any criminal action or in any action based on an infraction that the owner was the operator thereof, except in the case of a leased or rented motor vehicle, such proof shall be prima facie evidence in any criminal action that the lessee was the operator thereof. (1949 Rev., S. 2452; 1953, S. 1342d; February, 1965, P.A. 448, S. 14; 1969, P.A. 469; 747, S. 4; 1971, P.A. 332, S. 1; P.A. 73-151, S. 4; 73-172; P.A. 75-198; P.A. 77-340, S. 3; P.A. 79-188, S. 6, 10; P.A. 82-138, S. 2; P.A. 84-128; 84-429, S. 61; P.A. 85-613, S. 31, 154; P.A. 92-126, S. 38, 48; P.A. 03-278, S. 43.) History: 1965 act deleted reference to Subsec. (a) or (b) before “section 14-80”; 1969 acts replaced reference to repealed Secs. 14-83 to 14-88 with reference to Secs. 14-96a to 14-96aa, included lessees in provisions, allowed prosecution jointly or individually and added exception re proof of registration number as evidence that lessee was operator; 1971 act included reference to Sec. 10-144; P.A. 73-151 added references to Secs. 10-38k, 10-108d and 10-109d; P.A. 73-172 added references to Secs. 13a-154 to 13a-162; P.A. 75-198 allowed prosecution for violation of “an ordinance, by law or regulation of any town, city or borough in regard to parking”; P.A. 77-340 added reference to actions based on infractions; P.A. 79-188 replaced reference to repealed Sec. 14-267 with reference to Sec. 14-267a; P.A. 82-138 included a reference to Sec. 14-253a; P.A. 84-128 included a reference to Sec. 14-223; P.A. 84-429 made technical changes for statutory consistency; P.A. 85-613 made technical changes; P.A. 92-126 removed references to repealed sections; P.A. 03-278 designated existing provisions as Subsecs. (a) and (b) and made technical changes, effective July 9, 2003. Inapplicable to civil action. 155 C. 222. Cited. 22 CS 389. Owner who has failed to use due care to prevent overloading under Sec. 14-267 is guilty even though he had no actual or constructive knowledge that vehicle was being overloaded. Id., 482. Cited. 23 CS 424; 30 CS 233. Shifting of burden of proof not a denial of due process re defendant. 2 Conn. Cir. Ct. 239. Trial court rejected defendant's rebuttal testimony re credibility. Id., 329. Cited. Id., 594. Statute as it relates to presumptive evidence does not violate due process since there is a rational and reasonable connection between the facts proved and the ultimate fact presumed, the prima facie inference raised being based on the common experience that as a general rule the owner of a car drives his own vehicle. 3 Conn. Cir. Ct. 462, 463. Cited. 4 Conn. Cir. Ct. 658. Either the operator or the owner of any motor vehicle, or both, may be prosecuted under section for violation of statute which punishes those who evade responsibility in motor vehicle operation, Sec. 14-224. 5 Conn. Cir. Ct. 561. Registration of motor vehicle being prima facie evidence as to the operator of an offending vehicle is constitutionally valid and does not violate the fourteenth amendment; fifth amendment protection against self-incrimination is not violated because it is not necessary for one to testify to rebut it. 6 Conn. Cir. Ct. 298.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-108. - Report of accidents.

Section 14-108 is repealed. (1949 Rev., S. 2453; 1951, 1953, S. 1343d; 1957, P.A. 173; 1961, P.A. 33; 168; 318, S. 4; February, 1965, P.A. 447, S. 1; 1971, P.A. 379, S. 1; P.A. 75-577, S. 62, 126; P.A. 77-614, S. 486, 587, 610; P.A. 78-303, S. 85, 136; P.A. 79-302, S. 2; P.A. 83-165, S. 1; P.A. 84-197, S. 1; P.A. 88-27, S. 1; P.A. 90-143, S. 5.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-108a. - Uniform investigation of accident report. Requirements and policy for identifying and notifying person's family or household member of motor vehicle accident in which person was killed.

(a)(1) The Commissioner of Transportation shall prescribe for the Division of State Police within the Department of Emergency Services and Public Protection and for each police department and officer and other suitable agencies or individuals a uniform investigation of accident report, in such form as the commissioner shall prescribe, which form shall be followed in filing all such reports. (2) In each motor vehicle accident in which any person is killed or injured or in which damage to the property of any one individual, including the operator, in excess of one thousand dollars is sustained, the police officer, agency or individual who, in the regular course of duty, investigates such accident, either at the time of or at the scene of the accident or thereafter, by interviewing the participants or witnesses, shall, not later than five days after completing such investigation, complete and forward one copy of

such report to the Commissioner of Transportation. Such report shall contain all available information relating to the location and cause of the accident, the conditions then existing, the persons and vehicles involved and the names of the insurance companies issuing their automobile liability policies, as well as the enforcement action taken, if any, and, in the case of a motor vehicle accident in which any person is killed, such report shall, if possible and practicable, reach a conclusion as to the cause of the accident. If such a conclusion cannot be reached, the investigating officer, agency or individual shall refer the case to the state's attorney for the judicial district in which the accident occurred, who may refer the case to the Division of State Police within the Department of Emergency Services and Public Protection for review and further investigation. The Commissioner of Transportation shall forward to the Commissioner of Motor Vehicles one copy of each report of any accident involving a school bus. The Commissioner of Motor Vehicles may inquire into or investigate any accident reported pursuant to this subsection and may request the assistance of the Division of State Police within the Department of Emergency Services and Public Protection for such purposes.

(b) (1) In each motor vehicle accident in which any person is killed, the police officer, agency or individual who, in the regular course of duty, investigates such accident shall use reasonable efforts to identify and notify a member of the person's family or household of the fatality as soon as practicable after the accident. Such notification shall (A) indicate that the person was killed in a motor vehicle accident, the location of the accident and the location of the person's body, and (B) on and after the date the applicable police department, agency or individual adopts a policy under subdivision (3) of this subsection, be made in accordance with such policy. (2) Not later than October 1, 2008, the Police Officer Standards and Training Council established under section 7-294b shall establish a uniform policy for identifying and notifying a member of a person's family or household with respect to any motor vehicle accident in which a person is killed. The council shall make the uniform policy available to each police department, agency or individual required to adopt a policy pursuant to subdivision (3) of this subsection. The council shall design the uniform policy to ensure that such notification is made promptly in a manner appropriate for the identified member of the person's family or household. (3) Not later than January 1, 2009, each police department, agency or individual that, in the regular course of duty, has responsibility for investigating motor vehicle accidents shall consider the provisions of the uniform policy established by the Police Officer Standards and Training Council pursuant to subdivision (2) of this subsection and adopt a policy for identifying and notifying a member of a person's family or household with respect to any motor vehicle accident in which a person is killed. Each such police department, agency or individual shall design its policy to ensure that such notification is made promptly in a manner appropriate for the identified member of the person's family or household. (4) Policies established or adopted pursuant to this subsection shall not be considered regulations under section 4-166. (5) For the purposes of this subsection, "police department" includes, but is not limited to, the Division of State Police within the Department of Emergency Services and Public Protection. (1961, P.A. 318, S. 1, 2; February, 1965, P.A. 447, S. 4; 1971, P.A. 379, S. 2; P.A. 79-302, S. 3; P.A. 83-165, S. 2; P.A. 84-197, S. 2; P.A. 88-27, S. 2; P.A. 90-112, S. 2, 14; 90-143, S. 3; P.A. 99-181, S. 12; P.A. 08-67, S. 2; P.A. 11-51, S. 134; P.A. 18-3, S. 1.) History: 1965 act increased property damage limitation from \$100 to \$200 in Subsec. (b); 1971 act increased property damage limitation in Subsec. (b) to \$400; P.A. 79-302 included reference to accidents involving school buses in Subsec. (b); P.A. 83-165 required the uniform investigation of accident report to include the disclosure of names of automobile liability carriers for persons involved in an accident; P.A. 84-197 increased property damage limitation from \$400 to \$600 in Subsec. (b); P.A. 88-27 increased property damage limitation to \$1,000 in Subsec. (b); P.A. 90-112 amended Subsec. (b) to require that accidents involving school buses be reported only if there is a fatality or injury or property damage exceeding \$1,000, where previously all such accidents were required to be reported; P.A. 90-143 transferred duties of motor vehicles commissioner to transportation commissioner, expanding power to prescribe accident report form to include state police, deleting requirement that form contain names of insurance companies issuing automobile liability policies to those involved in accident and specifying that reports include accident location and adding provisions requiring that transportation commissioner forward certain reports to motor vehicles commissioner and permitting motor vehicles commissioner to investigate accidents; P.A. 99-181 amended Subsec. (b) by changing the reports required to be forwarded to the Commissioner of Motor Vehicles from reports of accidents in which any person is killed and accidents involving a school bus or public service bus to only those accidents involving a school bus; P.A. 08-67 redesignated existing Subsecs. (a) and (b) as Subsec. (a)(1) and (2) and added new Subsec. (b) re policy and requirement to identify and notify a member of a person's family or household after the person is killed in a motor vehicle accident; pursuant to P.A. 11-51, "Department of Public Safety" was changed editorially by the Revisors to "Department of Emergency Services and Public Protection", effective July 1, 2011; P.A. 18-3 amended Subsec. (a)(2) by adding provision re report in case of accident in which person is killed, and making technical changes. Cited. 171 C. 705. Cited. 5 Conn. Cir. Ct. 5.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-108b, 14-108c and 14-109. - Statistical information based on reports. Report of accident involving unlicensed operator under instruction. Coroner to investigate fatal motor vehicle accidents.

Sections 14-108b, 14-108c and 14-109 are repealed. (1949 Rev., S. 2454; 1961, P.A. 318, S. 3; 1967, P.A. 832, S. 2; 1969, P.A. 699, S. 38; P.A. 80-142, S. 2; 80-190, S. 14; P.A. 90-143, S. 5.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-11. - Employment of legal assistance.

The commissioner may employ any attorney-at-law for assistance in the prosecution of cases and fix compensation for such services. (1949 Rev., S. 2360.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-110. - Oaths and subpoenas. False statements or reports.

(a) The commissioner, each deputy commissioner or an assistant designated by the commissioner, in the performance of his duties, may administer oaths and take testimony, cause depositions to be taken and order the production of books, papers and documents and issue subpoenas. If any person disobeys such process or, having appeared in obedience thereto, refuses to answer any pertinent question put to him by the commissioner or any such deputy or assistant or to produce any books, papers or documents pursuant thereto, the commissioner may apply to the superior court for the judicial district of Hartford, or to any judge thereof if said court is not in session, setting forth such disobedience to process or refusal to answer, and said court or such judge shall cite such person to appear to answer such question or to produce such books, papers or documents, and, upon his refusal to do so, shall commit him to a community correctional center until he testifies, but not for longer than sixty days. Any person who swears or affirms falsely in regard to any matter respecting which an oath or affirmation is required by this chapter or by the commissioner shall be guilty of perjury or false statement, as the case may be. No person shall wilfully make any false report in regard to any matter respecting which a written report or statement is required by this chapter. Any person who violates any provision of this section shall be subject to the penalties provided for perjury or false statement, as the case may be. (b) Whenever a carrier, as defined in section 14-212, or a person acting on behalf of a carrier, files with the Commissioner of Motor Vehicles, under the penalty of false statement, a report or other document that contains representations relating to the maintenance, repair or use of a school bus or motor vehicle used to transport students, and such report or other document contains one or more representations that are false, the carrier shall be subject to a civil penalty of not more than two thousand five hundred dollars for each representation that is false. (1949, Rev., S. 2455; 1953, S. 1344d; 1969, P.A. 297; 1971, P.A. 871, S. 85; P.A. 78-280, S. 6, 127; P.A. 88-230, S. 1, 12; 88-245, S. 6, 7; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6; P.A. 10-110, S. 44.) History: 1969 act substituted "community correctional center" for "jail"; 1971 act added references to false statement and replaced provision re fine or imprisonment for violation with statement that violator shall be "subject to the penalties provided for perjury or false statement ..."; P.A. 78-280 replaced Hartford county with judicial district of Hartford-New Britain; P.A. 88-230 replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 88-245 made technical changes; P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 10-110 designated existing provisions as Subsec. (a) and added Subsec. (b) re civil penalty applicable to carrier that files report re school bus or vehicle used to transport students which contains false representations, effective July 1, 2010. Section does not authorize commissioner to delegate quasi-judicial functions. 151 C. 679. Cited. 171 C. 705, 723; 172 C. 263. Cited. 9 CA 686. Cited. 36 CS 586; 42 CS 602.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-111a. - Possession of alcoholic liquors in motor vehicles by underage persons.

Section 14-111a is repealed, effective July 1, 2010. (February, 1965, P.A. 276, S. 1; P.A. 82-68, S. 10, 11; P.A. 10-110, S. 62.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-111b. - Suspension of operator's license following conviction for speeding.

(a) The Commissioner of Motor Vehicles shall not suspend or revoke an operator's license or right to operate a motor vehicle in this state for a first, second or third violation of section 14-219, unless the court wherein the conviction was rendered recommends such suspension or revocation for a period not to exceed thirty days. The court shall notify said commissioner of such recommendation and said commissioner shall make such suspension or revocation effective. (b) Whenever any person is convicted of a fourth or subsequent violation of said section 14-219, said commissioner shall suspend or revoke the operator's license or right to operate a motor vehicle in this state for a period not to exceed thirty days for a fourth violation, sixty days for a fifth violation and six months for each subsequent violation. (c) For the purposes of this section, a second or subsequent violation shall be defined as provided in section 14-1, and a fourth or subsequent violation means four or more arrests within any two-year period for violation of any provision of section 14-219 which result in conviction. (1971, P.A. 2, S. 1-3; P.A. 79-609, S. 2; P.A. 84-429, S. 62.) History: P.A. 79-609 amended Subsec. (a) to extend applicability to second and third violations, made Subsec. (b) applicable to fourth, fifth and subsequent violations, rather than to second, third and subsequent violations and defined fourth or subsequent violation in Subsec. (c); P.A. 84-429 made technical changes for statutory consistency.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-111c and 14-111d. - Driver License Compact. Definitions applicable to Driver License Compact; comparable convictions to be reported; report of suspension or revocation action to department.

Sections 14-111c and 14-111d are repealed, effective January 1, 2003. (P.A. 92-186, S. 1-3; P.A. 02-70, S. 88.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-111e. - Suspension or delay in issuance of operator's license for person under twenty-one years of age convicted of certain violations.

(a)(1) The Commissioner of Motor Vehicles shall suspend, for a period of one hundred fifty days, the motor vehicle operator's license or nonresident operating privilege of any person who has been convicted of a violation of section 30-88a involving the misuse of an operator's license and who was under the age of twenty-one at the time of such violation. (2) The commissioner shall suspend, for a period of sixty days, the motor vehicle operator's license or nonresident operating privilege of any person who has been convicted of a violation of subdivision (1) of subsection (b) of section 30-89 or subsection (b) or (c) of section 21a-279a and who was under the age of twenty-one at the time of such violation. (3) The commissioner shall suspend, for a period of thirty days, the motor vehicle operator's license or nonresident operating privilege of any person who has been convicted of a violation of subdivision (2) of subsection (b) of section 30-89 and who was under the age of twenty-one at the time of such violation. (b) The commissioner shall not issue a new motor vehicle operator's license under the provisions of section 14-36 to any person who has been convicted of a violation of section 30-88a or section 30-89, subsection (e) of section 1-1h, subsection (a) of section 21a-279a or subsection (d) of section 21a-267 and who was under the age of twenty-one at the time of such violation until a period of one hundred fifty days has elapsed from the date all applicable requirements for any such license have been satisfied by such person. (P.A. 93-315, S. 1; P.A. 96-199; P.A. 97-201; P.A. 03-171, S. 10; P.A. 07-167, S. 50; P.A. 11-71, S. 4; P.A. 12-81, S. 30; P.A. 18-164, S. 11; June Sp. Sess. P.A. 21-1, S. 115; P.A. 23-160, S. 12.) History: P.A. 96-199 increased maximum penalty to 90 days' suspension from 30 days, provided for suspension of a nonresident operating privilege and made the penalty applicable to violations of Sec. 30-89; P.A. 97-201 designated existing provisions as Subsec. (a), amended Subsec. (a) to increase the suspension period from 90 days to 150 days, to add provision re motorcycle operator's license and to make Subsec. (a) applicable to persons under the age of 21, and added Subsec. (b) re delay of issuance of new operator's license; P.A. 03-171 amended Subsecs. (a) and (b) to delete references to motorcycle operator's license and amended Subsec. (b) to delete references to Sec. 14-40a; P.A. 07-167 amended Subsec. (a) by replacing provision re 150-day suspension for conviction of violation of Sec. 30-89 involving purchase and possession of alcoholic liquor by a minor with provisions re 60-day suspension for conviction of violation of Sec. 30-89(b)(1) and re 30-day suspension for conviction of violation of Sec. 30-89(b)(2) and by adding provision requiring commissioner to conform suspension for Sec. 30-89 violation in effect on June 25, 2007, to comply with section, effective June 25, 2007; P.A. 11-71 amended Subsec. (a) to include violation of Sec. 21a-279a(a) or Sec. 21a-267(d) re 60-day suspension and amended Subsec. (b) to include violation of Sec. 21a-279a(a) or Sec. 21a-267(d), effective July 1, 2011; P.A. 12-81 amended Subsec. (a) to insert Subdiv. designators (1), (2) and (3) and delete provision requiring commissioner to conform suspension for Sec. 30-89 violation in effect on June 25, 2007, and amended Subsec. (b) to delete descriptions of conduct prohibited by Secs. 30-88a, 30-89 and 1-1h(e); P.A. 18-164 replaced provisions re person under age of 21 with provisions re person under age of 21 at time of violation and made technical and conforming changes, effective July 1, 2018; June Sp. Sess. P.A. 21-1 amended Subsec. (a)(2) to replace reference to Sec. 21a-279a(a) with reference to Sec. 21a-279a(b) or (c) and delete reference to Sec. 21a-267(d), effective April 1, 2022; P.A. 23-160 made a technical change in Subsec. (a)(2), effective June 28, 2023.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-111f. - Suspension of operator's license for possession of counterfeit or altered license.

The Commissioner of Motor Vehicles shall suspend for a period of two months the motor vehicle operator's license of any person who possesses a counterfeit or altered motor vehicle operator's license containing a photograph of such person. Upon such suspension or revocation of a motor vehicle operator's license, the commissioner shall comply with the provisions of section 14-111. Such aggrieved person shall have all the prescribed rights outlined in said section 14-111. (P.A. 93-315, S. 2.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-111g. - Operator's retraining program.

(a) For the purposes of this subsection, "moving violation" means any violation of subsection (c) of section 14-36 or section 14-36g, 14-212d, 14-218a, 14-219, 14-222, 14-223, 14-230 to 14-249, inclusive, 14-279, 14-283, 14-289b, 14-296aa, 14-299, 14-300, 14-301, 14-302 or 14-303, and "suspension violation" means a violation of section 14-222a, 14-224, 14-227a, 14-227m or 14-227n, or section 53a-56b, 53a-57 or 53a-60d. The Commissioner of Motor Vehicles may require any motor vehicle operator who is twenty-four years of age or less, who has been convicted of a moving violation or a suspension violation, or both, committed on two or more occasions to attend a motor vehicle operator's retraining program. The commissioner may require any motor vehicle operator over twenty-four years of age, who has been convicted of a moving violation or a suspension violation or a combination of said violations, committed on three or more occasions to attend a motor vehicle operator's retraining program. The commissioner shall require any motor vehicle operator convicted of traveling more than seventy-five miles per hour, any person operating a commercial motor vehicle convicted of traveling more than sixty-five miles per hour in a highway work zone, as defined in section 14-212d, or any person convicted of a violation of subdivision (1) of subsection (c) of section 14-224, to attend a motor vehicle operator's retraining program. The commissioner shall notify such operator, in writing, of such requirement. A fee of not more than eighty-five dollars shall be charged for the retraining program. The commissioner, after notice and opportunity for hearing, may suspend the motor vehicle operator's license of any such operator who fails to attend or successfully complete the program until the operator successfully completes the program. The hearing shall be limited to any claim of impossibility of the operator to attend the retraining program, or to a determination of mistake or misidentification. (b) The retraining program shall be taught by a designee of the Commissioner of Motor Vehicles or by an instructor approved by the commissioner and shall (1) review principles of motor vehicle operation, (2) develop alternative attitudes for those attitudes contributing to aggressive driving behavior, and (3) emphasize

the need to practice safe driving behavior. The retraining program shall be offered by the Department of Motor Vehicles or by any other organization certified by the commissioner to conduct such program in person in a congregate setting, through distance learning or through a combination of both in-person and distance learning, provided such distance learning has interactive components such as mandatory interactions, participation or testing. Any drivers' school, as defined in section 14-68, that meets the licensure requirements of part IV of this chapter shall be eligible to seek certification to offer the motor vehicle operator's retraining program. The commissioner shall determine the number of program providers necessary to serve the needs of the public. Each organization or drivers' school seeking certification or recertification to conduct such retraining program shall submit an application to the department in such form as the commissioner shall require and an application fee of three hundred fifty dollars. Each such applicant shall: (A) Be registered to do business in this state and continuously maintain good standing with the office of the Secretary of the State; (B) file and continuously maintain a surety bond in the amount of fifty thousand dollars. Such bond shall be conditioned upon compliance with the provisions of any state or federal law or regulation concerning the conduct of an operator retraining program and provided as indemnity for any loss or expense sustained by either the state or any person by reason of any acts or omissions of the program provider. Such bond shall be executed in the name of the State of Connecticut for the benefit of any aggrieved party, but the penalty of the bond shall not be invoked except upon order of the Commissioner of Motor Vehicles after a hearing held before the commissioner in accordance with the provisions of chapter 54; (C) have a permanent place of business in this state where all operator retraining program records shall be maintained and accessible to the commissioner during normal business hours; (D) submit for approval by the commissioner a detailed curriculum and lesson plan, including any changes to such curriculum and lesson plan, which shall be used in each operator retraining class; and (E) electronically transmit information concerning enrollment and class completion to the commissioner at such times and in such form as the commissioner shall prescribe. Prior to the certification of an applicant, the commissioner shall investigate the applicant's character, driving history and criminal history. If the applicant is a business entity, such investigation shall include the principals and officers of such entity. The applicant shall submit to the commissioner any information pertaining to current or past criminal or civil actions. The certification of a program provider by the commissioner shall not be transferable and shall be valid for a two-year period. Recertification of a provider shall be at the discretion of the commissioner and in such form and manner determined by the commissioner. (c) Any person who is required to attend an operator retraining program shall have such requirement and the completion date of such requirement posted on such person's driving history record maintained by the commissioner. The date of class completion shall remain on such person's driving history record until such person has attained thirty-six consecutive months without any additional moving violations or suspension violations specified in subsection (a) of this section being posted to such person's driving history record. Until the completion of such thirty-six consecutive months, the Commissioner of Motor Vehicles shall suspend such person's operator's license or operating privilege for: (1) Thirty days upon a first conviction for any specified moving violation or suspension violation; (2) sixty days upon a second conviction of any specified moving violation or suspension violation; and (3) ninety days for a third or subsequent conviction of a specified moving violation or suspension violation. (d) The commissioner shall adopt regulations in accordance with chapter 54 to implement the provisions of subsections (a) and (b) of this section. (P.A. 93-181, S. 1, 4; P.A. 95-221, S. 3, 4; P.A. 98-182, S. 12, 22; May 9 Sp. Sess. P.A. 02-1, S. 115; P.A. 03-278, S. 45; P.A. 08-32, S. 7; P.A. 10-110, S. 31; P.A. 11-213, S. 54; P.A. 12-81, S. 13; P.A. 13-92, S. 2; P.A. 16-126, S. 14; P.A. 18-164, S. 22; P.A. 19-53, S. 1; P.A. 21-106, S. 23.) History: P.A. 93-181 effective June 23, 1993; P.A. 95-221 made the retraining program applicable to all licensed motor vehicle operators by deleting the provision limiting such program to operators under 18 years of age and the provision authorizing the commissioner to suspend the operator's license of an operator who does not successfully complete the program until the operator attains the age of 18 years, effective July 1, 1995; P.A. 98-182 amended Subsec. (a) by creating a suspension violation, altering the requirements for attending a retraining program for persons 24 years of age or younger and persons over 24 years of age, expanding the retraining program to include the development of alternative attitudes for those contributing to aggressive behavior and an emphasis on safe driving behavior and added a new Subsec. (b) allowing the commissioner to retain a portion of the fees collected for the cost of implementing the retraining program, effective July 1, 1998; May 9 Sp. Sess. P.A. 02-1 amended Subsec. (a) to delete reference to Sec. 14-227a(b), effective July 1, 2002; P.A. 03-278 made technical changes in Subsec. (a), effective July 9, 2003; P.A. 08-32 redefined "moving violation" in Subsec. (a) to include violation of Sec. 14-36(c), Sec. 14-36g or Sec. 14-296aa(d), effective August 1, 2008; P.A. 10-110 amended Subsec. (a) to replace "licensed motor vehicle operator" with "motor vehicle operator" and to delete components of retraining program, deleted former Subsec. (b) re authority of commissioner to retain not more than \$10 from each fee collected pursuant to Subsec. (a) for program costs and added new Subsec. (b) re components of retraining program and certification of organizations to conduct such program, effective January 1, 2011; P.A. 11-213 redefined "moving violation" in Subsec. (a), added new Subsec. (c) re operator retraining requirement, driving history record and suspension provisions during 36 consecutive months following completion of requirement and redesignated existing Subsec. (c) as Subsec. (d); P.A. 12-81 amended Subsec. (a) to redefine "moving violation" by replacing reference to Secs. 14-299 to 14-303, inclusive, with Sec. 14-299, 14-300, 14-301, 14-302 or 14-303, effective July 1, 2012; P.A. 13-92 amended Subsec. (a) to include in definition of "moving violation" any violation of Sec. 14-212d and to require operator's retraining program attendance for any motor vehicle operator convicted of traveling more than 75 miles per hour in a highway work zone and any operator of a commercial motor vehicle convicted of traveling more than 65 miles per hour in a highway work zone; P.A. 16-126 amended Subsec. (a) by adding references to Secs. 14-227m and 14-227n; P.A. 18-164 amended Subsec. (a) to increase maximum fee for retraining program from \$60 to \$85, effective July 1, 2018; P.A. 19-53 amended Subsec. (a) by adding provision re a violation of Sec. 14-224(c)(1); P.A. 21-106 amended Subsec. (b) by adding provision re offering of retraining program in-person, through distance learning or combination of in-person and

distance learning, effective June 30, 2021.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-111h. - Definitions applicable to driver license agreement.

As used in sections 14-111h to 14-111q, inclusive, the following terms and their derivatives have the following meanings: (1) "Administrative action" means a final determination by a duly authorized administrative agency that a person has violated laws related to the operation of a motor vehicle, or that a person is incapable of safely operating a motor vehicle; (2) "Citation" means any summons, complaint or other official document issued to a person by a duly authorized law enforcement officer or judicial official for any violation relating to conduct to be reported under the driver license agreement; (3) "Conviction" has the meaning provided in section 14-1 and includes a judgment by default, or in absentia; (4) "Driver control record" means the driving history record maintained by the jurisdiction of record in accordance with the driver license agreement; (5) "Failure to comply" means failure to appear or to answer a citation in the manner required by law or the failure to pay fines, penalties or costs related to the disposition of the violation for which the citation has been issued; (6) "Identification card" means a nondriver identity card issued in accordance with the provisions of section 1-1h; (7) "Jurisdiction" means a state, territory or possession of the United States, the District of Columbia, a territory or province of Canada or any state of the Republic of Mexico or the federal district of Mexico; (8) "Jurisdiction of record" means the jurisdiction that has issued the last driver's license to a person or, if the person has not been issued a driver's license, the jurisdiction of the person's most current address, as shown on the citation, or record of conviction or on any associated report; (9) "License", "driver's license" or "operator's license" means an authorization or privilege to operate a motor vehicle in accordance with the laws of a jurisdiction that is recognized by all member jurisdictions; (10) "Licensing authority" means the official organization or entity responsible for administering the driver licensing laws of a member jurisdiction, and with reference to this state, means the Commissioner of Motor Vehicles; (11) "Member jurisdiction" means a jurisdiction that has entered into the driver license agreement; and (12) "Withdrawal" means the suspension, revocation, cancellation or denial of a license or motor vehicle registration or of the privilege to operate a motor vehicle or to obtain a license or registration. (P.A. 02-70, S. 34; P.A. 04-217, S. 13; P.A. 14-122, S. 106.) History: P.A. 02-70 effective January 1, 2003; P.A. 04-217 defined "identification card" in new Subdiv. (6), redesignated existing Subdivs. (6) to (11) as new Subdivs. (7) to (12), respectively, and amended Subdiv. (3) to eliminate reference to Sec. 14-1(a)(16), effective July 1, 2004; P.A. 14-122 made technical changes.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-111i. - Entry into driver license agreement. Regulations.

The Commissioner of Motor Vehicles may enter into a driver license agreement with any other state legally joining in such agreement. The commissioner may exercise the powers and duties conferred by the provisions of sections 14-111h to 14-111q, inclusive, and may adopt regulations, in accordance with the provisions of chapter 54, as necessary to meet the obligations of membership and to fully participate with other member states in the driver license agreement. (P.A. 02-70, S. 35.) History: P.A. 02-70 effective January 1, 2003.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-111j. - Findings and declarations re driver license agreement.

This state and the other party states to the driver license agreement find and declare that: (1) Each driver shall have one driver's license issued by a jurisdiction, that is recognized by all member jurisdictions, and shall have one driver control record; (2) All efforts shall be made to strengthen cooperation among member jurisdictions so that all drivers are required to answer charges of violation of motor vehicle and traffic laws, and to comply with the procedures for the disposition of such charges, regardless of the jurisdiction where any such violation occurs; (3) Reciprocal recognition of driver's licenses and of motor vehicle and traffic violations related to highway safety shall be facilitated, for the benefit of all member jurisdictions; (4) Compliance by each driver with all provisions of law pertaining to the safe operation of a motor vehicle shall be required as a condition to the issuance and to the retention of a driver's license; (5) Conviction of a driver or owner for any motor vehicle and traffic violation related to highway safety in any jurisdiction shall be treated as if the violation had occurred in the jurisdiction of record, for the purpose of maintaining the driver control record and of imposing administrative sanctions, as authorized by law; (6) All drivers shall be allowed to proceed on their way and shall not be required to appear in person before a court or other tribunal, regardless of their jurisdiction of record, after having been issued a citation for certain motor vehicle and traffic violations; (7) All efforts shall be made to achieve greater uniformity among all member jurisdictions concerning identification and verification requirements for the issuance of a driver's license or identification card; (8) All efforts shall be made to achieve greater uniformity among all member jurisdictions regarding the exchange of information on drivers, licenses, and driver control records, including convictions of violations and license withdrawal actions; (9) All member jurisdictions wish to adhere to all applicable laws that protect the privacy of personal information that is contained in driver licensing records, and that is used in exchange of such records; and (10) All member jurisdictions shall act in the best interests of highway safety and in a spirit of mutual cooperation to attain and monitor compliance with the driver license agreement and to resolve any dispute that may arise, at the administrative agency level of authority and decision-making. (P.A. 02-70, S. 36; P.A. 04-217, S. 14.) History: P.A. 02-70 effective January 1, 2003; P.A. 04-217 added new Subdiv. (7) re greater uniformity among member jurisdictions concerning identification and verification requirements for issuance of license or identification card, added new Subdiv. (9) re protection of privacy of personal information in licensing records and

redesignated existing Subdiv. (7) as new Subdiv. (8) and existing Subdiv. (8) as new Subdiv. (10), effective July 1, 2004.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-111k. - Application for a motor vehicle operator's license from applicants in other member jurisdictions.

(a) Upon application for a motor vehicle operator's license or identification card, the Commissioner of Motor Vehicles shall verify the identity of the applicant in accordance with the rules prescribed by the driver license agreement, as set forth in regulations adopted by the commissioner, in accordance with the provisions of chapter 54, and shall determine whether the applicant has ever held, or is the holder of, a license issued by any other jurisdiction. The commissioner shall not issue a license to any applicant whose license is withdrawn in any other member jurisdiction for any conviction or administrative action required to be reported under the driver license agreement, as evidenced by the driver control record. The commissioner shall not issue a license to any applicant who is the subject of a notice of failure to comply, as reported by any other member jurisdiction. If the applicant is the holder of any unexpired license issued by another jurisdiction, the commissioner shall not issue a license unless the applicant surrenders such license document previously issued by such jurisdiction. (b) Notwithstanding the provisions of subsection (a) of this section, the commissioner may issue an operator's license to an applicant who is the subject of a withdrawal of a commercial driver's license in any other member jurisdiction if the conduct on which such withdrawal is based would not have resulted in the withdrawal of the privilege to operate any motor vehicle other than a commercial motor vehicle. (c) Notwithstanding the provisions of subsection (a) of this section, the commissioner may issue a motor vehicle operator's license to (1) an applicant who is the subject of a withdrawal that occurred five years or more before the date of application, or (2) an applicant whose license has been withdrawn for the period of time required by the jurisdiction of record, but whose license has not been returned or restored by such jurisdiction due to the failure or the alleged failure to fulfill reinstatement requirements, pertaining to the filing of proof of financial responsibility or necessitating personal attendance in such jurisdiction including, but not limited to, a requirement to complete an education or treatment program. In exercising the discretion to grant or deny an application for a license as conferred by the provisions of this subsection, the commissioner shall review and consider the entire driver control record of the applicant, and may require additional information and references from the applicant such as will attest to the applicant's present fitness and capability to safely operate a motor vehicle. (d) If the commissioner issues an identification card to a person who holds an operator's license issued by another jurisdiction, the commissioner shall report to such jurisdiction within thirty days the name of such person and such other information concerning such person and such identification card as is required by the driver license agreement. (e) Prior to issuing an operator's license to a person who holds an operator's license issued by another jurisdiction, the commissioner shall require such person to watch the video presentation developed pursuant to subsection (g) of section 14-41 and provide such person with other safe driving training materials. (P.A. 02-70, S. 37; P.A. 03-171, S. 11; P.A. 04-217, S. 15; P.A. 05-218, S. 26; P.A. 09-187, S. 57; P.A. 23-116, S. 7.) History: P.A. 02-70 effective January 1, 2003; P.A. 03-171 amended Subsec. (b) to delete reference to motorcycle operator's license; P.A. 04-217 amended Subsec. (a) to include application for identification card and to require commissioner to verify identity of applicant in accordance with operator's license agreement, replaced "a class 1 or class 2" with "an" in Subsec. (b) and added new Subsec. (d) re issuance of identification card to person holding operator's license issued by another jurisdiction, effective January 1, 2005; P.A. 05-218 amended Subsecs. (a) and (d)(1) by changing "operator's" to "driver", effective July 6, 2005; P.A. 09-187 amended Subsec. (d) to delete former Subdiv. (2) re regulations adopted by commissioner and make a conforming change, effective July 1, 2009; P.A. 23-116 added Subsec. (e) re video presentation developed pursuant to Sec. 14-41(g) and provision of safe driving training materials, effective January 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-111l. - Driver control record. Record of convictions and administrative actions.

(a) The Commissioner of Motor Vehicles shall maintain a driver control record for each person who has been issued a motor vehicle operator's license, until such time as the commissioner is notified by another member jurisdiction that such person has surrendered such license and has been issued a license by such other jurisdiction. (b) Upon notification of issuance of a license by another member jurisdiction, in accordance with subsection (a) of this section, the commissioner shall transfer the driver control record to the driver licensing authority of such new jurisdiction of record within thirty days. (c) Each driver control record shall contain the information prescribed by the commissioner, in accordance with the terms of the driver license agreement and as set forth in regulations adopted by the commissioner in accordance with the provisions of chapter 54. (d) The commissioner shall maintain a record as to all convictions and administrative actions for motor vehicle and traffic violations committed in this state, and for any cases of failure to comply, as reported to the commissioner in accordance with the provisions of sections 14-140 and 14-141, by any person who has not been issued a motor vehicle operator's license by the commissioner or by the licensing authority of any other member jurisdiction, or whose license has expired or been cancelled. The commissioner shall transmit such record to such licensing authority of another jurisdiction, upon notification of the issuance of a license to such person. (P.A. 02-70, S. 38; P.A. 03-171, S. 12.) History: P.A. 02-70 effective January 1, 2003; P.A. 03-171 amended Subsec. (d) to delete reference to motorcycle operator's license.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-111m. - Notice of failure to comply with a citation.

(a) The Centralized Infractions Bureau of the Superior Court and each court having jurisdiction of each case involving a violation of

any general statute relating to motor vehicles shall, in accordance with the provisions of section 14-141, continue to report to the Commissioner of Motor Vehicles the name, operator's license number, jurisdiction that issued the operator's license and such other information as may be available concerning each nonresident owner or operator of a motor vehicle who has been convicted of a violation of any statute relating to motor vehicles, or has failed to appear for any scheduled court appearance, or has failed to submit a plea of not guilty by the answer date, or has not paid the full amount of any fine or additional fee required by law. (b) Except as provided in subsection (a) of section 14-140, any person who has been charged by any law enforcement officer of this state with a violation of any provision of any general statute relating to motor vehicles may be released upon such person's own recognizance, without posting collateral or bond. (c) Upon receipt of each report made pursuant to subsection (a) of this section concerning a nonresident owner or operator of a motor vehicle, the commissioner shall notify the jurisdiction of record, in accordance with the procedures of the driver license agreement. Each notification of a conviction shall be made within thirty days of receipt by the commissioner. No such notification shall be made pursuant to this subsection more than six months later than the date of disposition by the court. (d) Upon receipt of a notice of failure to comply with a citation issued by any member jurisdiction, or administrative action taken by such jurisdiction concerning any person who is licensed to operate a motor vehicle in this state or who is the owner of a motor vehicle registered in this state, the commissioner shall proceed to suspend such person's operator's license and, if authorized or required by any provision of the general statutes, the registration of any motor vehicle owned by such person, or the privilege to register any motor vehicle, until such time as the commissioner is duly notified, in the manner provided by the procedures of the driver license agreement, that such person has complied with the terms of such citation. (e) The provisions of subsections (c) and (d) of this section shall apply only to citations issued for motor vehicle traffic or safety violations identified in the code of the driver license agreement, as set forth in regulations adopted by the commissioner, in accordance with the provisions of chapter 54. (P.A. 02-70, S. 39.) History: P.A. 02-70 effective January 1, 2003.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-111n. - Reports of comparable convictions. Suspension of operator's license.

(a) If the Commissioner of Motor Vehicles receives a report from any member jurisdiction of the conviction in such jurisdiction of any person licensed to operate a motor vehicle in this state, for acts or conduct of the nature described in subsection (b) of this section, the commissioner shall suspend the operator's license of such person for the period of time required for a conviction of the equivalent offense under the provisions of the general statutes, as listed in subsection (b) of this section, for the same acts or conduct occurring in this state. (b) For the purpose of the action required to be taken by the commissioner in accordance with subsection (a) of this section, the conviction in another member jurisdiction for an offense involving the following acts or conduct shall be treated as a conviction under the following subdivisions: (1) Manslaughter or assault with a motor vehicle or negligent homicide with a motor vehicle shall be deemed a conviction of a violation of section 53a-56b, 53a-60d or 14-222a; (2) Operation of a motor vehicle while under the influence of alcohol or drugs, or any combination thereof, shall be deemed a conviction of a violation of subsection (a) of section 14-227a; (3) Leaving the scene of an accident or failure to stop and render aid in the event of an accident or collision resulting in the death or personal injury of another shall be deemed a conviction of a violation of either subsection (a) or (b) of section 14-224, depending on the acts or conduct reported and the circumstances as determined by the commissioner; or (4) Unsafe, dangerous or reckless operation of a motor vehicle shall be deemed a conviction of a violation of section 14-222. (c) If the commissioner is notified by a member jurisdiction that a person who is the holder of a motor vehicle operator's license issued in this state has been convicted of a felony, in the commission of which a motor vehicle was used, the commissioner shall, if such person's acts or conduct would constitute an offense classified as a felony under section 53a-25, suspend such person's operator's license for such period of time as may be determined by the commissioner. (d) If the commissioner is notified by a member jurisdiction that a person who is the holder of a motor vehicle operator's license has been convicted of driving under the influence of alcohol or drugs, in accordance with subdivision (2) of subsection (b) of this section, the commissioner may consider the conviction as a second or subsequent violation of section 14-227a if such person has been convicted previously of a violation of section 14-227a or has been convicted previously of a substantially similar offense in a member jurisdiction, as shown by such person's driver control record, within the past ten years, and the commissioner may impose the suspension and require the person to install and maintain an ignition interlock device on each motor vehicle owned or operated by such person for the period of time required for a second or subsequent offense by the provisions of subsections (g) and (h) of section 14-227a. It shall not be a defense to a suspension imposed pursuant to this subsection, or subdivision (2) of subsection (b) of this section, that the blood alcohol concentration of the person convicted in a member jurisdiction, or the blood alcohol concentration required for conviction of a per se offense in the member jurisdiction in which the person was convicted, is less than the blood alcohol concentration required for conviction of a per se offense in this state. (P.A. 02-70 S. 40; P.A. 14-228, S. 4.) History: P.A. 02-70 effective January 1, 2003; P.A. 14-228 amended Subsec. (d) to add provision re installation and maintenance of ignition interlock device for second or subsequent violation of Sec. 14-227a and to add reference to Subsec. (g) of Sec. 14-227a, effective July 1, 2015. See Sec. 14-227o re discount for ignition interlock device services.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-111o. - Form and use in evidence of records received from other member jurisdictions. Electronic transmission.

(a) Any notice or copy of a record furnished to the Commissioner of Motor Vehicles by any member jurisdiction in accordance with the provisions and obligations of the driver license agreement and sections 14-111h to 14-111q, inclusive, concerning any

conviction, administrative action, withdrawal and the status of an operator's license or motor vehicle registration may be transmitted and received by electronic or documentary means. Any such notice or record shall, when certified, be admissible in any hearing conducted by the commissioner and in any appeal taken from a final decision of the commissioner, in accordance with the provisions of section 4-183. Any such notice or record so transmitted and certified shall be accepted as proof of the facts contained therein, in the absence of evidence to the contrary. (b) A notice or record as referred to in subsection (a) of this section may be certified by electronic means in an electronic format and, when so certified, shall be accepted by the commissioner and by any court of this state as proof of the facts contained therein, in the absence of evidence to the contrary. As used in this section, the term "record" includes, but is not limited to, any paper, document, facsimile information, micro-photographically stored information or digitized image maintained, deposited or filed with a member jurisdiction. (P.A. 02-70, S. 41.) History: P.A. 02-70 effective January 1, 2003.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-111p. - Validity of reports or records received from members of the Driver License Compact.

Any notification, report or record received from any state that is a member of the Driver License Compact may be used by the Commissioner of Motor Vehicles for any purpose authorized by sections 14-111h to 14-111o, inclusive, in the same manner and to the same extent as any such notification, report or record received from any jurisdiction that is a member of the driver license agreement. (P.A. 02-70, S. 42.) History: P.A. 02-70 effective January 1, 2003.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-111q. - Hearing.

Any person aggrieved by an action of the commissioner to withdraw (1) a license or registration, or (2) the privilege to operate a motor vehicle or to register a motor vehicle in this state, pursuant to sections 14-111h to 14-111p, inclusive, shall be entitled, upon request, to a hearing conducted in accordance with the provisions of chapter 54. (P.A. 02-70, S. 43.) History: P.A. 02-70 effective January 1, 2003.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-112a. - Online Insurance Verification System.

(a) As used in this section: (1) "Commissioner" means the Commissioner of Motor Vehicles; (2) "Database" means the database supported by the Online Insurance Verification System; (3) "Department" means the Department of Motor Vehicles; (4) "Insurer" means an insurance company that is authorized to issue motor vehicle liability insurance policies in this state; and (5) "System" means the Online Insurance Verification System. (b) The department shall establish the Online Insurance Verification System for the purposes of (1) verifying that a motor vehicle owner or operator has procured and maintained the security coverage required pursuant to sections 14-112 and 38a-371, (2) providing the commissioner and insurers with an effective method for complying with this chapter and chapters 248 and 700, and (3) reducing the number of uninsured motor vehicles on the highways of the state. The system shall be available, at all times and in the manner prescribed by the department, to allow state and local law enforcement agencies and any government agency authorized for system access by the commissioner to verify the security coverage of any motor vehicle. (c) (1) The system shall include (A) the owner and vehicle information for all active registrations, provided by the department, and (B) a record of each motor vehicle insurance policy in effect, provided by each insurer in accordance with subdivision (2) of this subsection. (2) Each insurer shall, each month on a date specified by the commissioner, submit to the department a record of each motor vehicle insurance policy in effect for vehicles registered or garaged in the state as of the date of such submission. Each insurer that issues commercial fleet policies may satisfy this requirement by providing the fleet policy number that covers the vehicles of its insured. The record provided by an insurer shall be in a format and contain the data as specified by the department. Such record shall be provided by electronic means or by another form approved by the department. An insurer may submit more frequent reports than once monthly, if it so chooses. (3) With the information provided pursuant to this subsection, the department shall, at least monthly: (A) Update the database with the records provided by insurers pursuant to section 38a-343a and subdivision (2) of this subsection; (B) match the department information of owner and vehicle information for all active registrations with the records submitted by insurers; and (C) compare all current motor vehicle registrations against the records submitted by insurers. (d) Each insurer shall be required to establish an online web service, accessible through the system, to verify the insurance of a vehicle in real time. At its discretion, the department may establish alternate methods for verifying commercial vehicle liability insurance policies or liability policies issued by insurers who write fewer than a threshold number of policies, as established by the commissioner in consultation with the Insurance Commissioner and insurers. (e) The system shall (1) be capable of sending requests to insurers for verification of motor vehicle liability insurance, using online web services established by insurers as required pursuant to subsection (d) of this section, (2) allow state and local law enforcement agencies to access the database in real time, and (3) generate reports that may be useful for the implementation of the purposes of this section, as determined by the commissioner. (f) The commissioner may enter into an agreement with a private third-party vendor to develop and maintain the system established pursuant to this section, under the direction and management of the department, provided such vendor has entered into an agreement to protect the confidentiality of the information and data contained within the system. (g) (1) The Department of Motor Vehicles may use the information contained in the database for the administration and enforcement of this chapter and chapters 248 and 700. (2) All information contained in the database shall be treated as a motor vehicle record, as defined

in section 14-10, and shall not be disclosed except as permitted under section 14-10 and 18 USC 2721 et seq., as amended from time to time. (h) (1) An insurer shall not be liable to any person for information the insurer provides to the department or to a third-party vendor in compliance with this section, including information an insurer may provide or omit erroneously in good faith. (2) The state, the department and a third-party vendor shall not be liable to any person for gathering, managing or using the information in the database, provided such actions are in compliance with this section. (June Sp. Sess. P.A. 15-5, S. 229.) History: June Sp. Sess. P.A. 15-5 effective June 30, 2015.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-113 to 14-115. - Financial responsibility of motor vehicle owners and operators required after accident; definitions. Administration by Motor Vehicle Commissioner; hearings; appeals. Abstract of operating record.

Sections 14-113 to 14-115, inclusive, are repealed. (1951, S. 1350d–1352d; 1955, S. 1351d, 1352d; 1957, P.A. 254; September, 1957, P.A. 16, S. 1; 1961, P.A. 581, S. 17; 1971, P.A. 755, S. 1; P.A. 73-549, S. 2, 4; P.A. 76-436, S. 344, 681; P.A. 77-603, S. 34, 125; P.A. 89-232, S. 2, 3; P.A. 80-466, S. 22, 25.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-115a. - Request for document from motor vehicle record.

No process to compel the Commissioner of Motor Vehicles to furnish a copy of any document from a motor vehicle record, as defined in section 14-10, of any person shall be issued unless such request is in writing and unless at least seven working days have elapsed since the receipt thereof by the commissioner. (P.A. 73-549, S. 3, 4; P.A. 10-110, S. 17.) History: P.A. 10-110 substituted “any document from a motor vehicle record, as defined in section 14-10” for “an abstract of a driver's history record”, effective July 1, 2010.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-116 to 14-128. - Accident reports. Determination of amount of security; suspension of license and registration; exceptions; liability policy or bond. Release in behalf of minor. Exceptions. Duration of suspension. Unlicensed or nonresident operators; reciprocity. Amount of security, reduction. Custody, use and return of deposits. Evidence inadmissible in damage actions. Suspension pending disposition of judgment. Transfer of registration or ownership during suspension. Return of license or registration to commissioner. Governmental and public service vehicles exempt.

Sections 14-116 to 14-128, inclusive, are repealed. (1951, S. 1353d–1361d, 1363d, 1364d, 1366d; 1953, S. 1354d, 1360d, 1361d; 1957, P.A. 456, S. 1; 625, S. 1; 1959, P.A. 584; 649; 663; February, 1965, P.A. 122; 447, S. 2, 3; 574, S. 19; 1967, P.A. 213, S. 2; 293; 332; 1971, P.A. 146, S. 1, 2; 379, S. 3, 4; 487, S. 3; 755, S. 2, 3; 871, S. 88; P.A. 75-545, S. 5; P.A. 77-186; P.A. 80-190, S. 2; P.A. 83-98, S. 3, 4; P.A. 85-613, S. 32, 154; P.A. 89-232, S. 2, 3.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-11a. - Exceptional issuance of certificates and licenses for law enforcement activities. Verification by Chief State's Attorney of statements on application for such certificates and licenses.

The Commissioner of Motor Vehicles shall not issue a registration certificate in a name other than that of the owner of the vehicle or issue an operator's license in a name other than that of the applicant for such license, except when the statements made on the application for such certificate or license have been verified by the office of the Chief State's Attorney and such certificate or license is issued for the purposes of law enforcement activities in accordance with regulations adopted by the commissioner pursuant to chapter 54. The office of the Chief State's Attorney shall establish and transmit to the joint standing committee of the General Assembly having cognizance of matters relating to judiciary the proposed criteria to be used by the office of the Chief State's Attorney in such verification. Before such criteria shall be employed by the office of the Chief State's Attorney, said committee shall approve the same in writing. The commissioner is authorized to waive the fee for any registration certificate or operator's license issued in accordance with the provisions of this section. (P.A. 74-117; P.A. 80-444, S. 2, 6; P.A. 08-150, S. 40.) History: P.A. 80-444 required verification of statements on certificate or license application to be issued in name other than applicants by office of chief state's attorney and required approval of criteria for verification by judiciary committee; P.A. 08-150 added provision authorizing commissioner to waive fee.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-11b. - Driver training program for persons with disabilities.

(a) There shall be within the Department of Aging and Disability Services a unit for the purpose of evaluating and training persons with disabilities in the operation of motor vehicles. There shall be assigned to the driver training unit for persons with disabilities such staff as is necessary for the orderly administration of the driver training program for persons with disabilities. The personnel assigned to the driver training unit for persons with disabilities shall, while engaged in the evaluation or instruction of a person with disabilities, have the authority and immunities with respect to such activities as are granted under the general statutes to motor vehicle inspectors. The Commissioner of Motor Vehicles may permit a person whose license has been withdrawn as a result of a condition that makes such person eligible for evaluation and training under this section to operate a motor vehicle while

accompanied by personnel assigned to the driver training unit for persons with disabilities. When a person with disabilities has successfully completed the driver training program for persons with disabilities, the Department of Aging and Disability Services shall certify such completion in writing to the Commissioner of Motor Vehicles and shall recommend any license restrictions or limitations to be placed on the license of such person. The Commissioner of Motor Vehicles may accept such certification in lieu of the driving skills portion of the examination prescribed under subsection (e) of section 14-36. If such person with disabilities has met all other requirements for obtaining a license, the Commissioner of Motor Vehicles shall issue a license with such restrictions recommended by the Department of Aging and Disability Services. (b) Any resident of this state who has a serious physical or mental disability which does not render the resident incapable of operating a motor vehicle and who must utilize special equipment in order to operate a motor vehicle and who cannot obtain instruction in the operation of a motor vehicle through any alternate program, including, but not limited to, other state, federal or privately operated drivers' schools shall be eligible for instruction under the Department of Aging and Disability Services driver training program for persons with disabilities. (P.A. 76-283, S. 1, 2; P.A. 77-93; P.A. 11-44, S. 46; 11-61, S. 120; P.A. 12-81, S. 33; June 12 Sp. Sess. P.A. 12-1, S. 63; June Sp. Sess. P.A. 15-5, S. 196; P.A. 19-157, S. 36.) History: P.A. 77-93 added to requirements in Subsec. (b) for eligibility for instruction by motor vehicles department by specifying that person must be one who needs to use special equipment and cannot obtain instruction through alternate program; P.A. 11-44 changed program name from "handicapped driver training program" to "driver training program for persons with disabilities", replaced "Department of Motor Vehicles" with "Bureau of Rehabilitative Services" and made conforming and technical changes, effective July 1, 2011; P.A. 11-61 amended Subsec. (a) by deleting provision re assignment of driver consultant for persons with disabilities to unit and deleting reference to driver consultant re authority and immunities, and amended Subsec. (b) by making a technical change, effective July 1, 2011; P.A. 12-81 amended Subsec. (a) to delete reference to driver training unit personnel being engaged in "examination" of person with disabilities and add provisions requiring bureau to certify to commissioner successful completion of program by person with disabilities and recommend any license restrictions or limitations, authorizing commissioner to accept such certification in lieu of driving skills portion of examination and requiring commissioner to issue license with such restrictions as recommended by bureau if person has met all other license requirements, effective June 6, 2012; June 12 Sp. Sess. P.A. 12-1 replaced "Bureau of Rehabilitative Services" and "bureau" with "Department of Rehabilitation Services" and "department", respectively, effective July 1, 2012; June Sp. Sess. P.A. 15-5 amended Subsec. (a) by adding provision re person with withdrawn license may operate a motor vehicle while accompanied by driver training unit personnel and making technical changes, effective June 30, 2015; P.A. 19-157 replaced "Department of Rehabilitation Services" with "Department of Aging and Disability Services".

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-11c. - Motor Carrier Advisory Council. Members. Duties.

(a) There is established a Motor Carrier Advisory Council, which shall serve as a forum for representatives of the motor carrier industry to meet with representatives of various state agencies responsible for the oversight, enforcement and regulation of the commercial transportation industry. The council shall: (1) Make recommendations to eliminate the duplication of work among various state agencies; (2) make recommendations to promote uniformity of enforcement policies; (3) encourage the consolidation of the state's efforts to regulate and oversee the operation of commercial motor vehicles in the state by reviewing the feasibility of consolidating the issuing of the forms, decals, permits, registrations, licenses and approvals required for the operation of commercial motor vehicles in the state from a central location; (4) consider the intrastate and interstate effects of state policies on the ability of Connecticut motor carriers to compete with motor carriers based in other states; and (5) consider and make recommendations concerning any other matter deemed relevant by the council. (b) The Motor Carrier Advisory Council shall consist of the following voting members: The Commissioners of Transportation, Motor Vehicles, Emergency Services and Public Protection, Revenue Services, Economic and Community Development and Energy and Environmental Protection, or their designees, and any other commissioner of a state agency, or such commissioner's designee, invited to participate. The Commissioner of Motor Vehicles or the commissioner's designee shall organize and serve as chairperson of the council. The council shall only make recommendations or take actions by a unanimous vote of all members present and voting. The council may make recommendations as the council deems appropriate to the United States Congress, the Governor or the General Assembly. (c) The chairperson of the council shall convene a regular meeting semiannually, for the following purposes: (1) After the commencement of each regular session of the General Assembly, the council shall meet concerning legislative proposals of the various state agencies and the representatives of the motor carrier industry; and (2) after the close of each regular session of the General Assembly, the council shall meet concerning the impacts and implementation of any legislation affecting the motor carrier industry. Additional meetings may be convened at the call of the chairperson. (d) The council shall solicit input from representatives of motor-carrier-related industries. Such representatives shall include, but not be limited to, the Connecticut Motor Transport Association, the Connecticut Construction Industries Association, the Connecticut Bus Association, the Connecticut Food Store Association and the Connecticut School Transportation Association. (P.A. 92-136, S. 1; P.A. 08-150, S. 41; P.A. 10-110, S. 42; P.A. 21-106, S. 3.) History: (Revisor's note: In 2003 the reference in Subsec. (b) to Commissioner of "Economic Development" was changed editorially by the Revisors to refer to Commissioner of "Economic and Community Development" for accuracy); P.A. 08-150 amended Subsec. (b) to make technical changes and amended Subsec. (c) to revise provisions re required semiannual meeting and purposes and re additional meetings at the call of the chairperson, and to make technical changes, effective July 1, 2008; P.A. 10-110 amended Subsec. (c)(1) to replace "Prior to" with "After" re commencement of regular session, effective June 5, 2010; P.A. 21-106 amended Subsec. (b) to replace

“Public Safety” with “Emergency Services and Public Protection” and change “Environmental Protection” to “Energy and Environmental Protection”, effective July 1, 2021.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-11d. - Annual safety inspection program for fire department apparatus.

(a) The Department of Motor Vehicles, within available appropriations, shall establish an annual safety inspection program for fire department apparatus. (b) The Commissioner of Motor Vehicles shall adopt regulations, in accordance with chapter 54, to implement the provisions of this section. (P.A. 00-202.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-11e. - Annual report re appointments scheduled and transactions available and conducted on department's Internet web site.

On or before February 1, 2023, and annually thereafter, the Commissioner of Motor Vehicles shall submit a report, in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to transportation. Such annual report shall include the following information from the preceding year: (1) The average amount of time a person spends at the Department of Motor Vehicles for an appointment that was scheduled on the department's Internet web site, (2) a list of the transactions that were available to be conducted by scheduling an appointment on the department's Internet web site, (3) a list of the transactions that were available to be conducted on the department's Internet web site, (4) the number of transactions conducted on the department's Internet web site, and (5) a summary of the department's efforts to increase the types of transactions available to be conducted on the department's Internet web site. (P.A. 16-55, S. 23; P.A. 21-106, S. 48; P.A. 22-44, S. 36.) History: P.A. 16-55 effective May 31, 2016; P.A. 21-106 amended Subsec. (a) to delete Subsec. designator, replace reference to January 15, 2017 with reference to February 1, 2022, replace “Department” with “Commissioner” and “the Department of Motor Vehicles” with “transportation”, replace former Subdivs. (1) to (3) re goals included in annual report with new Subdivs. (1) to (5) re information re appointments scheduled and transactions available and conducted on department's Internet web site included in annual report, and delete provision re hearing, and delete former Subsec. (b) re monthly reports, effective June 30, 2021; P.A. 22-44 replaced reference to February 1, 2022, with reference to February 1, 2023, and amended Subdiv. (1) to replace provision re number of days between date a person scheduled an appointment on department's Internet web site and date of appointment with provision re amount of time person spends at department for appointment scheduled on department's Internet web site, effective July 1, 2022.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-11i. - Payment of fees by credit card.

The Commissioner of Motor Vehicles may allow the payment of any fee specified in this chapter or chapter 247 by means of a credit card and shall charge each payor a service fee for any payment made by means of a credit card. The fee shall not exceed any charge by the credit card issuer or by its authorized agent, including any discount rate. Payments by credit card shall be made under such conditions as the commissioner may prescribe, except that the commissioner shall determine the rate or amount of the service fee for any such credit card in accordance with subsection (c) of section 1-1j. Such service fee may be waived by the commissioner for a category of fee if such waiver has been approved by the Secretary of the Office of Policy and Management pursuant to subsection (b) of section 1-1j. If any charge with respect to payment of a fee by means of a credit card is not authorized by such issuer or its authorized agent, the commissioner shall assess the payor the fee specified in subsection (f) of section 14-50. (P.A. 97-236, S. 20, 27; June Sp. Sess. P.A. 21-2, S. 440.) History: P.A. 97-236 effective June 24, 1997; June Sp. Sess. P.A. 21-2 amended section to add provision re charging a service fee, add provision re rate or amount of service fee and waiver approval, and make technical changes, effective July 1, 2022.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-11j. - Blue envelopes for persons with autism spectrum disorder.

The Commissioner of Motor Vehicles, in consultation with the Connecticut Police Chiefs Association and at least one organization that advocates for persons with autism spectrum disorder, shall design and make available blue envelopes that (1) provide written information and guidance on the outside of the envelopes regarding ways to enhance effective communication between a police officer and a person with autism spectrum disorder, and (2) are capable of holding a person's motor vehicle operator's license, registration and insurance identification card. On and after January 1, 2020, upon request by a person with autism spectrum disorder or, if such person is a minor, such person's parent or guardian, the commissioner shall provide a blue envelope designed pursuant to this section to such person, parent or guardian. (P.A. 19-161, S. 39; P.A. 21-40, S. 14.) History: P.A. 19-161 effective July 12, 2019; P.A. 21-40 made a technical change.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-11k. - Waiver of fee for license or identity card renewal or duplication for veterans at certain event.

(a) As used in this section, “veteran” means a veteran, as defined in section 14-36h, who has verification from the Department of Veteran Affairs that such person or member is a veteran. (b) Notwithstanding the provisions of subsection (a) of section 1-1h,

subsection (a) of section 14-41 and subsection (a) of section 14-50a concerning fees, the Commissioner of Motor Vehicles may waive the fee for a motor vehicle operator's license or an identity card renewal or duplication for any applicant who is a veteran while attending a one-day event that offers services, supplies or assistance to veterans and is hosted by the Department of Veteran Affairs. (P.A. 21-106, S. 50.) History: P.A. 21-106 effective June 30, 2021.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-129. - Self-insurance.

(a) Any person in whose name more than twenty-five motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the commissioner as provided in subsection (b) of this section. (b) The commissioner may, in his discretion, upon the application of such person, issue a certificate of self-insurance when he is satisfied that such person is possessed and will continue to be possessed of ability to pay judgments obtained against such person. (c) Upon not less than five days' notice and a hearing pursuant to such notice, the commissioner may, upon reasonable grounds, cancel a certificate of self-insurance. Failure to pay any judgment within thirty days after such judgment has become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance. (1951, S. 1367d.) Cited. 143 C. 202; 169 C. 267. Self-insurance provision discussed. 248 C. 195. Self-insurers not required to provide uninsured motorist coverage. 254 C. 404. City's notification to Insurance Commissioner that does not contain a specific amount of its exposure as a self-insurer does not deem city to have agreed to unlimited liability coverage; section does not and cannot define amount of coverage that a city agreed to provide when it became a self-insurer. 63 CA 815. Self-insured municipal employer was not required to create a writing to give notice of its intention to reduce amount of its uninsured motorist coverage by amount of workers' compensation benefits paid to plaintiff employee because the self-insured municipality functions as both insurer and insured. 82 CA 752; judgment reversed, see 273 C. 519.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-131 to 14-133. - Discharge in bankruptcy not to release judgment debtor. Relief under other statutes. Penalties.

Sections 14-131 to 14-133, inclusive, are repealed. (1951, S. 1365d, 1369d, 1371; P.A. 77-8; P.A. 89-232, S. 2, 3.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-134. - Appeals from commissioner.

Any appeal from a decision of the commissioner shall, if such appeal is from an order based upon a violation of any provision of this chapter, be taken in accordance with the provisions of section 4-183. No appeal taken from the order of a court in a criminal case involving the operation of a motor vehicle without permission of the owner, the operation of a motor vehicle while under the influence of intoxicating liquor or drugs, reckless driving or evading responsibility for accidents or involving fatal accidents, shall act as a stay to any action of the commissioner. (1949 Rev., S. 2458; 1971, P.A. 870, S. 39; P.A. 76-436, S. 346, 681; P.A. 77-603, S. 36, 125.) History: 1971 act replaced superior court with court of common pleas, effective September 1, 1971, except that courts with cases pending retain jurisdiction unless pending matters deemed transferable; P.A. 76-436 replaced court of common pleas with superior court and added references to judicial districts, effective July 1, 1978; P.A. 77-603 replaced previous provision re appeal procedure with statement that appeals be made in accordance with Sec. 4-183. See Sec. 20-427a re cooperation between Commissioners of Motor Vehicles and Consumer Protection in nonrenewal of commercial motor vehicle registration of home improvement contractor in violation of statute. Court infers section may apply only to actions arising under chapter. 148 C. 456. Cited. 169 C. 267. Ample protection afforded against arbitrary action. 7 CS 165. Cited. 24 CS 350; 25 CS 512. Cited. 4 Conn. Cir. Ct. 34, 39; 5 Conn. Cir. Ct. 76.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-135. - Attorney General to act when commissioner is disqualified.

If the commissioner is disqualified to act in any matter, the Attorney General, upon request of the commissioner, shall act in his stead, and the decision of the Attorney General shall, subject to appeal as provided, be binding upon the parties and enforceable under the provisions of this chapter in the same manner and to the same degree as any decision or order of the commissioner. (1949 Rev., S. 2459.) Cited. 169 C. 267.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-136. - First complaint.

Section 14-136 is repealed, effective October 1, 2002. (1949 Rev., S. 2460; S.A. 02-12, S. 1.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-137. - Authority to make regulations and certify or limit the use of devices and equipment.

(a) The commissioner may make, alter or repeal regulations governing the administration of all statutes relating to motor vehicles and may certify any device or accessory which forms part of any motor vehicle, or of its equipment, as to its compliance with the provisions of this chapter. The commissioner may also limit the use of any device or accessory in any way which appears to him to

be required for safety, may authorize the use of any such device or accessory upon the highway and may make, alter or repeal any regulation relating to any such device or accessory in the interest of public safety, provided the commissioner may not limit or prohibit the possession, installation or use of a radar detecting device in any motor vehicle. Violation of any regulation adopted under this subsection shall be an infraction. (b) The commissioner may enter into an agreement with the Automotive Manufacturer Equipment Compliance Agency by which the commissioner shall accept the agency's certification of any equipment including but not limited to components, parts, material and assemblies. Such certification shall permit the legal sale and use of such equipment. (1949 Rev., S. 2461; 1971, P.A. 577; 597; P.A. 83-312; P.A. 92-256, S. 6; May Sp. Sess. P.A. 92-11, S. 50, 70; P.A. 96-167, S. 33.) History: 1971 acts clarified limitations on devices and accessories and authorizations for their use via regulations in the interest of public safety and added provisions re agreements with American Association of Motor Vehicle Administrators; P.A. 83-312 amended Subsec. (a) by providing that violation of a regulation adopted thereunder shall be an infraction; P.A. 92-256 amended Subsec. (a) to add proviso that the commissioner may not limit or prohibit the possession, installation or use of a radar detecting device; May Sp. Sess. P.A. 92-11 changed effective date of P.A. 92-256 but did not affect the date applicable to this section; P.A. 96-167 amended Subsec. (b) to substitute "Automotive Manufacturer Equipment Compliance Agency" for "American Association of Motor Vehicle Administrators". Cited. 169 C. 267. Cited. 8 CA 578; 30 CA 922. Cited. 35 CS 659; 36 CS 551.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-137a. - Point system for motor vehicle violations.

The Commissioner of Motor Vehicles shall adopt regulations in accordance with the provisions of chapter 54, setting forth the number of points chargeable against the owner of an operator's license for conviction of any violation of the motor vehicle laws deemed appropriate by the commissioner for the assessment of such points. Such regulations shall provide specific information as to the number of points assessed for the conviction of each specified violation, the total number of points which, in a period of time specified by the commissioner, shall require a hearing before the commissioner or permit automatic suspension without prior hearing, and the period of time during which any such suspension shall extend. Such regulations shall provide that (1) not less than two points shall be assessed for conviction of a violation of subsection (d) of section 14-100a, (2) not more than one point shall be assessed for conviction of a violation of section 14-219, (3) not more than two points shall be assessed for conviction of a violation of section 14-212d, and (4) no points shall be assessed for an infraction or any violation specified in subsection (b) of section 51-164n for which the person sends payment of the fine and any additional fees or costs established for such infraction or violation to the Centralized Infractions Bureau in accordance with the provisions of subsection (c) of section 51-164n, except not less than one point shall be assessed for any violation of section 14-296aa. If such regulations provide for participation in a driver improvement course or system for the owner of an operator's license, the commissioner may charge a fee of fifty dollars for registration for such course or system. (1971, P.A. 287; P.A. 82-472, S. 44, 183; P.A. 90-213, S. 13; June Sp. Sess. P.A. 91-13, S. 9, 21; P.A. 92-256, S. 4; May Sp. Sess. 92-11, S. 50, 70; P.A. 95-221, S. 1, 4; P.A. 96-257, S. 2; P.A. 13-92, S. 8; 13-271, S. 60.) History: P.A. 82-472 substituted reference to Ch. 54 for reference to repealed Secs. 4-41 to 4-50; P.A. 90-213 added provision requiring the regulations to provide that not more than one point shall be assessed for a violation of Sec. 14-219; June Sp. Sess. P.A. 91-13 added \$50 fee for registration in a driver improvement course or system if required by regulation; P.A. 92-256 added provision prohibiting the assessment of points for an infraction or a specified violation of Sec. 14-219 for which the person sends payment of the fine and any additional fee to the centralized infractions bureau; May Sp. Sess. P.A. 92-11 changed effective date of P.A. 92-256 but did not affect the date applicable to this section; P.A. 95-221 prohibited the assessment of points for "any violation specified in subsection (b) of section 51-164n", rather than for "a specified violation of section 14-219", for which the person sends payment by mail, replaced "fee" with "fees or costs established for such infraction or violation" and made technical changes, effective July 1, 1995; P.A. 96-257 added provision requiring assessment of not less than two points for conviction of violation of Subsec. (d) of Sec. 14-100a and divided sentence into three Subdivs.; P.A. 13-92 added new Subdiv. (3) re assessment of not more than 2 points for conviction of violation of Sec. 14-212d and redesignated existing Subdiv. (3) as Subdiv. (4); P.A. 13-271 added provision re assessment of not less than one point for violation of Sec. 14-296aa. Points may be assessed only upon conviction of a violation. 166 C. 449.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-138. - State police to assist.

The commissioner may call upon the Division of State Police within the Department of Emergency Services and Public Protection for aid in enforcing the provisions of this chapter or chapter 248. The state police shall, upon such request, make arrests in all cases of violations of the provisions of this chapter or chapter 248 which they witness or upon speedy information thereof. (1949 Rev., S. 2462; P.A. 77-614, S. 486, 610; P.A. 11-51, S. 134.) History: P.A. 77-614 made state police department a division within the department of public safety, effective January 1, 1979; pursuant to P.A. 11-51, "Department of Public Safety" was changed editorially by the Revisors to "Department of Emergency Services and Public Protection", effective July 1, 2011. Cited. 169 C. 267; 210 C. 333.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-139. - Conviction to be endorsed on license.

Section 14-139 is repealed. (1949 Rev., S. 2463; 1961, P.A. 517, S. 61; February, 1965, P.A. 506.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-140. - Release on own recognizance. Report of failure to appear, comply with remote events and deadlines or pay fine or fee, surcharge or cost. Reciprocal agreements. Opening of judgment.

(a) Any person who has been arrested by an officer for a violation of any provision of any statute relating to motor vehicles may be released, upon his own recognizance, by such officer in his discretion, unless such violation is of a provision relating to driving while under the influence of intoxicating liquor or drugs or using a motor vehicle without permission of the owner or evading responsibility for personal injury or property damage or involves the death or serious injury of another, in which cases such person shall not be released on his own recognizance. (b) If any person so arrested or summoned wilfully fails to appear for any scheduled court appearance at the time and place assigned, or if any person charged with an infraction involving the use of a motor vehicle, or with a motor vehicle violation specified in section 51-164n, wilfully fails to comply with remote events and deadlines set by the court for infractions and violations specified in section 51-164n or fails to pay the fine and any additional fee imposed or send in his plea of not guilty by the answer date or wilfully fails to appear for any scheduled court appearance which may be required, or if any person fails to pay any surcharge imposed under section 13b-70, any fee imposed under section 51-56a or any cost imposed under section 54-143 or 54-143a, a report of such failure shall be sent to the commissioner by the court having jurisdiction. The provisions of this section shall be extended to any nonresident owner or operator of a motor vehicle residing in any state, the proper authorities of which agree with the commissioner to revoke, until personal appearance to answer the charge against him, his motor vehicle registration certificate or operator's license, upon his failure to appear for any scheduled court appearance. Any infractions or violations, for which a report of failure to appear has been sent to the commissioner under this subsection, that have not otherwise been disposed of shall be dismissed by operation of law seven years after such report was sent. (c) The commissioner may enter into reciprocal agreements with the proper authorities of other states, which agreements may include provisions for the suspension or revocation of licenses and registrations of residents and nonresidents who fail to appear for trial at the time and place assigned. (d) Any judgment under this section shall be opened upon the payment to the clerk of the Superior Court of a fee of forty dollars. Such filing fee may be waived by the court. (e) In addition, the provisions of subsection (b) of this section shall apply to sections 29-322, 29-349 and 29-351. (1949 Rev., S. 2464; 1961, P.A. 517, S. 62; 1967, P.A. 500, S. 1; P.A. 73-423; P.A. 76-381, S. 1; P.A. 79-534, S. 6; Nov. Sp. Sess. P.A. 81-4, S. 25, 32; P.A. 82-325, S. 2, 3, 7; P.A. 83-577, S. 6; P.A. 87-525, S. 3; P.A. 93-141, S. 1; 93-307, S. 25, 34; P.A. 94-135, S. 1, 5; P.A. 96-180, S. 41, 166; P.A. 98-81, S. 3; P.A. 05-248, S. 2; P.A. 09-177, S. 21; P.A. 10-54, S. 6; P.A. 12-60, S. 3, 4; P.A. 24-108, S. 2.) History: 1961 act removed obsolete references to trial justices in Subsec. (b); 1967 act replaced detailed provisions re notification of person to be tried with simple reference to summons in Subsec. (b) and deleted provision re release of person on own recognizance; P.A. 73-423 added Subsec. (c) re agreements with other states concerning actions taken upon persons' failure to appear for trial; P.A. 76-381 made Subsec. (b) provisions applicable to persons charged with infraction who fail to pay fine, plead not guilty or appear for trial within time limit specified; P.A. 79-534 made Subsec. (b) applicable to persons charged with infraction who fail to pay "any additional fee imposed"; Nov. Sp. Sess. P.A. 81-4 added Subsec. (4) re filing fee required before motion to reopen judgment is granted unless fee waived by court; P.A. 82-325 rephrased Subsec. (d) to specify that the fee is payable upon the filing of the motion and provided that said Subsec. is applicable to fees payable on or after February 1, 1982; P.A. 83-577 amended Subsec. (d) to raise fee from \$30 to \$40; P.A. 87-525 added Subsec. (e), requiring provisions of Subsec. (b) to be applicable to certain sections; P.A. 93-141 amended Subsec. (b) by adding "wilfully" before "fails" and changing "trial" to "scheduled court appearance"; P.A. 93-307 deleted a reference to Sec. 13b-404a which was repealed by the same act, substituting reference to Secs. 13b-410a to 13b-410c, inclusive, effective June 29, 1993; P.A. 94-135 applied Subsec. (b) to persons charged with a motor vehicle violation specified in Sec. 51-164n and amended Subsec. (d) by removing reference to filing a motion to reopen judgment, providing that judgment shall be opened upon payment of \$40; P.A. 96-180 made a technical change in Subsec. (a), substituted "any scheduled court appearance" for "trial" in Subsec. (b) and deleted "13b-410a to 13b-410c, inclusive," in Subsec. (e), effective June 3, 1996; P.A. 98-81 amended Subsec. (b) by adding provision re dismissal of infractions or violations by operation of law seven years after report for failure to appear was sent; P.A. 05-248 amended Subsec. (b) to make provisions applicable if any person fails to pay any surcharge under Sec. 13b-70, any fee imposed under Sec. 51-56a or any cost imposed under Sec. 54-143 or 54-143a, effective July 1, 2005; P.A. 09-177 amended Subsec. (e) to delete references to Secs. 29-332 and 29-339, effective January 1, 2011; P.A. 10-54 changed effective date of P.A. 09-177, S. 21, from January 1, 2011, to January 1, 2013, effective May 18, 2010; P.A. 12-60 changed effective date of P.A. 09-177, S. 21, as amended by P.A. 10-54, S. 6, from January 1, 2013, to January 1, 2015, effective May 31, 2012; P.A. 24-108 amended Subsec. (b) to make provision applicable to any person who "wilfully fails to comply with remote events and deadlines set by the court for infractions and violations specified in section 51-164n", effective July 1, 2024. Cited. 159 C. 548; 169 C. 267; 240 C. 489. Cited. 40 CA 762. Cited. 38 CS 384.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-140a. - Automobile club bail bond certificates, when acceptable as bail.

Any guaranteed bail bond certificate with respect to which a surety company licensed to do business in this state has become surety, shall when posted by the person whose signature appears thereon, be accepted in lieu of cash bail or other bond in an amount not to exceed five hundred dollars to guarantee the appearance of such person in any court in this state at such time as may be required by such court, when the person is arrested for any motor vehicle violation or violation of any motor vehicle ordinance of any municipality; provided any such guaranteed bail bond certificate so posted as a bail bond in any court shall be subject to the

forfeiture and enforcement provisions of section 54-66. (P.A. 74-110, S. 2; P.A. 90-243, S. 174; 90-285, S. 2, 3.) History: P.A. 90-243 added the reference “licensed to do business in this state”, deleting reference to Sec. 38-177a repealed by Sec. 180 of the act; P.A. 90-285 increased the maximum amount of a guaranteed bail bond certificate that will be accepted in lieu of cash bail or other bond from \$200 to \$500.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-141. - Courts to report convictions and other dispositions to commissioner.

A record shall be kept by each court of original jurisdiction of any violation of the laws relating to the registration, equipment and operation of motor vehicles, the licensing of operators or the establishment, maintenance or conduct of a pump or station for the sale of any product to be used in the propelling of motor vehicles using combustion type engines, or to the sale of such product, and of any violation of the provisions of sections 53a-55 to 53a-57, inclusive, when such violation has been caused by the use of a motor vehicle, of any violation of sections 53a-70 to 53a-80, inclusive, or of a violation of the provisions of any other criminal statute in which the use of a motor vehicle is a principal part, of all cases in which any person arrested for such violation forfeits his bail or has his case nolle or judgment or execution suspended, and of all cases in which the court ordered a psychiatric examination under section 53-22; and a summary of such record, with a statement of the number of the operator's license and the registration number of the motor vehicle operated, shall, within five days after such conviction, forfeiture or any other disposition or nolle, be transmitted to the commissioner by such court. Each court shall furnish to the commissioner the details of all such cases heard before it and shall make such recommendations as to the suspension or revocation of the licenses of the parties defendant as it deems advisable. (1949 Rev., S. 2465; 1951, 1955, S. 1372d; 1959, P.A. 28, S. 49; February, 1965, P.A. 373; 1967, P.A. 283; 1971, P.A. 871, S. 89.) History: 1959 act deleted references to appellate courts and trial justices rendered obsolete by circuit court act; 1965 act increased time allowed for transmitting abstract from two days and deleted references to court clerk and forfeiture for untimely transmittal of abstract; 1967 act replaced “certified abstract” with “summary” of records; 1971 act replaced references to Secs. 53-13, 53-17, 53-57, 53-66, 53-217, 53-238, 53-239 and 53-240 with reference to Secs. 53a-55 to 53a-57 and 53a-70 to 53a-80. Cited. 169 C. 267. Cited. 24 CS 363.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-142. - Proceedings against negligent court clerk.

(a) Any clerk of any court who fails to deliver to the commissioner any abstract of any cause within his court, on application of the commissioner to the superior court for the judicial district wherein such clerk resides, or to any judge of the Superior Court when the same is not then sitting in such judicial district, showing such failure, may be required by such court or such judge to deliver the same within such time as is designated by such court or judge. On receipt of such application, the court or judge shall designate a time and place of hearing thereon and shall cite such clerk to appear at such time and place to show cause why he has failed to deliver such abstract to the commissioner. (b) Upon finding the allegations of such application to be true, such superior court or judge may issue an order in the nature of a peremptory mandamus requiring such clerk to comply with the provisions of the statutes in relation thereto, which provisions shall be particularly mentioned in such order, and shall render judgment against such clerk with costs as in mandamus proceedings. Any clerk who fails to comply with any order issued by the authority of the provisions of this section shall be in contempt and the court or judge issuing the same may punish therefor as in mandamus proceedings. Any person claiming to be aggrieved by any order issued on such application shall have the same right to review by the Supreme Court as in the case of mandamus proceedings. (1949 Rev., S. 2466; 1959, P.A. 28, S. 146; 1967, P.A. 656, S. 8; P.A. 78-280, S. 2, 127; May 25 Sp. Sess. P.A. 94-1, S. 17, 130.) History: 1959 act removed references to trial justices who were abolished by same act; 1967 act deleted all references to town treasurer and deleted provision re failure to deliver money due commissioner on the part of either clerk or town treasurer; P.A. 78-280 replaced “county” with “judicial district”; May 25 Sp. Sess. P.A. 94-1 amended Subsec. (a) by making technical change, effective July 1, 1994. Cited. 169 C. 267.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-143. - Expenses in unsuccessful prosecutions by state police.

Section 14-143 is repealed. (1949 Rev., S. 2467; 1959, P.A. 28, S. 204.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-144. - No fees for arrests for motor vehicle violations.

No fee shall be paid to the arresting officer for an arrest made because of a violation of any provision of the general statutes relating to motor vehicles or a violation of an ordinance of any municipality concerning the operation of motor vehicles. (1949 Rev., S. 2468; 1957, P.A. 13, S. 73.) Cited. 169 C. 267.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-145. - Towing or removal of motor vehicle from private property. Use of a wheel-locking device. Regulations. Prohibition re issuance of parking citation. Exemption. Penalty.

(a)(1) An owner or lessee of private property, or his or her agent, may remove or cause to be removed, or may use a wheel-locking

device to render immovable, any motor vehicle left without authorization on such property in accordance with the provisions of this section and sections 14-145a to 14-145c, inclusive, provided any owner or lessee of private commercial property, or his or her agent, shall install conspicuous signage stating that motor vehicles left without authorization on such private commercial property may be removed or rendered immovable and indicating where such motor vehicle will be stored, how the vehicle may be redeemed and any costs or fees that may be charged. (2) Notwithstanding the provisions of subdivision (1) of this subsection, an owner or lessee of private commercial property or such owner or lessee's agent may tow any motor vehicle left without authorization on such property and no signage warning of such towing shall be required to be installed by such owner or lessee if such motor vehicle is left (A) in a space reserved, as required in section 14-253a, for exclusive use by persons who are blind and persons with disabilities and such vehicle does not bear a removable windshield placard or special license plate, as defined in section 14-253a, (B) in an area reserved for authorized emergency vehicles, (C) within ten feet of a fire hydrant, as provided in section 14-251, (D) blocking building access, (E) blocking entry or exit from such property, or (F) for forty-eight or more hours. (3) A lending institution may repossess any motor vehicle, in accordance with the provisions of section 36a-785, by contracting with a wrecker licensed under section 14-66 or an entity exempt from such licensure, as provided in subsection (f) of section 14-66, to tow or otherwise remove such motor vehicle in accordance with the provisions of this section and sections 14-145a to 14-145c, inclusive. In the case of a repossession, no signage as described in subdivision (1) of this subsection shall be required. (4) This section shall not apply to law enforcement, fire-fighting, rescue, ambulance or emergency vehicles which are marked as such, or to motor vehicles left without authorization on property leased by any governmental agency. (b) (1) (A) When an unauthorized motor vehicle is towed or otherwise removed by a wrecker licensed under section 14-66, or a repossessed motor vehicle is towed or otherwise removed by a wrecker or an exempt entity, the licensee or operator of the wrecker or the exempt entity shall notify the local police department of the tow or removal within two hours. Such notification shall be submitted, in writing, or transmitted by facsimile or electronic mail and the record of such notification shall be retained by such licensee, operator or exempt entity in accordance with the provisions of section 14-66b. (B) No such licensee, operator or exempt entity may charge a storage fee for an unauthorized or repossessed motor vehicle for the time it is stored prior to notification of the local police department by the licensee, operator or exempt entity. If such motor vehicle is not claimed within forty-eight hours, the licensee or operator of the wrecker or of the garage where such motor vehicle is stored or the exempt entity shall immediately complete a notice of such tow, on a form prescribed by the Commissioner of Motor Vehicles, and mail a copy of such form by certified mail, return receipt requested, to the owner and all lienholders of record. If the motor vehicle is not claimed by its owner within the time period specified in subsection (e) of section 14-150, the licensee or operator of the wrecker or of the garage where such motor vehicle is stored or the exempt entity may dispose of such motor vehicle in accordance with the provisions of subsection (e) and subsections (g) to (j), inclusive, of section 14-150. (2) (A) When an unauthorized motor vehicle is rendered immovable through use of a wheel-locking device by an owner or lessee of private property or his or her agent, such owner, lessee or agent shall notify the local police department of such action within two hours. Such notification shall be submitted in writing or transmitted by facsimile or electronic mail. The record of such notification shall be retained by such owner, lessee or agent at the private property upon which such action took place, for a period of not less than six months and shall be available for inspection during regular business hours by any sworn member of the local police department or law enforcement officer or inspector designated by the Commissioner of Motor Vehicles. (B) No owner, lessee or agent may charge a fee to remove a wheel-locking device prior to notification of the local police department. The fee charged to remove a wheel-locking device may not be more than fifty dollars. The person claiming the motor vehicle may choose to pay such fee in cash, by check or by debit or credit card. Ten per cent of such fee shall be remitted to the local police department by the owner, lessee or agent. If such motor vehicle is not claimed within forty-eight hours after being rendered immovable, the owner, lessee or agent shall immediately complete a notice that such motor vehicle has been rendered immovable, on a form prescribed by the commissioner, and mail a copy of such form by certified mail, return receipt requested, to the owner of such motor vehicle and all lienholders of record. If the motor vehicle is not claimed by its owner within the time period specified in subsection (e) of section 14-150, the owner, lessee or agent may dispose of such motor vehicle in accordance with the provisions of subsection (e) and subsections (g) to (j), inclusive, of section 14-150. (3) The local police department, not later than forty-eight hours after receiving notification of a tow or removal of an unauthorized motor vehicle pursuant to subdivision (1) of this subsection, or use of a wheel-locking device pursuant to subdivision (2) of this subsection, shall enter the vehicle identification number into the National Crime Information Center database and the Connecticut On-Line Law Enforcement Communications Teleprocessing System to determine whether such motor vehicle has been reported as stolen. If such motor vehicle has been reported as stolen, the local police department shall immediately notify the department that reported the vehicle as stolen. (c) The commissioner may adopt regulations, in accordance with the provisions of chapter 54, (1) specifying the circumstances under which title to any motor vehicle towed or stored, or both, or rendered immovable under this section may be transferred to any person, firm or corporation towing, storing or rendering immovable such vehicle, and (2) establishing the procedure whereby such person, firm or corporation may obtain title to such motor vehicle. (d) No owner or lessee of private property, or his or her agent, shall issue a parking citation by written warning, posted signage or other means to impose a monetary sanction on an owner of a motor vehicle parked on such property. The provisions of this subsection shall not apply to an independent institution of higher education, as defined in subsection (a) of section 10a-173, or a private secondary school. (e) Any person who violates any provision of this section shall, for a first offense, be deemed to have committed an infraction and be fined fifty dollars, and, for each subsequent offense, shall be fined not less than fifty dollars and not more than one hundred dollars or imprisoned not more than thirty days or be both fined and imprisoned. (1949 Rev., S. 2469; February, 1965, P.A. 448, S. 15; 1969, P.A. 131; 417; P.A. 73-429, S. 1; P.A. 81-351, S. 1; P.A. 82-223, S. 13; P.A. 83-577, S. 19;

P.A. 91-408, S. 1; P.A. 02-70, S. 68; P.A. 10-3, S. 60; P.A. 13-271, S. 29; P.A. 14-130, S. 21; P.A. 15-42, S. 1; June Sp. Sess. P.A. 15-5, S. 233; P.A. 17-79, S. 18; P.A. 18-164, S. 15; P.A. 19-140, S. 1.) History: 1965 act added provisions re damage of vehicle or parts and removal of parts; 1969 acts added provision forbidding tampering with odometer and added exception to allow property owner or agent to remove vehicle left on property without authorization; P.A. 73-429 deleted provision re tampering with odometer; P.A. 81-351 removed and transferred the tampering provisions from the section, divided the section into subsections and established requirements for towing or removing a motor vehicle from private property; P.A. 82-223 amended Subsec. (c) by specifying that the commission of a first offense constituted an infraction and increasing the minimum fine therefor from \$10 to \$25; P.A. 83-577 amended Subsec. (c) by increasing the minimum fine for a first offense from \$25 to \$35; P.A. 91-408 amended Subsec. (a) by replacing "A property owner" with "An owner or lessee of private property", authorizing such owner or lessee to "cause to be removed" a motor vehicle, providing that removal shall be in accordance with "this section and sections 14-145a to 14-145c, inclusive", rather than in accordance with "subsection (b) of this section" and adding exception for certain designated police, fire and emergency vehicles and for removal of vehicles from property leased by a governmental agency; P.A. 02-70 amended Subsec. (b) to require the licensee or operator of the wrecker to notify the local police department of the tow of the vehicle left on private property within 2 hours, instead of 24 hours, effective June 3, 2002; P.A. 10-3 amended Subsec. (c) to replace fine for first offense of not less than \$35 nor more than \$50 with fine of \$50, effective April 14, 2010; P.A. 13-271 amended Subsec. (b) to add provision re notification in writing or by facsimile or electronic mail and re licensee retention of notification record, effective July 1, 2013; P.A. 14-130 amended Subsec. (b) to add provisions re police to enter vehicle identification number of towed vehicle into national database and state system and to notify department of any motor vehicle reported stolen, to add provision re notice of tow if vehicle not claimed within 48 hours, and to add reference to Subsecs. (g) to (i) of Sec. 14-150, added new Subsec. (c) re commissioner to adopt regulations re transfer of title of towed vehicles, redesignated existing Subsec. (c) as Subsec. (d) and made technical changes, effective July 1, 2014; P.A. 15-42 amended Subsec. (a) by designating existing provisions as Subdivs. (1) and (3), adding authorization to use wheel-locking device and signage requirement in Subdiv. (1), adding Subdiv. (2) re repossessions and replacing "the removal of motor vehicles from" with "motor vehicles left without authorization on" in Subdiv. (3), amended Subsec. (b) by designating existing provisions as Subdiv. (1)(A) and (B), amending Subdiv. (1)(A) by adding provisions re unauthorized motor vehicle and repossessed motor vehicle towed or otherwise removed by wrecker or exempt entity and deleting provisions re determination whether motor vehicle has been reported as stolen and notification by local police department, adding Subdiv. (2) re use of wheel-locking devices and adding Subdiv. (3) re determination whether motor vehicle has been reported as stolen and notification by local police department, and made technical and conforming changes; June Sp. Sess. P.A. 15-5 amended Subsec. (a) by adding new Subdiv. (2) re exceptions to signage requirement for towing and redesignating existing Subdivs. (2) and (3) as Subdivs. (3) and (4); P.A. 17-79 amended Subsecs. (b)(1)(B) and (b)(2)(B) by replacing reference to Sec. 14-150(i) with reference to Sec. 14-150(j) and making technical changes, effective January 1, 2018; P.A. 18-164 added new Subsec. (d) prohibiting issuance of parking citation and redesignated existing Subsec. (d) as Subsec. (e); P.A. 19-140 amended Subsec. (d) exempting independent institutions of higher education and private secondary schools, effective July 9, 2019. See Sec. 53a-119b(c) for provisions re tampering with a motor vehicle. Section does not require proof of criminal intent, but only the intent to do a prohibited act. 165 C. 10. Cited. Id., 559. Cited. 32 CS 621; 41 CS 484. Defendant cannot attack his conviction after he has voluntarily paid the fine imposed upon him. 6 Conn. Cir. Ct. 93, 95. It must be proved that the setting back of the odometer took place after the effective date of the act. Id., 402.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-145a. - Towing, removal or use of wheel-locking device prohibited except upon express instruction of property owner or lessee or for repossession. Rebate prohibited.

(a) No vehicle shall be towed or removed from private property except (1) upon express instruction of the owner or lessee, or his or her agent, of the property upon which the vehicle is trespassing, or (2) for the purpose of repossession of the motor vehicle by a lending institution. No vehicle shall be rendered immovable on private property through the use of a wheel-locking device except upon express instruction of the owner or lessee, or his or her agent. Nothing in this subsection shall be construed to limit the right of a municipality or the state to remove an abandoned motor vehicle in accordance with the provisions of section 14-150. (b) No person or firm that tows or removes a motor vehicle from private property or renders a motor vehicle immovable on private property shall rebate or pay any money or other valuable consideration to the owner or lessee, or his or her agent, of the property from which the vehicle is towed or removed or on which the vehicle is rendered immovable, or to a lending institution, for the privilege of towing, removing or rendering immovable such vehicle. (P.A. 91-408, S. 2; P.A. 15-42, S. 2; June Sp. Sess. P.A. 15-5, S. 234.) History: P.A. 15-42 amended Subsec. (a) to add provisions re use of wheel-locking device and re towing, removal or use of wheel-locking device for purpose of repossession, amended Subsec. (b) to add references to motor vehicle rendered immovable and to prohibit rebate to lending institution, and made technical and conforming changes; June Sp. Sess. P.A. 15-5 amended Subsec. (a) to provide that a wheel-locking device may only be used upon the instruction of the owner or lessee.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-145b. - Storage and release of motor vehicles that have been towed or rendered immovable.

(a)(1) Any vehicle towed or removed from private property pursuant to sections 14-145 to 14-145c, inclusive, shall be stored at the site of the towing company's business in a secured storage lot. The site shall be open during the hours of 8:00 a.m. to 5:00 p.m.,

Monday through Friday, and be reasonably available on Saturday, Sunday and holidays, for the purpose of vehicle redemption. (2) No vehicle shall be rendered immovable on private property through use of a wheel-locking device pursuant to sections 14-145 to 14-145c, inclusive, unless the vehicle is located in a secure place on such property that is reasonably accessible for the purpose of vehicle redemption. Personnel to provide for vehicle redemption shall be on such property for not less than eight hours after a vehicle has been rendered immovable. Additionally, signage shall describe the hours for vehicle redemption when the eight-hour deadline has passed. If the vehicle is towed or removed from such property, all provisions of sections 14-145 to 14-145c, inclusive, relating to the towing or removal of a vehicle shall be applicable. (b) When a vehicle has been towed or removed pursuant to sections 14-145 to 14-145c, inclusive, it shall be released to its owner, a lending institution or a person authorized by the owner or lending institution to regain possession, upon demand, provided the demand is made between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or at a reasonable time on Saturday, Sunday or holidays and the owner or authorized person presents proof of registration and pays the costs of towing or removal and of storage. (c) Any vehicle owner, lending institution or agent of the owner or lending institution, shall have the right to inspect the vehicle before accepting its return or removal of a wheel-locking device. No general release of any kind that would release the person or firm towing, removing or storing the vehicle or rendering the vehicle immovable from liability for damages or from liability for any claim that the vehicle was towed or rendered immovable without justification may be required from any vehicle owner, lending institution or agent of the owner or lending institution, as a condition of release of the vehicle. A receipt showing the name of the person or firm towing or removing the vehicle or rendering the vehicle immovable and an itemization of the charges shall be provided to the person paying the towing or removal and storage costs or the charge for removal of a wheel-locking device at the time of payment. (P.A. 91-408, S. 3; P.A. 05-218, S. 27; P.A. 15-42, S. 3.) History: P.A. 05-218 amended Subsec. (b) by eliminating provision that permitted signing a declaratory statement that the towed or removed vehicle was taken illegally, adding provision re no release from liability for any claim that the vehicle was towed without justification and making technical changes; P.A. 15-42 amended Subsec. (a) by designating existing provisions as Subdiv. (1) and adding Subdiv. (2) re storage and removal of a motor vehicle rendered immovable, and amended Subsec. (b) by adding references to lending institution and designating existing provisions re return of vehicle as Subsec. (c) and amending same to add references to removal of wheel-locking device and vehicle rendered immovable.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-145c. - Liability of property owner, lessee or lending institution for improper towing or removal of motor vehicle or use of a wheel-locking device.

Whenever an owner or lessee of private property or a lending institution, or such owner's, lessee's or institution's agent, improperly causes a motor vehicle to be towed or removed from such property or rendered immovable on such property, the owner or lessee of the property or the lending institution shall be liable to the owner of the vehicle for the costs of towing or removal and of storage of the vehicle or for fees charged for removing a wheel-locking device, and for reasonable attorney's fees and court costs, if applicable. (P.A. 91-408, S. 4; P.A. 15-42, S. 4.) History: P.A. 15-42 added references to removal by a lending institution, added reference to vehicle rendered immovable and added provision re liability for fees charged to remove a wheel-locking device.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-145d. - Notification to chief of police required prior to use of wheel-locking device.

(a) Any person, firm or corporation that engages in rendering motor vehicles immovable through the use of wheel-locking or similar devices and is hired by an owner or lessee of private property to render unauthorized motor vehicles immovable on such owner or lessee's private property shall, five business days prior to taking such action within a municipality, notify the chief of police of the local police department of such municipality of such activities. Such notification shall be in the form and manner directed by the chief of police. (b) Any person who violates any provision of this section shall, for a first offense, be deemed to have committed an infraction and be fined fifty dollars and, for each subsequent offense, shall be fined not less than fifty dollars and not more than one hundred dollars or imprisoned for not more than thirty days or be both fined and imprisoned. (P.A. 15-42, S. 5.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-146. - Objects not to be thrown at motor vehicles.

No person shall throw any object at a motor vehicle or at a person in such motor vehicle or on any highway, which may cause injury to such vehicle or the tires thereon or to any person therein. Any person who violates any provision of this section shall, for the first offense, be fined not more than five hundred dollars and, for each subsequent offense, be guilty of a class D misdemeanor. (1949 Rev., S. 2470; 1967, P.A. 381; P.A. 12-80, S. 120.) History: 1967 act increased fine for first offense from \$50 to \$500; P.A. 12-80 rephrased penalty provision and changed penalty for subsequent offense from a term of imprisonment of not more than 60 days to a class D misdemeanor.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-147. - Improper use of number plate or marker, registration or license. Penalty.

(a) Any person who counterfeits any number plate or marker, or makes any substitute or temporary marker, except as provided in section 14-18, or who counterfeits or in any manner alters any motor vehicle registration or operator's license, and any person who

gives, loans or sells any such counterfeited or altered number plate, marker, motor vehicle registration or operator's license, shall be guilty of a class D misdemeanor. (b) Any person who loans or sells any number plate or marker or certificate of registration issued by the commissioner, for use on any car, except as provided in sections 14-59 and 14-60, shall have committed an infraction. (c) No person shall use any motor vehicle registration or operator's license other than the one issued to such person by the commissioner, except as provided in section 14-18; and no person shall use a motor vehicle registration on any motor vehicle other than that for which such registration has been issued. Any person who violates any provision of this subsection shall have committed an infraction. (d) Any person who loans any operator's license issued by the commissioner, for use by another person, shall have committed an infraction. (e) Any person who sells any operator's license issued by the commissioner, for use by another person, shall be guilty of a class D misdemeanor. (1949 Rev., S. 2471; 1959, P.A. 176; 1967, P.A. 408; P.A. 18-164, S. 27; P.A. 23-40, S. 16.) History: 1959 act added provision re counterfeiting or altering of operator's license in Subsec. (a) and increased fine in Subsec. (b); 1967 act made Subsec. (a) applicable to persons who give, loan or sell counterfeited or altered plates, markers, registrations or operator's licenses to another, raised fine from \$100 to \$200 maximum and allowed imposition of 30 days imprisonment or both fine and imprisonment and made technical changes; P.A. 18-164 amended Subsec. (c) to increase maximum fine from \$100 to \$500; P.A. 23-40 amended Subsec. (a) to replace penalty of fine of not more than \$200 or imprisonment of not more than 30 days or both with a class D misdemeanor, amended Subsec. (b) to delete reference to operator's license and replace penalty of fine of not more than \$100 with an infraction, amended Subsec. (c) to replace penalty of fine of not more than \$500 or imprisonment of not more than 30 days or both with an infraction, added Subsec. (d) re loaning an operator's license, added Subsec. (e) re selling an operator's license and made technical changes.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-147a. - Theft or illegal possession of number plate or sticker.

Any person who takes any motor vehicle number plate or sticker denoting the expiration date of the registration from such number plate or possesses such number plate or sticker without the permission of the person to whom such number plate or sticker was issued shall be fined not less than one hundred dollars or more than five hundred dollars. (1961, P.A. 117; P.A. 97-226, S. 5, 6; P.A. 07-217, S. 51.) History: P.A. 97-226 substituted "sticker denoting the expiration date of the registration" for "annual insert", made penalty applicable to persons who illegally possess number plates or stickers and modified penalty to increase fine from \$25 maximum to not less than \$100 nor more than \$500 and to eliminate term of imprisonment, effective July 1, 1997; P.A. 07-217 made a technical change, effective July 12, 2007.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-148. - Abandoned markers.

(a) Any person who has found, or has in his possession, any number plate or number plates, or identifying part thereof, currently in use, which plate or plates were not issued to him, shall immediately deliver the same to the commissioner or to any officer. Such officer shall, within twenty-four hours, notify the commissioner that he holds such number plate or number plates or identifying part thereof to his order. (b) Any officer may remove any number plate or number plates from any motor vehicle when such motor vehicle is apparently abandoned or when such number plate or number plates have been or are being used illegally and shall forward them to the commissioner with a statement of the reason for such removal. (c) Violation of any provision of subsection (a) of this section shall be an infraction. (1949 Rev., S. 2472; 1961, P.A. 233, S. 9; P.A. 75-577, S. 64, 126.) History: 1961 act made technical change to conform to new system of staggered registration periods; P.A. 75-577 deleted reference to \$5 maximum fine and made violation an infraction in Subsec. (c). Cited. 30 CA 742.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-149. - Mutilated or removed vehicle identification, factory or engine number. Discovery of vehicle reported as stolen or of vehicle or major component part with mutilated or missing identification, engine or factory number. Disposition of vehicle or part held in custody. Penalty. Fee.

(a) No person shall purchase, sell or have in such person's possession any motor vehicle, including construction equipment, or a major component part thereof, as defined in section 14-67h, or agricultural tractors or farm implements with a mutilated, altered or removed vehicle identification, factory or engine number or a number which shows evidence of having been tampered with, except as hereinafter provided. (b) Any officer attached to an organized police department, any state police officer or inspector of the Department of Motor Vehicles, upon discovery of any motor vehicle, including construction equipment, or major component part thereof, as defined in section 14-67h, or agricultural tractors or farm implements, the vehicle identification, engine or factory number of which has been mutilated, altered or removed, shall take such motor vehicle or major component part if not affixed to such vehicle, or agricultural tractor or farm implement into custody. Except as provided in subsection (c) of this section, any such motor vehicle or major component part or agricultural tractor or farm implement shall be disposed of in accordance with the provisions of section 54-36a, and in the case of a motor vehicle for which the owner, registration or title has been identified, a report of such action shall be made to the Commissioner of Motor Vehicles. Such officer or inspector may take into custody the operator of such motor vehicle or agricultural tractor or farm implement or person in possession of such part and present such operator or person before a proper court. No such operator or person shall be discharged from custody until such operator or person has proved to the satisfaction of the court the ownership of such motor vehicle or such part or such agricultural tractor or farm implement and such

operator's or person's right to its custody, provided any such operator or person may be admitted to bail pending proceedings thereon. If such operator or person is unable to establish ownership of such motor vehicle or such part or such agricultural tractor or farm implement to the satisfaction of the court, the court shall order such motor vehicle or part to be forfeited and turned over to the police department or agency whose officer or inspector seized such motor vehicle or part or agricultural tractor or farm implement to be used for such department or agency's purposes or sold at auction with the proceeds given to such department or agency. No officer or inspector shall be personally liable for any official act performed under the provisions of this section. (c) Any inspector of the Department of Motor Vehicles, upon discovery of any motor vehicle or major component part, the vehicle identification, engine or factory number of which has been mutilated, altered or removed in the possession of any licensee of the department, including a new or used car dealer who has been issued an auction permit in accordance with the provisions of section 14-65, or a motor vehicle dealer or repairer authorized to tow or transport and store motor vehicles in accordance with the provisions of section 14-66, shall take such motor vehicle or major component part into custody. If the motor vehicle or major component part is owned by any such licensee or an insurance company, or if such licensee or insurance company has the right to transfer and dispose of such vehicle or major component part, the Commissioner of Motor Vehicles may, upon receipt of transfer of title or forfeiture of all right and interest therein and notwithstanding the method of disposition required under subsection (b) of this section, make any disposition of such motor vehicle or major component part that the commissioner deems necessary or advisable. The provisions of this subsection shall apply to construction equipment, agricultural tractors or farm implements, the vehicle identification, engine or factory number of which has been mutilated, altered or removed. (d) Any officer attached to an organized police department, any state police officer or inspector of the Department of Motor Vehicles, upon discovery of any motor vehicle, construction equipment, agricultural tractor or farm implement which has been reported as stolen, shall take such motor vehicle, construction equipment, agricultural tractor or farm implement into custody and have it returned to its rightful owner or, if such owner cannot be determined or if such motor vehicle, construction equipment, agricultural tractor or farm implement is needed for evidence, shall have it taken to and stored in a suitable place. (e) No motor vehicle shall be registered unless it has permanently cut, impressed or embossed on some portion thereof a factory, serial or identification number or mark. Any person who knowingly has in such person's possession any motor vehicle, construction equipment, agricultural tractor or farm implement from which the factory, serial or other identification number has been removed, defaced, obliterated or changed shall immediately file with the commissioner a sworn statement describing such motor vehicle, construction equipment, agricultural tractor or farm implement and showing the source of such person's title and, if known, the reason for such removal, defacement, obliteration or change, together with a fee in the amount of fifty dollars. If satisfied as to the facts, the commissioner may grant permission to cut, impress or emboss permanently into the motor of such motor vehicle, construction equipment, agricultural tractor or farm implement a special identification number or mark which shall thereafter be deemed sufficient for the purpose of registration of such motor vehicle, construction equipment, agricultural tractor or farm implement. No person shall wilfully remove, deface, obliterate or change or cause to be removed, obliterated, defaced or changed any factory, serial or other identification number or mark on or from any motor vehicle, construction equipment, agricultural tractor or farm implement. (f) Any person who violates any provision of this section shall, for the first offense, be guilty of a class E felony, and, for the second or subsequent offense, be guilty of a class D felony. (1949 Rev., S. 2474; 1961, P.A. 517, S. 63; P.A. 80-292, S. 4; P.A. 81-174, S. 4; 81-337; P.A. 83-587, S. 29, 96; June Sp. Sess. P.A. 91-13, S. 10, 21; P.A. 00-103, S. 4; P.A. 03-265, S. 11; P.A. 13-258, S. 22.) History: 1961 act removed obsolete references to trial justices; P.A. 80-292 amended Subsec. (a) to include vehicles with removed vehicle identification number and forbade purchase or sale of such vehicles as well as possession and amended Subsec. (c) to increase fine from \$300 to \$500 and term of imprisonment from six months to one year; P.A. 81-174 extended the prohibition in Subsec. (a) to include major component parts and established a procedure for disposing of motor vehicles or major component parts taken into custody; P.A. 81-337 subdivided Subsec. (a), inserted a new Subsec. (c) providing for the disposition by an officer of a motor vehicle reported as stolen and relettered former Subsecs. (b) and (c) as (d) and (e); P.A. 83-587 substituted "14-67h" for "14-67b" in Subsec. (a); June Sp. Sess. P.A. 91-13 added \$50 fee for issuance of special identification number or mark; P.A. 00-103 added references to construction equipment, agricultural tractors and farm implements throughout section, increased the penalties in Subsec. (e) and made technical changes for the purposes of gender neutrality; P.A. 03-265 amended Subsec. (b) to add provisions re officer attached to organized police department, state police officer or inspector of Department of Motor Vehicles, to add provision re disposition of motor vehicle, major component part, agricultural tractor or farm implement except as provided in Subsec. (c), to add requirement that, in case of motor vehicle for which owner, registration or title identified, report of action be made to Commissioner of Motor Vehicles and to make technical changes, added new Subsec. (c) re when inspector of Department of Motor Vehicles to take motor vehicle or major component part into custody, when commissioner may dispose of motor vehicle or major component part and application of subsection to construction equipment, agricultural tractors or farm implements, redesignated existing Subsecs. (c) to (e), inclusive, as Subsecs. (d) to (f), amended Subsec. (d) to add provision re officer attached to organized police department, state police officer or inspector of Department of Motor Vehicles and to make a technical change, and amended Subsec. (e) to replace "forthwith" with "immediately"; P.A. 13-258 amended Subsec. (f) to change penalty for first offense from fine of not more than \$2,500 or imprisonment of not more than 3 years to class E felony, and penalty for second or subsequent offense from fine of \$5,000 or imprisonment of not more than 5 years to class D felony. See Sec. 14-193(b) re powers of commissioner under Uniform Motor Vehicle Certificate of Title and Antitheft Act. See chapter 952, part IX re penalties for larceny, robbery and related offenses. Cited. 7 CA 532; 9 CA 686. Cited. 40 CS 226. Subsec. (a): When applied by the court as having the clear meaning that it is unlawful knowingly to possess a vehicle with one or more altered vehicle identification numbers, Subsec. is not unconstitutionally vague; the operational language addresses motor vehicles, not vehicle

identification numbers, and defendant's convictions on multiple counts arising out of a single vehicle, but multiple altered vehicle identification numbers, violated defendant's right against multiple punishments for the same offense. 113 CA 541.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-149a. - Ownership or operation of a chop shop. Penalty.

(a) As used in this section: (1) "Chop shop" means any area, building, storage lot, field or any other premises or place, except an impoundment or storage area authorized by and under the control or direction of a state or municipal law enforcement agency, (A) where one or more persons are engaged or have engaged in altering, dismantling, reassembling or in any way concealing or disguising the identity of a stolen motor vehicle or of any major component part of a stolen motor vehicle, (B) where there are three or more stolen motor vehicles present, or (C) where there are major component parts from three or more stolen motor vehicles present. (2) "Major component part" means one of the following parts of a motor vehicle: (A) The engine, (B) the transmission, (C) the right or left front fender, (D) the hood, (E) a door allowing entrance to or egress from the passenger compartment of the vehicle, (F) the front or rear bumper, (G) the right or left rear quarter panel, (H) the deck lid, tailgate or hatchback, (I) the trunk floor pan, (J) the cargo box of a pickup, (K) the frame, or if the vehicle has a unitized body, the supporting structure or structures which serve as the frame, (L) the cab of a truck, (M) the body of a passenger vehicle, or (N) any other part of a motor vehicle which the Commissioner of Motor Vehicles determines is comparable in design or function to any of the parts listed in subparagraphs (A) to (M), inclusive, of this subdivision. (3) "Motor vehicle" means motor vehicle, as defined in section 14-1, but shall include construction equipment, agricultural tractors and farm implements. (b) Any person who knowingly owns, operates or conducts a chop shop or who knowingly aids and abets another person in owning, operating or conducting a chop shop shall, for a first offense, be guilty of a class D felony and, for a second or subsequent offense, be guilty of a class D felony, except that such person shall be fined not less than ten thousand dollars. (c) Upon conviction of any person for a violation of this section, the court may, in addition to, but not in lieu of, imposing a fine or a term of imprisonment, order such person to make restitution to the rightful owner of a stolen motor vehicle or of a stolen major component part, or to the owner's insurer if the owner has already been compensated for the loss by the insurer, for any financial loss sustained as a result of the theft of such motor vehicle or major component part. (P.A. 93-405, S. 1; P.A. 00-103, S. 5; P.A. 13-258, S. 59.) History: P.A. 00-103 redefined "motor vehicle" in Subsec. (a)(3) to include construction equipment, agricultural tractors and farm equipment; P.A. 13-258 amended Subsec. (b) to change penalty for first offense from a fine of not more than \$5,000 or imprisonment of not more than 5 years to a class D felony, and to change imprisonment provision for second or subsequent offense from imprisonment of not more than 5 years to a class D felony.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-150. - Abandoned or unregistered motor vehicles and motor vehicles which are a menace to traffic. Notice. Removal. Storage. Hearing. Lien. Affidavit of compliance. Sale. Regulations re title to abandoned motor vehicles and re disposal of motor homes or recreational vehicles abandoned at campgrounds.

(a) Any person who abandons any motor vehicle within the limits of any highway or upon property other than such person's own without the consent of the owner thereof for a period longer than twenty-four hours shall have committed an infraction and shall be fined not less than eighty-five dollars. The last owner of record of a motor vehicle found abandoned, as shown by the files of the Department of Motor Vehicles, shall be deemed prima facie to have been the owner of such motor vehicle at the time it was abandoned and the person who abandoned the same or caused or procured its abandonment. (b) Any inspector of the Department of Motor Vehicles, any officer attached to an organized police department, any enforcement officer of a parking authority authorized under an ordinance adopted pursuant to section 7-204a to enforce parking regulations in the municipality in which it is located or any state police officer upon discovery of any motor vehicle, whether situated within or without any highway of this state, which is a menace to traffic or public health or safety, shall take such motor vehicle into such inspector's or officer's custody and cause the same to be taken to and stored in a suitable place. (c) Any inspector of the Department of Motor Vehicles, any officer attached to an organized police department, any enforcement officer of a parking authority authorized under an ordinance adopted pursuant to section 7-204a to enforce parking regulations in the municipality in which it is located or any state police officer, upon discovery of any motor vehicle apparently abandoned or a motor vehicle without proper registration, whether situated within or without any highway of this state, shall affix to such motor vehicle a notification sticker in a manner so as to be readily visible. This notification sticker shall contain the following information: (1) The date and time the notification sticker was affixed to the motor vehicle; (2) a statement that pursuant to this section, if the motor vehicle is not removed within twenty-four hours of the time the sticker was affixed, it shall be taken into custody and stored at the owner's expense; (3) the location and telephone number where additional information may be obtained; and (4) the identity of the affixing officer. If the motor vehicle is not removed within such twenty-four-hour period, the affixing department or parking authority shall take such motor vehicle into its custody and cause the same to be stored in a suitable place, except that such department or parking authority shall make a reasonable attempt to notify the owner of any such motor vehicle which is determined to be stolen prior to taking such vehicle into its custody and shall allow such owner to make arrangements for removal of such vehicle. (d) If the motor vehicle has no registration marker plates or invalid registration marker plates, and if such inspector or officer makes a determination in good faith that (1) the motor vehicle is apparently abandoned, (2) the market value of such motor vehicle in its current condition is five hundred dollars or less, and (3) the motor vehicle is so vandalized, damaged, or in disrepair as to be unusable as a motor vehicle, title to such motor vehicle shall, upon taking custody of such motor vehicle, immediately vest in the municipality in which the motor vehicle was discovered. Within

forty-eight hours of the time that such motor vehicle is taken into custody, the affixing department or parking authority shall notify the Commissioner of Motor Vehicles, in writing, of the vehicle identification number and a description of the motor vehicle and thereafter shall immediately sell or transfer such motor vehicle to a recycler licensed in accordance with section 14-67l. Upon sale or other disposition of the motor vehicle, the affixing department or parking authority shall give written notice by certified mail, return receipt requested, to the person who was the owner of such motor vehicle at the time of abandonment, if known, which notice shall state that the motor vehicle has been sold or otherwise disposed of. The proceeds of the sale or disposition, or the fair market value of the motor vehicle in its current condition, whichever is greater, less the towing and sale or disposal expenses and the amount of any fines due, shall be paid to such person or such person's representatives, if claimed by such person or such person's representatives within one year from the date of sale. If such balance is not claimed within such period, it shall escheat to the municipality. If the expenses incurred by the municipality for towing and the sale or disposition of such motor vehicle and any such fines exceed the proceeds of such sale or disposition, such person shall be liable to such municipality for such excess amount. (e) Within forty-eight hours of the time that a motor vehicle is taken into custody and stored pursuant to subsection (b) or (c) of this section, the affixing department or parking authority shall give written notice by certified mail, return receipt requested, to the owner and any lienholders of such motor vehicle, if such motor vehicle appears on the records of the Department of Motor Vehicles. The notice shall state: (1) That the motor vehicle has been taken into custody and stored, (2) the location of storage of the motor vehicle, (3) that, unless title has already vested in the municipality pursuant to subsection (d) of this section, such motor vehicle may be sold after (A) fifteen days if the market value of such motor vehicle does not exceed one thousand five hundred dollars, or (B) forty-five days if the value of such motor vehicle exceeds one thousand five hundred dollars, and (4) that the owner has a right to contest the validity of such taking by application, on a form prescribed by the Commissioner of Motor Vehicles, to the hearing officer named in such notice within ten days from the date of such notice. Such application forms shall be made readily available to the public at all offices of the Department of Motor Vehicles, parking authorities authorized under an ordinance adopted pursuant to section 7-204a to enforce parking regulations and state and local police departments. (f) (1) The chief executive officer of each town shall appoint a suitable person, who shall not be a member of any state or local police department, to be a hearing officer to hear applications to determine whether or not the towing within such municipality of such motor vehicle was authorized under the provisions of this section. Two or more towns may join in appointing such hearing officer; provided any such hearing shall be held at a location which is as near to the town within which such motor vehicle was towed as is reasonable and practicable. The commissioner shall establish by regulation the qualifications necessary for hearing officers and procedures for the holding of such hearings. If it is determined at such hearing that the vehicle was not a menace to traffic, abandoned or unregistered, as the case may be, the owner of such motor vehicle shall not be liable for any expenses incurred as a result of the taking and storage of such motor vehicle, the lien provisions of this section shall not apply to such owner, and the department which took and stored such motor vehicle shall be liable for such expenses. If the owner, prior to such determination, pays such expenses and the storage charges of such motor vehicle, and it is determined at such hearing that the motor vehicle was not a menace to traffic, abandoned or unregistered, as the case may be, the department or parking authority which took such motor vehicle shall be liable to such owner for the amount paid by such owner. Any person aggrieved by the decision of such hearing officer may, within fifteen days of the notice of such decision, appeal to the superior court for the judicial district wherein such hearing was held. (2) The chief executive officer of each municipality shall designate a suitable person who shall be responsible for the collection of data concerning abandoned motor vehicles within such municipality and the preparation and submission of periodic reports to the Commissioner of Motor Vehicles which shall contain such information as the commissioner may require. (g) The owner or keeper of any garage or other place where such motor vehicle is stored shall have a lien upon such motor vehicle for such owner's or keeper's towing or storage charges, or both, that result from towing or storage under this section. (1) Except as provided in subsection (d) of this section, if the current market value of such motor vehicle as determined in good faith by such owner or keeper does not exceed one thousand five hundred dollars and such motor vehicle has been stored for a period of not less than fifteen days, such owner or keeper shall, unless an application filed by the owner pursuant to subsection (e) of this section is pending and the owner of such motor vehicle has notified such owner or keeper that such application for hearing has been filed, send a notice of intent to sell that complies with subsection (h) of this section to the commissioner, the owner of such motor vehicle and any known lienholder of record of such motor vehicle within such period. Upon approval by the commissioner of the notice of intent to sell, the commissioner shall issue such owner or keeper an affidavit of compliance. Such owner or keeper shall sell such motor vehicle not less than five business days after the mailing date of the notice of intent to sell, and apply the proceeds of the sale toward such owner's or keeper's towing and storage charges. (2) If the current market value of such motor vehicle as determined in good faith by such owner or keeper exceeds one thousand five hundred dollars and if such motor vehicle has been stored for a period of not less than forty-five days, such owner or keeper shall, unless an application filed by the owner pursuant to subsection (e) of this section is pending and the owner of such motor vehicle has notified such owner or keeper that such application for hearing has been filed, send a notice of intent to sell that complies with subsection (h) of this section to the commissioner, the owner of such motor vehicle and any known lienholder of record of such motor vehicle within such period. Upon approval by the commissioner of the notice of intent to sell, the commissioner shall issue such owner or keeper an affidavit of compliance. Such owner or keeper shall sell such motor vehicle at public auction for cash, at such owner's or keeper's place of business not less than five business days after the mailing date of the notice of intent to sell. Such owner or keeper shall apply the proceeds of such sale toward the payment of such owner's or keeper's towing and storage charges and the payment of any debt or obligation incurred by the officer who placed such motor vehicle in storage. At any public auction held pursuant to this subsection, such owner or keeper may set a minimum bid equal to the amount of such owner's or keeper's charges and obligations

with respect to the tow and storage of the motor vehicle. If no such bid is made, such owner or keeper may sell or dispose of such vehicle. (h) The notice of intent to sell described in subsection (g) of this section shall include the make, model and vehicle identification number of such motor vehicle, the date such motor vehicle was left with the owner or keeper of the garage for storage and by whom and the registration number thereof if any number plates are on such motor vehicle, and shall be placed on file by the commissioner and subject to public inspection. The notice of intent to sell shall be accompanied by a statement to the owner and known lienholder of such motor vehicle indicating the date, time and place of the sale of such motor vehicle, and the manner of the sale, as specified in subdivision (1) or (2) of subsection (g) of this section. Such owner or keeper shall give such notice and accompanying statement to such motor vehicle owner and lienholder by certified mail, return receipt requested. Such statement shall indicate that any proceeds in excess of such owner's or keeper's charges and obligations may be claimed by the owner of such motor vehicle within one year from the date of such sale. The fee for filing such notice of intent and accompanying statement shall be ten dollars. Any sale under the provisions of this section shall be void, unless such owner or keeper provides the notice required by this section. (i) At the time of a sale conducted under subsection (g) of this section, such owner or keeper shall provide the purchaser of such motor vehicle with the affidavit of compliance issued by the commissioner. Except for a thirty-day period immediately following the date such motor vehicle was placed in storage under subdivision (1) of subsection (g) of this section, or a sixty-day period immediately following the date such motor vehicle was placed in storage under subdivision (2) of subsection (g) of this section, the commissioner may limit the number of days that such owner or keeper may charge for storage of the motor vehicle prior to the time such motor vehicle was sold unless such owner or keeper provides evidence to the commissioner that the storage charges accrued as a result of such owner or keeper's reliance upon statements or representations made by the owner or lienholder of the motor vehicle or as a result of such owner's or keeper's good faith effort to negotiate the return of such motor vehicle to such owner or lienholder. (j) The owner or keeper of such garage shall report the sales price, storing, towing and repair charges, if any; buyer's name and address; identification of the vehicle and such other information as may be required in regulations adopted pursuant to this section, to the commissioner within fifteen days after the sale of the motor vehicle. The proceeds of such sale, after deducting the amount due such owner or keeper and all expenses connected with such sale, including the expenses of the officer who placed such motor vehicle in storage, shall be paid to the owner of such motor vehicle or such owner's legal representatives, if claimed by such owner or such owner's legal representatives at any time within one year from the date of such sale. If such balance is not claimed within said period, it shall escheat to the state. (k) The Commissioner of Motor Vehicles shall adopt regulations, in accordance with the provisions of chapter 54, to carry out the purposes of this section. The regulations shall (1) specify the circumstances under which title to any motor vehicle abandoned within the limits of any highway may be transferred to any person, firm or corporation towing such vehicle, (2) establish the procedure whereby such person, firm or corporation may obtain title to such motor vehicle, and (3) specify the circumstances under which the owner of a campground may dispose of a motor home or recreational vehicle abandoned on such owner's property and establishing procedures governing such disposal. (1949 Rev., S. 2475; 1963, P.A. 272; 1967, P.A. 877; 1969, P.A. 350; 1971, P.A. 817, S. 2; P.A. 73-131; P.A. 76-381, S. 7; 76-402, S. 1, 3; P.A. 77-452, S. 50, 72; P.A. 78-280, S. 1, 127; P.A. 80-119; P.A. 86-119; P.A. 87-372, S. 1, 2; P.A. 88-270, S. 4, 8; P.A. 91-408, S. 16; June Sp. Sess. P.A. 91-13, S. 11, 21; P.A. 98-215, S. 4; P.A. 99-27; P.A. 00-35, S. 2; P.A. 03-264, S. 4; P.A. 04-30, S. 1; P.A. 07-167, S. 31; P.A. 13-271, S. 58; P.A. 14-130, S. 22; P.A. 17-79, S. 17.) History: 1963 act authorized sale of vehicle for storage and towing charges after 30 days where value of vehicle is not more than \$35; 1967 act included reference to deliberate abandonment, increased fine from \$50 to \$100 maximum and imprisonment from 60 to 90 days and added provision re determination of owner as last owner of record in Subsec. (a); 1969 act changed applicable current market value of vehicle from \$35 to \$100; 1971 act deleted "wilfully and deliberately" to describe abandonment in Subsec. (a); P.A. 73-131 deleted phrase "apparently has been involved in an accident" describing vehicles which are a menace to traffic in Subsec. (b); P.A. 76-381 replaced fine and imprisonment provision in Subsec. (a) with statement that violator has committed an infraction; P.A. 76-402 made Subsec. (b) applicable to vehicles which are a menace to traffic, deleting other descriptive phrases, and deleted provisions re liability for vehicle in officer's custody and charges as lien on vehicle, inserted new Subsecs. (c) and (d) re procedure for dealing with abandoned or unregistered vehicles, placed storage provisions formerly in Subsec. (b) in new Subsec. (e) and included references to application for hearing and redesignated Subsec. (c) as Subsec. (f); P.A. 77-452 replaced court of common pleas with superior court in Subsec. (d); P.A. 78-280 deleted reference to counties in Subsec. (d); P.A. 80-119 made auction sale of vehicle mandatory rather than optional if storage limit reached without owner taking action to regain vehicle and added provisions re required report of sale to commissioner in Subsec. (e); P.A. 86-119 amended Subsecs. (b) and (c) to require such motor vehicles to be taken into custody and stored and added Subsec. (g), requiring motor vehicle commissioner to adopt regulations re title to abandoned motor vehicles; P.A. 87-372 inserted new provisions as Subsec. (d), requiring immediate vesting of title to an abandoned, unusable motor vehicle with a current market value of \$100 or less in the municipality where the vehicle was discovered and specifying procedures for notice and distribution of proceeds from sale or disposition, and relettering remaining Subsecs., and amended Subsecs. (e) and (g), providing vehicle may be sold after 15 days if market value does not exceed \$500 or after 90 days if such value exceeds \$500; P.A. 88-270 amended Subsec. (a) to require that the fine be not less than \$85; amended Subsec. (b) to require removal of any vehicle which is a menace to public health or safety; amended Subsec. (d) to require the deduction of the amount of any fines due from the proceeds of the sale or disposition, and added Subsec. (f)(2), requiring municipal chief executive officer to designate person responsible for collecting abandoned vehicle data and reporting to motor vehicle commissioner; P.A. 91-408 amended Subsec. (c) to add provision requiring department to attempt to notify the owner of a stolen vehicle and to allow the owner to remove the vehicle; June Sp. Sess. P.A. 91-13 added \$5 fee for filing of notice; (Revisor's note: In 1997 references throughout the general statutes to "Motor Vehicle(s) Commissioner" and

“Motor Vehicle(s) Department” were replaced editorially by the Revisors with “Commissioner of Motor Vehicles” or “Department of Motor Vehicles”, as the case may be, for consistency with customary statutory usage); P.A. 98-215 amended Subsecs. (e) and (g) to reduce from 90 to 45 days the time after which a vehicle may be sold re vehicles with market value over \$500; P.A. 99-27 amended Subsec. (d)(2) by increasing the required value of a motor vehicle from \$100 to \$500, amended Subsecs. (e) and (g) by applying provisions to motor vehicles valued at \$1,500, increased from \$500, and made technical changes re gender neutrality; P.A. 00-35 deleted provisions in Subsec. (g) re advertising sale, and added provisions re minimum bids at public auction and provision that if no bid is made the owner or keeper may sell or dispose of such vehicle; P.A. 03-264 amended Subsecs. (b) to (f), inclusive, to add provisions re enforcement by parking authority authorized to enforce municipal parking regulations, replaced “such officer” with “such hearing officer” in Subsec. (f)(1) and made technical changes in Subsec. (j); P.A. 04-30 amended Subsec. (e) to require that written notice by certified mail be given to any lienholders of such motor vehicle if the same appears on the records of the department and amended Subsec. (g) to make technical changes and to require that notice of intent to sell be sent to any lienholder of record of motor vehicle, effective April 28, 2004; P.A. 07-167 amended Subsec. (g) by inserting reference to owner's or keeper's towing charges; P.A. 13-271 amended Subsec. (j) to allow commissioner to adopt regulations re disposal of motor home or recreational vehicle abandoned at campground, effective July 1, 2013; P.A. 14-130 amended Subsec. (g) to add provision allowing charges for both towing and storage, amended Subsec. (i) to replace “engine number and chassis” with “vehicle identification”, and made technical changes, effective July 1, 2014; P.A. 17-79 amended Subsec. (d) by adding provision re sale or transfer of motor vehicle to recycler, amended Subsecs. (d) and (e) by adding “return receipt requested”, further amended Subsec. (e) by designating provisions re 15 days and 45 days as Subparas. (A) and (B), respectively, substantially amended Subsec. (g) including by designating provisions re current market value does not exceed \$1,500 as Subdiv. (1) and amending same to replace provision re owner or keeper may sell for storage and towing charges with provisions re owner or keeper shall send notice of intent to sell and affidavit of compliance, designating provisions re current market value exceeds \$1,500 as Subdiv. (2) and amending same by adding “not less than” re 45 days, replacing “sell the same” with provision re sending notice of intent to sell and affidavit of compliance, adding provision re owner or keeper to apply proceeds toward payment of towing and storage and deleting provision re notice at last usual place of abode, added new Subsec. (h) re notice of intent to sell, added new Subsec. (i) re affidavit of compliance and number of days owner or keeper may charge for storage, redesignated existing Subsec. (h) re report of information as Subsec. (j), deleted former Subsec. (i) re notice to commissioner, redesignated Subsec. (j) re regulations as Subsec. (k) and made technical and conforming changes, effective January 1, 2018. See Sec. 14-197 re reports of stolen, recovered, unclaimed or abandoned vehicles. Provisions relate to sale of a car placed in storage by an officer. 139 C. 706. Cited. 241 C. 678. Cited. 1 CA 709; 10 CA 22; 17 CA 216; 35 CA 455. Held unconstitutional in violation of due process for failure to provide notice by mail of proposed sale to lienholders; notice by publication deemed inadequate. 36 CA 123. Cited. 42 CA 599. Cited. 34 CS 272; 41 CS 484. Subsec. (b): Gravamen of Subsec. is the menace to traffic caused by the vehicle. 34 CS 270.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-150a. - Removal of abandoned motor vehicles by municipalities. Notice.

Any municipality may, by action of its legislative body, provide for the removal of abandoned, inoperable or unregistered motor vehicles within the limits of such municipality which remain unmoved for thirty days after: (1) Notice to the owner of the property on which such motor vehicle so remains, requesting removal of such motor vehicle and (2) notice in a newspaper having a substantial circulation in such municipality. The legislative body shall designate the local board or officer who shall be responsible for notifying such owner, causing publication of the general notice and for removal and disposition of such motor vehicles. (1971, P.A. 817, S. 1.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-150b. - Municipal Abandoned Vehicle Trust Fund.

Section 14-150b is repealed. (P.A. 88-270, S. 1, 8; P.A. 90-3; June Sp. Sess. P.A. 91-3, S. 167, 168.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-151. - State marshals and constables to enforce law concerning abandoned motor vehicles.

State marshals and the constables of the several towns shall have the same authority in respect to the provisions of section 14-150 as inspectors of the Department of Motor Vehicles, officers attached to an organized police department or state police officers. (1949 Rev., S. 2476; P.A. 00-99, S. 49, 154.) History: (Revisor's note: In 1997 references throughout the general statutes to “Motor Vehicle(s) Commissioner” and “Motor Vehicle(s) Department” were replaced editorially by the Revisors with “Commissioner of Motor Vehicles” or “Department of Motor Vehicles”, as the case may be, for consistency with customary statutory usage); P.A. 00-99 replaced reference to sheriffs and deputy sheriffs with state marshals, effective December 1, 2000.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-151a. - Report by owner or person in lawful possession of theft of motor vehicle. Regulations re uniform procedure. Report as condition precedent to settling insurance claim.

(a) The owner or person in lawful possession of any motor vehicle which is stolen in this state shall make a report in writing to the

office of the local police department in the municipality in which the theft occurred or to the office of the state police troop having jurisdiction over the municipality in which the theft occurred. The Commissioner of Motor Vehicles shall adopt regulations in accordance with the provisions of chapter 54 which provide a standard, uniform procedure for reporting the theft of a motor vehicle to any state or local law enforcement officer. (b) Each insurance company which issues in this state automobile theft insurance shall, as a condition precedent to settling any claim, require the insured to file a report in accordance with the provisions of subsection (a) of this section. (P.A. 82-450; P.A. 83-206.) History: P.A. 83-206 required a person in lawful possession of a motor vehicle which is stolen to report its theft to police.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-152. - Report by law enforcement agencies of theft or recovery of motor vehicle.

The Commissioner of Emergency Services and Public Protection, each municipal police department and each constable of any town, within one week from the receipt of any complaint of the theft within or without this state of any Connecticut motor vehicle or the theft of any other registered motor vehicle within this state, or within one week from the recovery or notification of the recovery of any stolen motor vehicle, shall report such complaint, recovery or notification of recovery to the Commissioner of Motor Vehicles and the National Automobile Theft Bureau, upon a blank prepared and furnished by him. Any person who fails to comply with the provisions of this section shall be fined not more than twenty-five dollars. (1949 Rev., S. 2477; 1961, P.A. 517, S. 64; P.A. 77-614, S. 486, 610; P.A. 80-292, S. 5; P.A. 11-51, S. 134.) History: 1961 act removed obsolete reference to prosecuting grand juror; P.A. 77-614 replaced commissioner of state police with commissioner of public safety, effective January 1, 1979; P.A. 80-292 required that report be made to National Automobile Theft Bureau as well as to motor vehicles commissioner and included in required reports recovery and notification of recovery of vehicles; pursuant to P.A. 11-51, "Commissioner of Public Safety" was changed editorially by the Revisors to "Commissioner of Emergency Services and Public Protection", effective July 1, 2011.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-153. - Renting of motor vehicles.

Any person, firm or corporation which rents a motor vehicle without a driver for a period of thirty days or less shall inspect or cause to be inspected the motor vehicle operator's license of the person initially operating such motor vehicle, shall compare the signature on such license with that of the alleged licensee written in his presence and shall keep and retain for a period of one year a record of the name of such licensee, the number of his license and the date of issue thereof, the registration number of the motor vehicle so rented and the mileage reading displayed by the odometer of such vehicle at the time such vehicle leaves and returns to the lessor's place of business, which record shall be subject to the inspection of any police officer, any Department of Motor Vehicles inspector or any Department of Motor Vehicles employee designated by the commissioner; provided no person shall rent or lease any motor vehicle without a driver to a minor without the written consent of a parent or guardian of such minor. (1949 Rev., S. 2478; 1959, P.A. 416; 1969, P.A. 747, S. 2; P.A. 87-194.) History: 1959 act added requirement of consent of parent or guardian to lease of vehicle to minor; 1969 act made provisions applicable to firms and corporations, specified rental period of 30 days or less, required retention of record for one year, specified that police officers and motor vehicles department inspectors and employees have inspection rights and deleted provision imposing \$50 maximum fine for violation of provisions; P.A. 87-194 required the recording of the odometer mileage reading at the time vehicle leaves and returns to lessor's business.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-153a. - Exemption. Penalty.

(a) Section 14-153 shall not apply to any person, firm or corporation which, incidental to the conduct of its principal business, leases or rents any motor vehicle without a driver to other persons, firms or corporations whose principal business is the same as that of the lessor. (b) Any person who violates any provision of section 14-153 shall be fined not more than one hundred dollars. (1969, P.A. 747, S. 5, 6; P.A. 75-577, S. 14, 126.) History: P.A. 75-577 deleted references to Sec. 14-15.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-153b. - Proof of credit.

(a) For the purposes of this section, "passenger motor vehicle" does not include (1) a passenger motor vehicle classified as full-size elite, premium, premium elite, luxury, luxury elite, oversize or special by ACRISS, formerly known as the Association of Car Rental Industry System Standards, or a successor to its functions, or (2) a sport utility vehicle designed to transport six or more passengers. (b) Except as provided in subsection (c) of this section, no person, firm or corporation engaged in the business of renting or leasing passenger motor vehicles without drivers, for periods of thirty days or less, shall require any customer to show proof that such customer holds a credit card as a condition to the rental of a passenger motor vehicle; provided such person, firm or corporation may require that a customer, seeking to rent for cash, apply for approval to rent up to three business days before the expected rental and that such customer provide both suitable identification and a reasonable deposit. (c) No person, firm or corporation engaged in the business of renting or leasing passenger motor vehicles without drivers, for periods of thirty days or less, shall require an additional driver of any customer to show proof that the additional driver holds a credit card or debit card as a condition to the rental of a passenger motor vehicle to the customer, provided such additional driver shows proof of a valid motor vehicle operator's license and

the customer shows proof that the customer holds a credit card or debit card. (P.A. 83-248; P.A. 94-34; P.A. 05-218, S. 36; P.A. 24-21, S. 1.) History: P.A. 94-34 required both suitable identification and a reasonable deposit from a customer, rather than identification or deposit; P.A. 05-218 added “may require that a customer, seeking to rent for cash, apply for approval to rent up to three business days before the expected rental and that such customer provide” and made conforming changes and a technical change for purposes of gender neutrality, effective July 1, 2005; P.A. 24-21 added Subsec. (a) defining “passenger motor vehicle”, designated existing provision as Subsec. (b) and amended same to add provision re except as provided in Subsec. (c) and make technical changes, and added Subsec. (c) re proof of credit card or debit card for additional driver, effective July 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-154. - Liability of owner for damage caused by rented or leased car.

Section 14-154 is repealed. (1949 Rev., S. 2479; 1969, P.A. 747, S. 7.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-154a. - Liability of owner for damage caused by rented or leased motor vehicle. Exceptions.

(a) Any person renting or leasing to another any motor vehicle owned by him shall be liable for any damage to any person or property caused by the operation of such motor vehicle while so rented or leased, to the same extent as the operator would have been liable if he had also been the owner. (b) The provisions of subsection (a) of this section shall not apply to: (1) Any person, with respect to the person's lease to another of a private passenger motor vehicle, if the total lease term is for one year or more and if, at the time damages are incurred, the leased vehicle is insured for bodily injury liability in amounts of not less than one hundred thousand dollars per person and three hundred thousand dollars per occurrence and the vehicle is not subject to subdivision (2) of this subsection. As used in this section, “private passenger motor vehicle” means a: (A) Private passenger type automobile; (B) station-wagon-type automobile; (C) camper-type motor vehicle; (D) truck-type motor vehicle with a gross vehicle weight rating of less than ten thousand pounds, registered as a passenger motor vehicle, as defined in section 14-1, or as a passenger and commercial motor vehicle, as defined in said section, or used for farming purposes; or (E) a vehicle with a commercial registration, as defined in subdivision (12) of said section. Private passenger motor vehicle does not include a motorcycle or motor vehicle used as a public or livery conveyance. (2) Any person, with respect to the person's lease to another of a truck, tractor trailer or tractor-trailer unit with a gross vehicle weight rating of ten thousand pounds or more if the total lease term is for one year or more, or the applicable contract term is one year or more, and if, at the time damages are incurred, the loss or claim is insured by any combination of coverage through an insurer, as defined in section 38a-363, in an amount of not less than two million dollars. (1969, P.A. 747, S. 3; P.A. 03-250, S. 1.) History: P.A. 03-250 designated existing provisions as Subsec. (a) and added Subsec. (b) providing an exception under certain conditions in Subdiv. (1) for any person who leases a private passenger motor vehicle and in Subdiv. (2) for any person who leases a truck, tractor trailer or tractor-trailer unit, effective October 1, 2003, and applicable to causes of action accruing on or after that date. Sureties under statute must pay for all damages, including treble damages, properly assessed against defendant. 192 C. 280. Cited. 199 C. 245; 203 C. 667; 212 C. 138; 222 C. 480; 225 C. 637. Dictum in 162 C. 363 that former Sec. 14-154 imposes liability on lessor, regardless of provisions of rental contract restricting use of automobile to specified individuals, overruled. 231 C. 265. Cited. 241 C. 792. Indemnity clause in motor vehicle lease where lessee caused injury for which the owner paid damages is enforceable. 247 C. 342. Lessor liable for tortious conduct of driver of leased vehicle when driver is an authorized driver under terms of lease agreement that identify drivers authorized to use vehicle even if driver is not in strict compliance with all terms of lease agreement. 265 C. 385. Under facts of case, section is preempted and rendered invalid by the federal Graves Amendment, 49 USC 30106, because section is not the type of financial responsibility or liability law that qualifies for exemption from preemption under Amendment's savings clause. 296 C. 1. Cited. 10 CA 201; 22 CA 586; 25 CA 665; 41 CA 664; 45 CA 26. Lessor of motor vehicle not liable for damages caused by unauthorized user where contract prohibited use by additional drivers except under circumstances not presented in suit. 65 CA 388. Section could not be applied to hold defendant lessor liable under circumstances where driver was not authorized to operate vehicle under terms of lease and, thus, was not in lawful possession of vehicle at time of accident, and plaintiffs' claim that plain meaning of statute compelled defendant's liability regardless of contract terms was unavailing given that Supreme Court has held that statute does not prevent lessor from imposing reasonable restrictions on identity of drivers for whom they are willing to assume risk of liability. 98 CA 665. Former section cited. 26 CS 378; 29 CS 10. Cited. 32 CS 96. A lessor of an automobile may be held liable for punitive damages under section if the automobile operator may be so held. Id., 163. Cited. Id., 213; 43 CS 239.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-155. - Fines and forfeitures to be paid to commissioner.

Section 14-155 is repealed. (1949 Rev., S. 2480; 1959, P.A. 28, S. 50; 615, S. 22.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-156. - Receipts of Department of Motor Vehicles to be credited to Special Transportation Fund.

All receipts of the Commissioner of Motor Vehicles and of his department shall be paid promptly to the State Treasurer in accordance with section 13b-61. (1949 Rev., S. 2481; 1953, S. 1373d; 1957, P.A. 300, S. 1; 1959, P.A. 379, S. 1; 1961, P.A. 605, S.

24; 1967, P.A. 16, S. 1; 1969, P.A. 768, S. 140; June, 1969, S.A. 2, S. 6; 1972, S.A. 53, S. 12; P.A. 73-675, S. 1, 44; P.A. 74-342, S. 40, 43; P.A. 75-568, S. 41, 45.) History: 1959 act removed reference to obsolete section; 1961 act substituted words "highway fund" for "receipts" of the motor vehicle department, added provision continuing state highway fund and removed requirement that commissioner of finance and control authorize appropriations; 1967 act substituted "expenditures" for "expenses"; 1969 act replaced highway department with bureau of highways of the department of transportation and highway commissioner with commissioner of transportation; June, 1969 act provided that sum equal to 85% of state police department expenditures be transferred annually from highway fund to general fund, notwithstanding provisions of this section; 1972 act increased sum to be transferred to 90%; P.A. 73-675 detailed moneys included in transportation fund which replaced highway fund and moneys to be included in general fund; P.A. 74-342 replaced previous provisions; P.A. 75-568 made technical correction. Public money not to be devoted to matters of purely local concern. 109 C. 342. Cited. 124 C. 34.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-156a. - Payment of State Police Department expenditures from Highway Fund.

Section 14-156a is repealed. (June, 1971, S.A. 1, S. 9; P.A. 74-342, S. 42, 43.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-158. - Fines and forfeitures paid to commissioner to be receipts of General Fund.

Section 14-158 is repealed. (1949 Rev., S. 2482; 1961, P.A. 605, S. 27.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-159. - Refund of money paid to commissioner.

The Comptroller, upon application of the commissioner and with the approval of the Attorney General, may draw his order on the Treasurer in favor of any person equitably entitled to the refund of any money paid to said commissioner for the amount of such refund. (1957, P.A. 308, S. 1.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-160. - Reservation of marker plate numbers. Additional fee for low numbers.

The commissioner is authorized to reserve only the registration marker plate numbers of motor vehicles from the number one to the number ten thousand, inclusive, for passenger vehicles and from the number one to the number five hundred, inclusive, for dealers' plates. Said numbers may be issued at the discretion of the commissioner. A fee of sixty-nine dollars shall be charged for the first registration period with respect to the issuance of any such plate or plates, in addition to the regular fee prescribed for registration. (1949 Rev., S. 2483; P.A. 83-489, S. 16, 17; P.A. 84-254, S. 49, 62; P.A. 87-329, S. 18; June Sp. Sess. P.A. 91-13, S. 12, 21; P.A. 92-177, S. 4, 12; P.A. 93-74, S. 43, 67; P.A. 12-81, S. 14.) History: P.A. 83-489 required that, on and after July 1, 1983, a \$30 fee shall be charged for the first year for the issuance of a license number not exceeding the number one thousand, for use on a passenger motor vehicle, in addition to the registration fee required pursuant to Sec. 14-49(a); P.A. 84-254 periodically increased the fee from \$30 to \$60 as of July 1, 1992; P.A. 87-329 maintained the fee at the level existing on and after July 1, 1986, and decreased the fee effective July 1, 1992, to the level formerly existing on and after July 1, 1988; June Sp. Sess. P.A. 91-13 raised the upper limit of "low number" plates from 5,000 to 10,000, increased the fee for "low number" plates from \$47 to \$65 in addition to regular registration fee, and made numerous technical changes; P.A. 92-177 imposed fee of \$30 for each renewal of registration in addition to regular fee prescribed; P.A. 93-74 amended section by eliminating fee for renewal of low-number plate, effective July 1, 1994; P.A. 12-81 increased fee for first registration period of low number plates from \$65 to \$69, effective July 1, 2012.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-161. - Impersonation of inspector or agent.

Any person who impersonates an inspector or agent of the Department of Motor Vehicles shall, for the first offense, be deemed to have committed an infraction, and for each subsequent offense shall be fined not less than fifty dollars nor more than five hundred dollars. (1949 Rev., S. 2484; P.A. 82-223, S. 14; P.A. 83-577, S. 20.) History: P.A. 82-223 specified that the commission of a first offense constituted an infraction, and established a minimum fine of \$25 and lowered the maximum fine from \$100 to \$90 for such first offense; P.A. 83-577 deleted the provision specifying the fine for an infraction is not less than \$25 nor more than \$90; (Revisor's note: In 1997 references throughout the general statutes to "Motor Vehicle(s) Commissioner" and "Motor Vehicle(s) Department" were replaced editorially by the Revisors with "Commissioner of Motor Vehicles" or "Department of Motor Vehicles", as the case may be, for consistency with customary statutory usage).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-162. - Ordinances.

No town, city or borough, nor any board or officer thereof, shall make any ordinance respecting the regulation, use, lighting or other equipment of motor vehicles, or respecting the use of equipment or accessories upon the same; but any ordinance in force in any town, city or borough in respect to maintaining public service vehicles in a sanitary condition shall remain in force, and authority

given to any town, city or borough, or to any board or officer thereof, to regulate shows, processions, assemblages, traffic or parades in streets and public places and to regulate the use of public parks, and ordinances enacted in pursuance of such authority, shall remain in force, and authorities of any town, city or borough shall have power to establish and enforce ordinances fixing traffic routes and public stands for public service vehicles and traffic rules for all vehicles. (1949 Rev., S. 2485; 1957, P.A. 13, S. 74.) City ordinance requiring a license fee and a special bond from motor buses held illegal. 91 C. 239. Cited. 109 C. 341. The state delegated to its municipalities under Sec. 7-148 the power to make traffic rules applying to all vehicles alike, but retained the special power to regulate motor vehicles with the specific exceptions noted in this section. 125 C. 501; 135 C. 71. City ordinance allowing towing of cars illegally parked held constitutional. 145 C. 141. Cited. 181 C. 114. Cited. 8 CS 449.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-163. - Commissioner to provide lists of motor vehicle and snowmobile owners to town assessors. Disclosure by assessor or tax collector prohibited.

(a)(1) For assessment years commencing prior to October 1, 2024, the commissioner shall compile information concerning motor vehicles and snowmobiles subject to property taxation pursuant to section 12-71 using the records of the Department of Motor Vehicles and information reported by owners of motor vehicles and snowmobiles. In addition to any other information the owner of a motor vehicle or snowmobile is required to file with the commissioner by law, such owner shall provide the commissioner with the name of the town in which such owner's motor vehicle or snowmobile is to be set in the list for property tax purposes, pursuant to section 12-71. On or before December 1, 2004, and annually thereafter until and including December 1, 2023, the commissioner shall provide to each assessor in this state a list identifying motor vehicles and snowmobiles that are subject to property taxation in each such assessor's town. Said list shall include the names and addresses of the owners of such motor vehicles and snowmobiles, and the vehicle identification numbers for all such vehicles for which such numbers are available. (2) For assessment years commencing on or after October 1, 2024, the commissioner shall compile information concerning motor vehicles subject to property taxation pursuant to section 12-71, using the records of the Department of Motor Vehicles and information reported by owners of motor vehicles. In addition to any other information the owner of a motor vehicle is required to file with the commissioner by law, such owner shall provide the commissioner with the name of the town in which such owner's motor vehicle is to be set in the list for property tax purposes, pursuant to section 12-71. On or before November 1, 2024, and annually thereafter, the commissioner shall provide to each assessor in this state a list identifying motor vehicles that are subject to property taxation in each such assessor's town. Such list shall include the names and addresses of the owners of such motor vehicles and the vehicle identification numbers and manufacturer's suggested retail price for all such vehicles for which such information is available. (b) (1) On or before October 1, 2004, and annually thereafter until and including October 1, 2024, the commissioner shall provide to each assessor in this state a list identifying motor vehicles and snowmobiles in each such assessor's town that were registered subsequent to the first day of October of the assessment year immediately preceding, but prior to the first day of August in such assessment year, and that are subject to property taxation on a supplemental list pursuant to section 12-71b. In addition to the information for each such vehicle and snowmobile specified under subdivision (1) of subsection (a) of this section that is available to the commissioner, the list provided under this subsection shall include a code related to the date of registration of each such vehicle or snowmobile. (2) Not later than November 15, 2024, and monthly thereafter, the commissioner shall provide to each assessor in this state a list identifying motor vehicles in each such assessor's town that were registered during the immediately preceding month and that are subject to property taxation on a supplemental list pursuant to section 12-71b. In addition to the information for such vehicle specified under subdivision (2) of subsection (a) of this section that is available to the commissioner, the list provided under this subsection shall include a code related to the date of registration of each such vehicle. (c) No assessor or tax collector shall disclose any information contained in any list provided by the commissioner pursuant to subsections (a) and (b) of this section if the commissioner is not required to provide such information or if such information is protected from disclosure under state or federal law. (1949 Rev., S. 2486; 1969, P.A. 752, S. 16; P.A. 97-309, S. 21, 23; 97-322, S. 7, 9; P.A. 98-261, S. 2, 6; P.A. 04-228, S. 3; P.A. 10-110, S. 22; P.A. 22-118, S. 498; P.A. 23-204, S. 210.) History: 1969 act included snowmobiles in list furnished to tax assessors; (Revisor's note: In 1997 references throughout the general statutes to "Motor Vehicle(s) Commissioner" and "Motor Vehicle(s) Department" were replaced editorially by the Revisors with "Commissioner of Motor Vehicles" or "Department of Motor Vehicles", as the case may be, for consistency with customary statutory usage); P.A. 97-309 added requirement that on or before December 1, 2000, and December first annually thereafter, the commissioner furnish to tax assessors and Commissioner of Revenue Services list of motor vehicle owners including Social Security and federal employer identification numbers, and added prohibitions re disclosure of such numbers by tax assessors, effective July 1, 1997 (Revisor's note: A reference in newly enacted language to "Motor Vehicle Department" was changed editorially by the Revisors to "Department of Motor Vehicles" for consistency with customary statutory usage); P.A. 97-322 changed effective date of Sec. 21 of P.A. 97-309 from July 1, 1997, to October 1, 1999; P.A. 98-261 deleted references re disclosure of social security and federal employer identification numbers to municipal tax assessors and replaced requirement to provide a description of a vehicle with requirement to provide the vehicle identification number of a vehicle, effective October 1, 1999; P.A. 04-228 replaced former provisions with new Subsecs. (a) and (b) re compiling of information on registered motor vehicles and snowmobiles by the commissioner and the furnishing of such information to the assessors, effective July 1, 2004; P.A. 10-110 amended Subsecs. (a) and (b) to make technical changes and added Subsec. (c) to prohibit disclosure by assessor or tax collector of information provided by commissioner if commissioner is not required to provide such information or if such information is protected from disclosure under state or federal law, effective June 5, 2010; P.A. 22-118 amended Subsec. (a) by

designating existing provisions re compilation of information and annual provision of lists concerning motor vehicles and snowmobiles as Subdiv. (1), specifying that Subdiv. (1) applies to assessment years commencing prior to October 1, 2023, specifying that requirement re annual provision of lists identifying motor vehicles and snowmobiles under Subdiv. (1) is applicable until and including December 1, 2022, and adding Subdiv. (2) re compilation of information and annual provision of lists concerning motor vehicles for assessment years commencing on or after October 1, 2023, amended Subsec. (b) by designating existing provisions re the annual provision of supplemental lists concerning motor vehicles and snowmobiles as Subdiv. (1), specifying that Subdiv. (1) applies to assessment years commencing prior to October 1, 2023, and adding Subdiv. (2) re the annual provision of supplemental lists concerning motor vehicles for assessment years commencing on or after October 1, 2023, and made a conforming change, effective July 1, 2022, and applicable to assessment years commencing on or after October 1, 2023; P.A. 23-204 amended Subsec. (a) by substituting “October 1, 2024” for “October 1, 2023” re applicable assessment years, substituting “December 1, 2023” for “December 1, 2022” re provision of list re motor vehicles and snowmobiles subject to property taxation, substituting “October 1, 2024” for “October 1, 2023” re compilation of information re motor vehicles subject to property taxation and substituting “November 1, 2024” for “November 1, 2023” re provision of list re motor vehicles subject to property taxation and amended Subsec. (b) by substituting “October 1, 2024” for “October 1, 2023” re provision of list re motor vehicles and snowmobiles registered subsequent to October 1 but prior to August 1 and substituting “November 15, 2024” for “November 15, 2023” re provision of list re motor vehicles registered in immediately preceding month, effective July 1, 2023, and applicable to assessment years commencing on or after October 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-163a. - Driving on ice.

Any person who drives any motor vehicle on the frozen surface of any public body of water shall have committed an infraction. The presence of any motor vehicle on any such frozen surface shall be prima facie evidence of a violation of this section. This section shall not apply to motor vehicles owned and being used by or being operated pursuant to a contract with governmental agencies or owned and being used by an educational institution. (1959, P.A. 491; P.A. 76-381, S. 8; P.A. 78-9.) History: P.A. 76-381 replaced provision for fine and imprisonment with statement that violator is deemed to have committed an infraction; P.A. 78-9 excluded from provisions vehicles operated pursuant to contracts with governmental agencies.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-163b. - Motor vehicles formerly used as ambulances.

Any person who is the owner or who becomes the owner of any motor vehicle originally designed for use primarily as an ambulance and who ceases to use such vehicle for its original or former purpose shall remove therefrom all exterior indication of and all exterior equipment solely used or related to the original or former use of such vehicle. The provisions of this section shall not apply to any motor vehicle registered as an antique, rare or special interest motor vehicle, in accordance with section 14-20. (1971, P.A. 517; P.A. 00-169, S. 27.) History: P.A. 00-169 added an exemption from the provisions of this section for motor vehicles registered as antique, rare or special interest.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-163c. - Motor carrier safety regulations for intrastate or interstate commerce. Variations or exemptions. Enforcement powers of police officers and motor vehicle inspectors.

(a) The Commissioner of Motor Vehicles may adopt regulations, in accordance with the provisions of chapter 54, which incorporate by reference the standards set forth in 49 CFR Parts 382 to 397, inclusive, as amended. Such regulations, adopted by reference to the provisions of 49 CFR Parts 382 to 397, inclusive, as amended, may be made applicable to any motor vehicle or motor carrier, as defined in 49 CFR Part 390, which (1) is in intrastate commerce and has a gross vehicle weight rating or gross combination weight rating or gross vehicle weight or gross combination weight of eighteen thousand one or more pounds; or (2) is in interstate commerce and has a gross vehicle weight rating or gross combination weight rating or gross vehicle weight or gross combination weight of ten thousand one or more pounds; or (3) (A) is designed or used to transport more than eight passengers, including the driver, for compensation, or (B) is designed or used to transport more than fifteen passengers, including the driver, and is not used to transport passengers for compensation; or (4) is used in the transportation of hazardous materials in a quantity requiring placarding under the Hazardous Materials Transportation Act, 49 USC App. 1801 to 1813, inclusive, unless exempted under the provisions of the code or the provisions of subsection (b) of this section. (b) The provisions relative to maximum hours of service for drivers as set forth in 49 CFR Part 395, and as adopted by reference in regulations adopted pursuant to subsection (a) of this section, shall not apply to any driver of a utility service vehicle, as defined in 49 CFR Section 395.2, as amended. (c) The Commissioner of Motor Vehicles may grant variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of 49 CFR Parts 382 to 397, inclusive, as amended, when strict compliance with such provisions would entail practical difficulty or unnecessary hardship or would be otherwise adjudged unwarranted, provided any such variation, exemption, approved equivalent or alternate compliance shall, in the opinion of the commissioner, secure the public safety. (d) Any state or municipal police officer or motor vehicle inspector may (1) inspect any motor vehicle specified in subsection (a) of this section in operation and examine its operator to determine compliance with the provisions of 49 CFR Parts 100 to 199, inclusive, as amended, and 49 CFR Parts 382 to 397, inclusive, as amended, (2) enter upon the premises of any motor carrier, as defined in 49 CFR Section 390.5, as amended, for

the purpose of inspecting and copying records maintained by such motor carrier, (3) conduct a safety rating procedure, safety audit or compliance review, in accordance with the provisions of 49 CFR Part 385, as amended, for any motor carrier that owns or operates any motor vehicle identified in subsection (a) of this section and, subject to notice and opportunity for hearing in accordance with the provisions of chapter 54, order any motor carrier with an unsatisfactory safety rating to cease operations until such time as it achieves a satisfactory rating, (4) declare a motor vehicle or its operator out of service, or (5) issue an infractions complaint under the provisions of this section, provided such officer or inspector meets the standards established by the commissioner, in consultation with the Commissioner of Emergency Services and Public Protection, in regulations adopted in accordance with the provisions of chapter 54. (e) (1) Any person who violates the provisions of this section or any regulations adopted under this section shall, for a first violation, have committed an infraction. (2) The commissioner may impose a civil penalty on any person for a second or subsequent violation of the provisions of this section or any regulations adopted under this section if the acts or conduct on which the conviction is based arise out of the operation of a motor vehicle in intrastate commerce and would, if such acts or conduct had occurred with respect to operation of a motor vehicle in interstate commerce, have subjected such person to a civil penalty under the provisions of 49 CFR Parts 382 to 397, inclusive, as amended. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to specify the amount of such civil penalty provided such amount shall be not less than one thousand dollars nor more than ten thousand dollars. Any person notified of the assessment of a civil penalty under the provisions of this subsection shall be entitled to an opportunity for an administrative hearing in accordance with the provisions of chapter 54. If any person fails to comply with the terms of a final decision and order of the commissioner made pursuant to this subsection, the commissioner may suspend any motor vehicle registration issued to such person or such person's privilege to register any motor vehicle in this state, or prohibit the operation of any motor vehicle owned or operated by such person, until such person complies with the terms of such final decision and order. As used in this section, "person" includes any motor carrier, as defined in 49 CFR Section 390.5, as amended. (P.A. 94-189, S. 21; P.A. 95-81, S. 1, 2; P.A. 97-191, S. 1, 2; 97-236, S. 14, 27; P.A. 00-169, S. 7, 8; P.A. 02-70, S. 79; P.A. 04-199, S. 30; 04-217, S. 16; P.A. 06-130, S. 20; P.A. 09-187, S. 20; P.A. 10-110, S. 14; P.A. 11-51, S. 134; P.A. 13-271, S. 30.) History: P.A. 95-81 amended Subsec. (a) to include reference to Part 382 of the Code of Federal Regulations and inserted new provisions as Subsec. (d) re powers of state or municipal police officers and motor vehicle inspectors to enforce motor carrier safety regulations, relettering the remaining subsection as Subsec. (e), effective July 1, 1995; P.A. 97-191 amended Subsec. (b) to delete reference to "a disaster or other state of emergency declared by the Governor" and definition of "disaster", to exempt motor carriers or drivers operating vehicles with commercial registration when used to provide emergency relief during an emergency and to add definitions of "emergency" and "emergency relief", effective July 1, 1997; P.A. 97-236 amended Subsecs. (c) and (d) to include reference to Part 382 of Title 49 of the Code of Federal Regulations and inserted in Subsec. (d) provision expanding powers of state or municipal police officers and motor vehicle inspectors to examine operators of commercial motor vehicles, effective July 1, 1997; P.A. 00-169 amended Subsec. (a) to make provisions applicable to motor carriers and added new Subsec. (d)(3) re provision allowing for safety rating procedures to be conducted for certain motor carriers, renumbering Subdivs. (3) and (4) as Subdivs. (4) and (5), respectively; P.A. 02-70 amended Subsec. (e) by designating existing provisions as Subdiv. (1) and amending said Subdiv. by making a technical change and providing that penalty of infraction is applicable for a first violation and added Subdiv. (2) to allow commissioner to impose a civil penalty on any motor carrier or operator for a second or subsequent violation if acts or conduct on which conviction is based arise out of operation of motor vehicle in intrastate commerce and would, if acts or conduct occurred in operation in interstate commerce, have subjected violator to penalty under provisions of federal regulations, to allow commissioner to adopt regulations to specify amount of such civil penalty, to entitle persons notified of assessment of civil penalty to an opportunity for an administrative hearing and to allow commissioner to suspend any motor vehicle registration or registration privilege of person who fails to comply with terms of a final decision and order of commissioner until such person complies; P.A. 04-199 defined "major loss of utility service" in Subsec. (b), effective July 1, 2004; P.A. 04-217 made technical changes, effective January 1, 2005; P.A. 06-130 amended Subsec. (d)(3) by adding provision re power to order any motor carrier with an unsatisfactory safety rating to cease operations, effective July 1, 2006; P.A. 09-187 revised 49 CFR references throughout, amended Subsec. (a) to add "or gross vehicle weight or gross combination weight" in Subdivs. (1) and (2), designate existing provisions of Subdiv. (3) as Subdiv. (3)(B) and insert Subdiv. (3)(A) re service bus, amended Subsec. (b) to replace former provisions re public service company and emergency relief vehicles with a commercial registration with provisions re driver of a utility service vehicle, amended Subsec. (d) to authorize copying of records in Subdiv. (2) and conducting safety audit or compliance review in Subdiv. (3), and amended Subsec. (e) to specify minimum and maximum amount of civil penalty, authorize commissioner to prohibit operation of motor vehicle by person who does not comply with terms of final decision and order and define "person", effective July 1, 2009; P.A. 10-110 amended Subsec. (a)(3) to replace reference in Subpara. (A) to motor vehicle or carrier that is a service bus with motor vehicle or motor carrier designed or used to transport more than 8 passengers, including driver, for compensation, except student transportation vehicle, and to insert in Subpara. (B) requirement that vehicles or carriers are not used to transport passengers for compensation, effective July 1, 2010; pursuant to P.A. 11-51, "Commissioner of Public Safety" was changed editorially by the Revisors to "Commissioner of Emergency Services and Public Protection" in Subsec. (d), effective July 1, 2011; P.A. 13-271 amended Subsec. (a)(3)(A) to delete exception re student transportation vehicle and amended Subsec. (d) to add reference to 49 CFR Parts 100 to 199 in Subdiv. (1) and to delete reference to 49 CFR Secs. 395.13 and 396.9 in Subdiv. (4), effective July 1, 2013.

VehiclesSection 14-163d. - Vehicles in intrastate or interstate commerce. Evidence of security requirements or insurance. Suspension of registration.

(a) At least once every year, each owner of a motor vehicle described in subsection (a) of section 14-163c shall file with the Commissioner of Motor Vehicles evidence that the owner has in effect the security requirements imposed by law for each such motor vehicle. The evidence shall be filed in such form as the commissioner prescribes in accordance with a schedule established by the commissioner. (b) The Commissioner of Motor Vehicles may establish a system to verify, by means of electronic communication, that an owner of a motor vehicle described in subsection (a) of section 14-163c has the security requirements imposed by law. If the commissioner uses such system to make an inquiry to any insurance company that is licensed to issue automobile liability insurance in this state, or to any data source maintained by the United States Department of Transportation pursuant to the provisions of Title 49, Part 387 of the Code of Federal Regulations, as amended, the commissioner may accept the results of such inquiry in lieu of a filing by the owner pursuant to subsection (a) of this section, for the period for which such filing is required. (c) When the owner of a motor vehicle files evidence under subsection (a) of this section or when a company licensed to issue automobile liability insurance in this state provides verification under subsection (b) of this section, the commissioner shall construe such evidence or verification as proof that the owner of a motor vehicle or motor vehicles described in subsection (a) of section 14-163c has insurance coverage of not less than the amounts required under Title 49, Part 387 of the Code of Federal Regulations, as amended, or any applicable section of chapter 246. (d) In addition to other penalties provided by law, the Commissioner of Motor Vehicles, after notice and opportunity for hearing in accordance with chapter 54, shall suspend the registration of each motor vehicle registered in the name of any owner who fails to file a motor carrier identification report or to provide satisfactory evidence of the security requirements imposed by law. (e) Each filing made in accordance with the provisions of subsection (a) of this section by each for-hire motor carrier or private motor carrier of property or passengers, and each owner of any motor vehicle that transports hazardous materials, as described in subsection (a) of section 14-163c, shall provide satisfactory evidence of insurance coverage or other security in amounts not less than are required by the provisions of Title 49, Part 387 of the Code of Federal Regulations, as amended. Such requirement concerning the amount of security that must be evidenced to the commissioner may be made applicable by the commissioner to the initial registration of any such motor vehicle, including the registration of any motor vehicle under the International Registration Plan, in accordance with the provisions of section 14-34a. (Oct. 25 Sp. Sess. P.A. 05-3, S. 4; P.A. 07-167, S. 11; P.A. 08-150, S. 19; P.A. 11-213, S. 29; P.A. 14-130, S. 23.) History: Oct. 25 Sp. Sess. P.A. 05-3 effective January 1, 2006; P.A. 07-167 added Subsec. (c) re evidence of amount of insurance coverage or other security; P.A. 08-150 added new Subsec. (b) re establishment and use of system to verify by electronic means that owner of motor vehicle has security requirements imposed by law and redesignated existing Subsecs. (b) and (c) as Subsecs. (c) and (d), respectively; P.A. 11-213 amended Subsec. (a) to change filing requirement from biannual to annual and to delete biennial filing requirement for motor carrier identification report, effective July 1, 2011; P.A. 14-130 added new Subsec. (c) re evidence or verification as proof of insurance coverage and redesignated existing Subsecs. (c) and (d) as Subsecs. (d) and (e).

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 246 - Motor VehiclesSection 14-163e. - Periodic inspection of certain vehicles or combinations.

(a) No person or motor carrier, as defined in 49 CFR Section 390.5, as amended from time to time, shall operate on the highways of this state any motor vehicle or combination of motor vehicles described in subsection (a) of section 14-163c unless it has had a periodic inspection as required under 49 CFR Section 396.17, as amended from time to time, during the preceding twelve months. (b) No person, dealer or repairer licensed in accordance with section 14-52 or motor carrier, as defined in 49 CFR Section 390.5, as amended from time to time, shall perform a periodic inspection in a manner other than as prescribed in 49 CFR Sections 396.17, 396.19 and 396.21, as amended from time to time. (c) No person, dealer or repairer licensed in accordance with section 14-52 or motor carrier, as defined in 49 CFR Section 390.5, as amended from time to time, shall knowingly make a false statement regarding the inspection or condition of any vehicle or component that it is required to inspect under 49 CFR Section 396.17, as amended from time to time, or regarding the repair or repairs that it has undertaken on any vehicle or component that is required to be inspected. In addition to the civil penalties prescribed by this section, any person, licensed dealer or repairer or motor carrier who violates the provisions of this subsection shall be charged with a violation of section 53a-157b. (d) For a first or subsequent violation of subsection (a), (b) or (c) of this section, a person, motor carrier or licensed dealer or repairer shall, after notice and opportunity for a hearing held in accordance with chapter 54, be subject to the civil penalties authorized in subsection (e) of section 14-163c and prescribed under 49 CFR 396.17. (P.A. 11-213, S. 43; P.A. 12-80, S. 163; 12-81, S. 32.) History: P.A. 11-213 effective July 1, 2011; P.A. 12-80 amended Subsec. (d) to replace maximum term of imprisonment for first offense of “ninety days” with “three months” and change fine for subsequent offense from a minimum of \$2,000 to a maximum of \$2,000; P.A. 12-81 amended Subsec. (c) to require false statement be made “knowingly”, provide that any person, licensed dealer or repairer or motor carrier “who violates the provisions of this subsection shall be charged with a violation of section 53a-157b”, rather than “may be subject to the penalties prescribed in section 53a-157b”, and provide that such penalty is in addition to the “civil” penalties prescribed by section and amended Subsec. (d) to authorize civil penalty for a violation of Subsec. (c), specify civil penalty is after notice and hearing in accordance with Ch. 54, replace “penalties prescribed in subsection (e) of section 14-163c” with “civil penalties authorized in subsection (e) of section 14-163c and prescribed under 49 CFR 396.17” and delete criminal penalty for violation of Subsec. (c), effective June 6, 2012.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-163f. - Eligibility for commercial motor vehicle services contracts with state or municipalities.

Section 14-163f is repealed, effective June 30, 2021. (P.A. 13-271, S. 59; P.A. 21-106, S. 66.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-163g. - Transportation of hazardous materials. Applicable federal regulations. Enforcement powers of motor vehicle inspectors and police officers.

(a) Any person who engages in interstate or intrastate commerce on the highways of this state and transports hazardous materials, as defined in 49 CFR 171.8, shall comply with the provisions of 49 CFR Parts 105 to 173, inclusive, and 49 CFR Parts 177 to 180, inclusive. (b) Except as otherwise provided in subsection (c) of this section, any person described in subsection (a) of this section who violates any provision of 49 CFR 107.620, 49 CFR 171, Subpart A, 49 CFR 172, Subparts A to I, inclusive, 49 CFR 173, Subparts A to G, inclusive, 49 CFR 177, Subparts A to E, inclusive, 49 CFR 178, Subparts A to C, inclusive, H and J to S, inclusive, or 49 CFR 180, Subparts A and C to G, inclusive, shall have committed an infraction. (c) Any person described in subsection (a) of this section who violates any provision of 49 CFR 172.505(a), 49 CFR 172.507(a), 49 CFR 173.24(b) or 49 CFR 177.835 shall, for a first offense, be guilty of a class D misdemeanor and, for any subsequent offense of the same provision, be guilty of a class A misdemeanor. (d) A motor vehicle inspector, designated under section 14-8 and certified pursuant to section 7-294d, or a state or municipal police officer, shall enforce the provisions of this section, provided such inspector or officer (1) has inspection authority pursuant to section 14-163c-9 of the regulations of Connecticut state agencies, and (2) has satisfactorily completed a course of instruction in specialized hazardous materials provided by the United States Department of Transportation Federal Motor Carrier Safety Administration. (P.A. 16-55, S. 1.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-164. - General penalty.

Any person who violates any provision of this chapter or section 14-16c for which no other penalty is provided or which is not designated an infraction shall be fined not more than one hundred dollars. (1947 Rev., S. 2487; P.A. 75-577, S. 121, 126; P.A. 81-172, S. 11; P.A. 12-81, S. 23.) History: P.A. 75-577 included in fine provision violations which are not designated as infractions; P.A. 81-172 inserted specific section references; P.A. 12-81 deleted reference to violation of Sec. 14-67j, effective July 1, 2012. Cited. 36 CS 551.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-164a. (Formerly Sec. 29-143). - Motor vehicle racing.

(a) No person shall operate a motor vehicle in any race, contest or demonstration of speed or skill with a motor vehicle as a public exhibition except in accordance with the provisions of this section. Such race or exhibition may be conducted at any reasonable hour of any week day or after twelve o'clock noon on any Sunday. The legislative body of the city, borough or town in which the race or exhibition will be held may issue a permit allowing a start time prior to twelve o'clock noon on any Sunday, provided no such race or exhibition shall take place contrary to the provisions of any city, borough or town ordinances. The person conducting such race or exhibition shall provide for first-aid and medical supplies and equipment, including ambulances, and the attendance of doctors or other persons qualified to give emergency medical aid, police and fire protection, and such other requirements as will eliminate any unusual hazard to participants in such race or exhibition or to the spectators. Smoking or carrying a lighted smoking implement shall be prohibited in any area where fuel is stored or transferred. Each facility, other than a motor cross racing facility, where racing is conducted shall contain restricted areas which shall be posted with notice that only persons with the appropriate credentials may be admitted to such restricted areas. Areas of the facility subject to this requirement shall include, but need not be limited to, the pit area and pit lane, track, media area or areas and any other area that is unprotected from participating vehicles. (b) No minor under the age of sixteen years may participate in motor cross racing, except that a minor thirteen years of age or older may participate in such racing with the written permission of the minor's parents or legal guardian. If weather or track conditions are such as to make such race or exhibition unusually hazardous, the person conducting such race or exhibition shall cancel or postpone the same or may require the use of tires of a type manufactured for such adverse conditions. No person shall conduct or participate in any motor vehicle race or contest or demonstration of speed or skill in any motor vehicle on the ice of any body of water. The provisions of this section shall not apply to a motor vehicle with a motor of no more than three horsepower or a go-cart-type vehicle with a motor of no more than twelve horsepower, when operated on a track of one-eighth of a mile or less in length. Preliminary preparations and practice runs, performed after eleven o'clock in the forenoon, on the date designated in the permit and prior to cancellation or postponement, shall not be construed to constitute a race or exhibition within the meaning of this section. No preliminary preparations or practice runs shall be performed before twelve o'clock noon on Sunday. For the purposes of this subsection, "motor cross racing" means motorcycle racing on a dirt track by participants operating motorcycles designed and manufactured exclusively for off-road use and powered by an engine having a capacity of not more than five hundred cubic centimeters piston displacement. (c) The Commissioner of Motor Vehicles shall adopt regulations, in accordance with chapter 54, concerning mandatory safety equipment for vehicles that participate in any race or exhibition conducted in accordance with the provisions of this section. Such regulations shall require any equipment necessary for the protection of drivers. (d) Any person participating in or conducting any

motor vehicle race or exhibition contrary to the provisions of this section shall be fined not more than two hundred dollars or imprisoned not more than six months, or both. (1949 Rev., S. 3727; 1953, 1955, S. 2020d; 1957, P.A. 213, S. 1; 1961, P.A. 359; 1963, P.A. 432; 1971, P.A. 384; P.A. 73-672, S. 1, 2; P.A. 75-404, S. 1, 2; P.A. 84-254, S. 50, 62; P.A. 85-298, S. 1, 2; June Sp. Sess. P.A. 91-13, S. 13, 21; P.A. 94-189, S. 27, 34; P.A. 98-182, S. 3, 22; June Sp. Sess. P.A. 01-9, S. 84, 131; June 30 Sp. Sess. P.A. 03-3, S. 37; P.A. 04-199, S. 11; P.A. 05-218, S. 41.) History: 1961 act added regulation of tires; 1963 act added provision re preliminary preparations and practice runs; 1971 act increased application fee from \$20 to \$35; P.A. 73-672 replaced commissioner of state police with commissioner of motor vehicles and substituted "other person" for "state police officer"; Sec. 29-143 transferred to Sec. 14-164a in 1975; P.A. 75-404 increased application fee to \$50 and allowed racing to take place after noon on Sunday rather than after two o'clock; P.A. 84-254 amended Subsec. (a) to periodically increase the fee from \$50 to \$177 as of July 1, 1993; P.A. 85-298 amended Subsec. (a) to define "motor cross racing" and to permit a minor 13 years of age or older to participate in such racing with written permission; June Sp. Sess. 91-13 deleted obsolete fee increases in Subsec. (a), inserted new Subsec. (b) to require the commissioner to assign an inspector to each race or exhibition, charge a fee for the services of the inspector and made technical changes, relettering former Subsec. (b) as (c); P.A. 94-189 amended Subsec. (a) to exclude go-cart type vehicles with a motor of no more than 12 horsepower, when operated on a track of one-eighth of a mile or less in length from provisions of section, effective July 1, 1994; P.A. 98-182 amended Subsec. (a) by adding a provision allowing a start time prior to twelve o'clock noon on any Sunday with the approval of the local legislative body, effective July 1, 1998; June Sp. Sess. P.A. 01-9 decreased application fee to \$75 and made technical changes for purposes of gender neutrality, effective July 1, 2001; June 30 Sp. Sess. P.A. 03-3 eliminated former Subsec. (b) re assignment of inspector to motor vehicle race or exhibition and redesignated existing Subsec. (c) as new Subsec. (b), making a technical change therein, effective August 20, 2003; P.A. 04-199 amended Subsec. (a) to delete provisions re permit obtained from Commissioner of Motor Vehicles, to delete provision re permissive regulations by commissioner as to conditions for race or exhibition, to require person conducting race or exhibition to provide medical and other safety protections, to provide restricted areas to which only persons with appropriate credentials shall be admitted and to prohibit smoking in any area where fuel is stored or transferred, designated portion of existing Subsec. (a) as new Subsec. (b) and amended same to require person conducting race or exhibition to cancel or postpone race or exhibition due to hazardous conditions or to require use of tires manufactured for adverse conditions, added Subsec. (c) requiring commissioner to adopt regulations re safety equipment and redesignated existing Subsec. (b) as Subsec. (d), effective June 3, 2004; P.A. 05-218 amended Subsec. (a) by adding "other than a motor cross racing facility" and making a technical change, effective July 1, 2005. Subsec. (a) is prohibitory in nature and does not preempt town zoning regulations restricting hours of racing activities on any day of the week or hour of the day, or regulations prohibiting such activities altogether. 335 C. 606.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-1a. - "Authorized emergency vehicle" defined.

Section 14-1a is repealed. (1967, P.A. 832, S. 1; P.A. 84-429, S. 78.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-2. - Appointment of Commissioner of Motor Vehicles.

There shall be a Commissioner of Motor Vehicles appointed in accordance with the provisions of sections 4-5 to 4-8, inclusive. (1949 Rev., S. 2351.) See Sec. 4-12 re removal of officers and commissioners for misconduct, incompetence or neglect of duty. Annotations to former statute: Failure of Senate to act on nomination did not create vacancy which Governor was authorized to fill; incumbent held over de jure. 132 C. 518. Cited. 133 C. 43; 136 C. 317. Cited. 13 CS 343.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-21bb. - *(See end of section for amended version and effective date.) Aquatic Invasive Species fee. Requirements for payment of fee.

(a) Any person who registers a vessel or renews a vessel registration pursuant to section 15-144 and who intends to operate or allow such vessel to be operated on the waters of the state shall concomitantly, in addition to the remittance of any fee required pursuant to section 15-144, pay an Aquatic Invasive Species fee of five dollars. The Commissioner of Motor Vehicles shall cause all revenues collected pursuant to this section to be deposited in the Connecticut Lakes, Rivers and Ponds Preservation account established in section 14-21aa. (b) Any person who intends to operate or allow a vessel to be operated on the inland waters of the state that is registered in another state shall, prior to such operation, pay an Aquatic Invasive Species fee of twenty dollars to the Commissioner of Energy and Environmental Protection. Such fees shall be paid annually and such payment shall be valid until the last day of December of such year. The Commissioner of Energy and Environmental Protection shall cause all revenues collected pursuant to this subsection to be deposited in the Connecticut Lakes, Rivers and Ponds Preservation account established in section 14-21aa. Any person who operates a vessel on the inland waters of the state in violation of the provisions of this subsection shall have committed an infraction and shall be fined not more than eighty-five dollars. (P.A. 19-190, S. 1.) *Note: On and after October 1, 2024, this section, as amended by section 1 of public act 23-154, is to read as follows: "Sec. 14-21bb. Aquatic Invasive Species Stamp. Requirements for possessing stamp. Aquatic Invasive Species Decal. Exemptions. (a) Any person who operates a vessel on the inland waters of the state that is required to display a registration decal, issued by this state or another state, shall possess an individual Aquatic Invasive Species Stamp. The fee for such stamp shall be seven dollars. The Department of Energy and

Environmental Protection shall issue such stamp through the On-line Sportsmen Licensing system of the department. Any such stamp shall be valid for the calendar year in which it was issued. (b) Notwithstanding the provisions of subsection (a) of this section, any person who owns a vessel that is required to display a registration decal, issued by this state or another state, may purchase a vessel Aquatic Invasive Species Decal in lieu of the requirement of subsection (a) of this section that each person who operates such vessel obtain an individual Aquatic Invasive Species Stamp. Any person who operates a vessel bearing a valid vessel Aquatic Invasive Species Decal shall be deemed to have met the requirements of subsection (a) of this section while operating such vessel. The fee for such vessel Aquatic Invasive Species Decal shall be twenty dollars, provided the Commissioner of Energy and Environmental Protection may charge an additional fee of not more than five dollars for the production, processing and mailing of such decal. The Department of Energy and Environmental Protection shall issue such decal through the On-line Sportsmen Licensing system of the department. Any such decal shall be valid for the calendar year in which it was issued. Any such vessel Aquatic Invasive Species Decal shall be permanently affixed to the vessel for which it was purchased approximately amidship on the port side of the vessel either on the hull of the vessel or at the operator's station and in such a manner as to be visible to law enforcement officers approaching by vessel from the port side of such vessel. (c) The provisions of subsections (a) and (b) of this section shall not be construed to apply to the operator of any vessel that is numbered pursuant to section 15-145, provided such number bears the suffix of "DL", "XP", "MS" or "YB" and displays a current registration validation decal. (d) The Commissioner of Energy and Environmental Protection shall cause all revenues collected pursuant to this subsection to be deposited in the Connecticut Lakes, Rivers and Ponds Preservation account established in section 14-21aa. (e) Any person who operates a vessel on the inland waters of the state in violation of the provisions of this section shall have committed an infraction and shall be fined not more than eighty-five dollars." (P.A. 19-190, S. 1; P.A. 23-154, S. 1.) History: P.A. 19-190 effective January 1, 2020; P.A. 23-154 amended Subsec. (a) to delete provision re payment of fee upon registering of vessel and added provisions re possession of stamp to operate vessel and issuance of stamp through the On-line Sportsmen Licensing system, amended Subsec. (b) to delete provision re vessels registered in other states and added provisions re option to purchase decal, authority to charge additional fee for the production and mailing of such decal and requirements for the placement of such decal upon the vessel, added Subsec. (c) re exemption from stamp or decal requirements and redesignated existing provisions as Subsecs. (d) and (e) and made technical changes, effective October 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-3. - Powers and duties of commissioner.

The Commissioner of Motor Vehicles shall enforce the provisions of the statutes concerning motor vehicles and the operators of such vehicles. The commissioner shall administer, coordinate and control the operations of the department and shall be responsible for the overall supervision and direction of all facilities and activities of the department. The commissioner shall have the authority to contract for such services, programs and facilities other than the purchase or lease of real property as may be necessary to carry out the commissioner's responsibilities under and for the orderly administration of this chapter and chapters 247 to 255, inclusive. The commissioner may retain and employ consultants and assistants on a contract or other basis for rendering professional, fiscal, engineering, technical or other assistance and advice. The commissioner may enter into one or more agreements with independent contractors authorizing such contractors to provide programs and services on behalf of the department, provided any such agreement shall specify that the contractor may charge the department's customer a reasonable service fee, as established by the commissioner, from which the contractor shall be compensated. The commissioner shall submit to the Governor an annual report of his official acts, as provided in section 4-60. Said commissioner shall keep a record of proceedings and orders pertaining to the matters under his jurisdiction and of all licenses and certificates granted, refused, suspended or revoked by the commissioner and of all reports sent to the commissioner's office. The commissioner shall furnish without charge, for official use only, certified copies of certificates and licenses and documents relating thereto to officials of the state or any municipality therein, to officials of any other state or to any court in this state. Any certified copy of any document or record of the commissioner, attested as a true copy by the commissioner, any deputy commissioner or chief of a division, shall be competent evidence in any court of this state of the facts therein contained. (1949 Rev., S. 2352; September, 1957, P.A. 11, S. 13; P.A. 73-661, S. 1; P.A. 88-245, S. 2, 7; P.A. 96-180, S. 36, 166; P.A. 11-213, S. 4.) History: P.A. 73-661 expanded duties of commissioner re administration of department, contracts and employment of personnel; P.A. 88-245 made minor change in wording; P.A. 96-180 substituted "The Commissioner of Motor Vehicles" for "Said commissioner", effective June 3, 1996; P.A. 11-213 authorized commissioner to enter into agreements with independent contractors and made technical changes, effective July 1, 2011. Statute will not provide alternative method of proving prior motor vehicle conviction. 151 C. 213. Commissioner was required to keep a record of previous warnings and violations as related to plaintiff and may act upon facts known to him even though they are not produced at the hearing. 165 C. 559. Cited. 225 C. 499. Cited. 24 CS 364; 36 CS 586; 38 CS 384; 39 CS 381. Cited. 2 Conn. Cir. Ct. 693; 3 Conn. Cir. Ct. 112; Id., 586.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-33. - Renewal of registration denied for failure to pay motor vehicle property tax or fines for parking violations. Collection of delinquent property tax by commissioner. Issuance of temporary registrations by city, town, borough or other taxing district.

(a)(1) For assessment years commencing prior to October 1, 2024, if any property tax, or any installment thereof, laid by any city, town, borough or other taxing district upon a registered motor vehicle or snowmobile remains unpaid, the tax collector of such city,

town, borough or other taxing district shall notify the Commissioner of Motor Vehicles of such delinquency in accordance with subsection (e) of this section and guidelines and procedures established by the commissioner. The commissioner shall not issue registration for such motor vehicle or snowmobile for the next registration period if, according to the commissioner's records, it is then owned by the person against whom such tax has been assessed or by any person to whom such vehicle has not been transferred by bona fide sale. Unless notice has been received by the commissioner under the provisions of section 14-33a, no such registration shall be issued until the commissioner receives notification that the tax obligation has been legally discharged; nor shall the commissioner register any other motor vehicle, snowmobile, all-terrain vehicle or vessel in the name of such person, except that the commissioner may continue to register other vehicles owned by a leasing or rental firm licensed pursuant to section 14-15, and may issue such registration to any private owner of three or more paratransit vehicles in direct proportion to the percentage of total tax due on such vehicles which has been paid and notice of payment on which has been received. The Commissioner of Motor Vehicles may immediately suspend or cancel all motor vehicle, snowmobile, all-terrain vehicle or vessel registrations issued in the name of any person (A) who has been reported as delinquent and whose registration was renewed through an error or through the production of false evidence that the delinquent tax on any motor vehicle or snowmobile had been paid, or (B) who has been reported by a tax collector as having paid a property tax on a motor vehicle or snowmobile with a check which was dishonored by a bank and such tax remains unpaid. Any person aggrieved by any action of the commissioner under this section may appeal therefrom in the manner provided in section 14-134. For the purposes of this subsection, "paratransit vehicle" means a motor bus, taxicab or motor vehicle in livery service operated under a certificate of convenience and necessity issued by the Department of Transportation or by a transit district and which is on call or demand or used for the transportation of passengers for hire. (2) For assessment years commencing on or after October 1, 2024, if any property tax, or any installment thereof, laid by any city, town, borough or other taxing district upon a motor vehicle remains unpaid, regardless of whether such motor vehicle is classified on the grand list as a registered motor vehicle or personal property pursuant to section 12-41, the tax collector of such city, town, borough or other taxing district shall notify the Commissioner of Motor Vehicles of such delinquency in accordance with subsection (e) of this section and guidelines and procedures established by the commissioner. The commissioner shall not issue registration for such motor vehicle for the next registration period if, according to the commissioner's records, it is then owned by the person against whom such tax has been assessed or by any person to whom such vehicle has not been transferred by bona fide sale. Unless notice has been received by the commissioner under the provisions of section 14-33a, no such registration shall be issued until the commissioner receives notification that the tax obligation has been legally discharged; nor shall the commissioner register any other motor vehicle, snowmobile, all-terrain vehicle or vessel in the name of such person, except that the commissioner may continue to register other vehicles owned by a leasing or rental firm licensed pursuant to section 14-15, and may issue such registration to any private owner of three or more paratransit vehicles in direct proportion to the percentage of total tax due on such vehicles which has been paid and notice of payment on which has been received. The Commissioner of Motor Vehicles may immediately suspend or cancel all motor vehicle, snowmobile, all-terrain vehicle or vessel registrations issued in the name of any person (A) who has been reported as delinquent and whose registration was renewed through an error or through the production of false evidence that the delinquent tax on any motor vehicle had been paid, or (B) who has been reported by a tax collector as having paid a property tax on a motor vehicle with a check which was dishonored by a bank and such tax remains unpaid. (b) (1) For assessment years commencing prior to October 1, 2024, notwithstanding the provisions of subsection (a) of this section, the Commissioner of Motor Vehicles, in consultation with the Treasurer and the Secretary of the Office of Policy and Management, may enter into an agreement with the tax collector of any city, town, borough or other taxing district whereby the commissioner shall collect any property tax or any installment thereof on a registered motor vehicle which remains unpaid from any person against whom such tax has been assessed who makes application for registration for such motor vehicle. (2) For assessment years commencing on and after October 1, 2024, notwithstanding the provisions of subsection (a) of this section, the Commissioner of Motor Vehicles, in consultation with the Treasurer and the Secretary of the Office of Policy and Management, may enter into an agreement with the tax collector of any city, town, borough or other taxing district whereby the commissioner shall collect any property tax or any installment thereof on any motor vehicle which remains unpaid from any person against whom such tax has been assessed who makes application for registration for such motor vehicle. (3) Any agreement entered into pursuant to subdivision (1) or (2) of this subsection shall include a procedure for the remission of taxes collected to the city, town, borough or other taxing district, on a regular basis, and may provide that a fee be paid by the city, town, borough or other taxing district to the commissioner to cover any costs associated with the administration of the agreement. In the event an agreement is in effect, the commissioner shall immediately issue a registration for a motor vehicle owned by a person against whom such tax has been assessed upon receipt of payment of such tax and a service fee of two dollars, in addition to the fee prescribed for the renewal of the registration. (c) On and after March 1, 1989, any municipality may participate in a program administered by the Commissioner of Motor Vehicles to facilitate the payment of fines for parking violations. If any such municipality elects to participate in such program, it shall provide for a notice of violation to be served personally upon the operator of a motor vehicle who is present at the time of service. If the operator is not present, the notice shall be served upon the owner of the motor vehicle by affixing notice to said vehicle in a conspicuous place, or, in the case of the city of Hartford Parking Authority, by regular or certified mail to the registered owner of the vehicle, which shall have the same effect as if the notice of violation was personally served on the owner or operator of the vehicle. In the case of any motor vehicle that is leased or rented by the owner, not more than thirty days after the initial notice of a parking violation for which a fine remains unpaid at such time, a second notice of violation shall be mailed to the address of record of the owner leasing or renting the motor vehicle to such operator. No fines or penalties shall accrue to the owner of such rented or leased vehicle for the violation for a period

of sixty days after the second notice is mailed. Upon receipt of such notification, the owner of such rented or leased vehicle may notify the municipality as to whom the lessee was at the time of such issuance of the notice of violation, the lessee's address, motor vehicle operator's license number and state of issuance, and the municipality shall issue such notice of violation to such lessee. A participating municipality shall notify the commissioner of every owner of a registered motor vehicle who has unpaid fines for more than five parking violations committed within such municipality on and after March 1, 1989. Upon receipt of such notification, the commissioner shall not issue or renew the motor vehicle registration of such person until he receives notification from such municipality that the delinquent fines have been paid. (d) The provisions of subsection (c) of this section shall not apply to any person, firm or corporation engaged in the business of leasing or renting motor vehicles without drivers in this state with respect to any motor vehicle which is leased or rented. The commissioner shall adopt regulations, in accordance with chapter 54, to implement the provisions of subsection (c) of this section. (e) The tax collector of a city, town, borough or other district shall, at least once during each calendar month, notify the Commissioner of Motor Vehicles of any outstanding delinquent property tax payment or installment thereof for a registered motor vehicle or snowmobile. If a tax collector fails to provide such notice to the commissioner, the commissioner shall not be required to deny the issuance of a registration, pursuant to subsection (a) of this section, to the person against whom such tax has been assessed by said city or town, or by a borough or other taxing district located therein. (f) Any city, town, borough or other taxing district that notifies the commissioner of (1) a delinquency in accordance with subsection (a) of this section, or (2) an owner of a registered motor vehicle who has unpaid fines for more than five parking violations in accordance with subsection (c) of this section, may participate in a program to issue temporary registrations for passenger motor vehicles on behalf of the commissioner to persons whose registrations have been denied, and who subsequently make full payment to the city, town, borough or other taxing district for the amounts owed under said subsections. A participating city, town, borough or other taxing district shall issue such temporary registrations in accordance with subsection (i) of section 14-12 and shall retain the fees authorized in subsection (n) of section 14-49 for such registrations. The commissioner may adopt regulations in accordance with chapter 54 to carry out the provisions of this subsection. (1949 Rev., S. 2375; 1959, P.A. 455; 1961, P.A. 233, S. 6; 1967, P.A. 48; 448, S. 2; 1969, P.A. 752, S. 15; P.A. 78-348, S. 1, 6; P.A. 79-566; 79-610, S. 9, 20; 79-631, S. 20, 111; P.A. 80-372, S. 2; P.A. 88-346, S. 1, 2; P.A. 93-341, S. 8; P.A. 95-260, S. 8, 24; P.A. 96-167, S. 4; P.A. 03-264, S. 5; June 30 Sp. Sess. P.A. 03-1, S. 102; P.A. 04-126, S. 2; P.A. 07-88, S. 1; P.A. 11-48, S. 26; P.A. 13-271, S. 9; P.A. 14-19, S. 1; June Sp. Sess. P.A. 15-5, S. 237; P.A. 22-118, S. 497; P.A. 23-204, S. 209.) History: 1959 act added taxing districts to section; 1961 act authorized commissioner to establish listings and dates for notification rather than date set by statute; 1967 acts removed specifications of tax amount, year and model of vehicle and engine number from form contents and added reference to issuance of registration without receipt of tax payment if notice under provisions of Sec. 14-33a has been received; 1969 act included snowmobiles under provisions of section; P.A. 78-348 allowed commissioner to suspend registrations when registration renewed because of error or false statement that delinquent tax was paid or when check for payment of tax is not honored by bank; P.A. 79-566 included provisions re paratransit vehicles; P.A. 79-610 and 80-372 authorized substitution of department of transportation for division of public utility control in provision re paratransit vehicles; P.A. 79-631 made technical change; P.A. 88-346 added Subsec. (b) re establishment of a voluntary program to facilitate payment of fines for parking violations, requiring denial of registration for failure to pay such fines; P.A. 93-341 amended Subsec. (a) by adding a provision that the commissioner may "continue to register other vehicles owned by a leasing or rental firm licensed pursuant to section 14-15, if he is satisfied that arrangements have been made to discharge" outstanding tax obligations; P.A. 95-260 amended Subsec. (b) to allow any municipality, regardless of size of population, to participate in the voluntary program to facilitate payment of fines for parking violations; P.A. 96-167 inserted new Subsec. (b) authorizing commissioner to enter into agreement with tax collector whereby commissioner shall collect delinquent motor vehicle property tax and immediately issue registration upon receipt of payment of such tax and relettered former Subsec. (b) as (c); P.A. 03-264 made a technical change in Subsec. (a), divided provisions of Subsec. (c) into Subsecs. (c) and (d), added provisions in Subsec. (c) re notice of violation and period during which penalties will not accrue for violation, and made technical changes in Subsec. (d); June 30 Sp. Sess. P.A. 03-1 amended Subsec. (a) to provide for a fee to be paid by municipalities upon notice to commissioner of delinquent tax due and to make technical changes, effective August 16, 2003; P.A. 04-126 amended Subsec. (a) to delete fee for the reporting of delinquent property taxes to the commissioner and to make a conforming change, and added Subsec. (e) requiring municipalities to pay the costs of the delinquent tax reporting program, effective July 1, 2004; P.A. 07-88 amended Subsec. (c) by adding provision re notification to municipality by owner of rented or leased vehicle providing information re the lessee of such vehicle at the time of issuance of the notice of violation, and issuance of notice of violation to lessee, effective July 1, 2007; P.A. 11-48 added Subsec. (f) authorizing cities, towns, boroughs or other taxing districts to issue temporary registrations for passenger motor vehicles upon payment of unpaid parking fines, effective July 1, 2011; P.A. 13-271 amended Subsec. (a) to replace provision requiring tax collector to notify commissioner of delinquency in accordance with listings, schedules of dates and forms established or prescribed by commissioner with provision requiring notification in accordance with guidelines and procedures established by commissioner, to replace provision prohibiting issuance of registration for motor vehicle upon which tax is unpaid until receipt evidencing payment, certificate of abatement or other satisfactory evidence of payment is presented to commissioner with provision prohibiting issuance of registration until commissioner receives notification that tax obligation is legally discharged, to add provision prohibiting registration of all-terrain vehicle or vessel in the name of registered owner of motor vehicle upon which tax is unpaid, to delete provision re satisfaction of commissioner that arrangements have been made to discharge tax obligation of leasing or rental firm, to add provision re cancellation of motor vehicle, snowmobile, all-terrain vehicle or vessel registrations and to make conforming changes; P.A. 14-19 amended Subsec. (e) by replacing provision re annual payment by each city and town with provision re

monthly notice to commissioner re outstanding delinquent property tax payment and amended Subsec. (a) by making conforming changes, effective July 1, 2015; June Sp. Sess. P.A. 15-5 amended Subsec. (c) to add provision re Hartford Parking Authority notice of violation by regular or certified mail, effective July 1, 2015; P.A. 22-118 amended Subsec. (a) by designating existing provisions re registration of motor vehicle, snowmobile, all-terrain vehicle or vessel where property tax is unpaid as new Subdiv. (1), specifying that such provisions are applicable for assessment years commencing prior to October 1, 2023, redesignating existing Subdivs. (1) and (2) as Subparas. (A) and (B), adding new Subdiv. (2) re registration of motor vehicle, snowmobile, all-terrain vehicle or vessel where property tax is unpaid, and specifying that new Subdiv. (2) is applicable for assessment years commencing on or after October 1, 2023, and amended Subsec. (b) by designating existing provisions concerning agreements re collection of unpaid property tax on registered motor vehicles as Subdiv. (1), specifying that such provisions are applicable for assessment years commencing prior to October 1, 2023, adding Subdiv. (2) concerning agreements re collection of unpaid property tax on motor vehicles, specifying that Subdiv. (2) is applicable for assessment years commencing on or after October 1, 2023, designating existing provisions re requirements for agreements and issuance of registration upon receipt of payment as Subdiv. (3), and specifying that such requirements apply to agreements entered into pursuant to Subdivs. (1) and (2), effective July 1, 2022, and applicable to assessment years commencing on or after October 1, 2023; P.A. 23-204 amended Subsecs. (a) and (b) by substituting "October 1, 2024" for "October 1, 2023" re applicable assessment years, effective July 1, 2023, and applicable to assessment years commencing on or after October 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-36. - Motor vehicle operator's license.

(a) Motor vehicle operator's license required for operation of motor vehicle. (a) Except as otherwise provided by this section and section 14-40a, no person shall operate a motor vehicle on any public highway of this state or private road on which a speed limit has been established in accordance with section 14-218a or section 14-307a until such person has obtained a motor vehicle operator's license. (b) Adult instruction permit. Out-of-state license holders. Minimum age. (1) A person eighteen years of age or older who does not hold a motor vehicle operator's license may not operate a motor vehicle on the public highways of the state for the purpose of instruction until such person has applied for and obtained an adult instruction permit from the commissioner. Such person shall not be eligible for an adult instruction permit if such person has had a motor vehicle operator's license or privilege suspended or revoked. An applicant for an adult instruction permit shall, as a condition to receiving such permit, pass a vision screening conducted by the Department of Motor Vehicles or submit to the commissioner the results of a vision examination conducted by a licensed medical professional, as defined in section 14-46b. Such medical professional shall certify that the applicant meets the vision standards established in regulations adopted pursuant to section 14-45a. An adult instruction permit shall entitle the holder, while such holder has the permit in his or her immediate possession, to operate a motor vehicle on the public highways, provided such holder is under the instruction of, and accompanied by, a person who holds an instructor's license issued under the provisions of section 14-73 or a person twenty years of age or older who has been licensed to operate, for at least four years preceding the instruction, a motor vehicle of the same class as the motor vehicle being operated and who has not had his or her motor vehicle operator's license suspended by the commissioner during the four-year period preceding the instruction. The Commissioner of Motor Vehicles shall not issue a motor vehicle operator's license to any person holding an adult instruction permit who has held such permit for less than ninety days unless such person (A) is a member of the armed forces on active duty outside the state, or (B) has previously held a motor vehicle operator's license. (2) A person holding a valid out-of-state motor vehicle operator's license may operate a motor vehicle for a period of sixty days following such person's establishment of residence in Connecticut, if the motor vehicle is of the same class as that for which his or her out-of-state motor vehicle operator's license was issued. (3) No person may cause or permit the operation of a motor vehicle by a person under sixteen years of age. (c) Youth instruction permit. (1) A person who is sixteen or seventeen years of age and who has not had a motor vehicle operator's license or right to operate a motor vehicle in this state suspended or revoked may apply to the commissioner for a youth instruction permit. The commissioner may issue a youth instruction permit to an applicant after the applicant has (A) passed a test as to knowledge of the laws concerning motor vehicles and the rules of the road, (B) paid the fee required by subsection (v) of section 14-49, (C) passed a vision screening conducted by the Department of Motor Vehicles or submitted to the commissioner the results of a vision examination conducted by a licensed medical professional, as defined in section 14-46b, that certifies that the applicant meets the vision standards established in regulations adopted pursuant to section 14-45a and (D) filed a certificate, in such form as the commissioner prescribes, requesting or consenting to the issuance of the youth instruction permit and the motor vehicle operator's license, signed by (i) one or both parents or foster parents of the applicant, as the commissioner requires, (ii) the legal guardian of the applicant, (iii) the applicant's spouse, if the spouse is eighteen years of age or older, or (iv) if the applicant has no qualified spouse and such applicant's parent or foster parent or legal guardian is deceased, incapable, domiciled outside of this state or otherwise unavailable or unable to sign or file the certificate, the applicant's stepparent, grandparent, or uncle or aunt by blood or marriage, provided such person is eighteen years of age or older. The commissioner may, for the more efficient administration of the commissioner's duties, appoint any drivers' school licensed in accordance with the provisions of section 14-69 or any secondary school providing instruction in motor vehicle operation and highway safety in accordance with section 14-36e to issue a youth instruction permit, subject to such standards and requirements as the commissioner may prescribe in regulations adopted in accordance with the provisions of chapter 54. Each youth instruction permit shall expire two years from the date of issuance or on the date the holder of the permit is issued a motor vehicle operator's license, whichever is earlier. Any holder of a youth instruction

permit who attains eighteen years of age may retain such permit until the expiration of such permit. (2) The youth instruction permit shall entitle the holder, while such holder has the permit in his or her immediate possession, to operate a motor vehicle on the public highways, provided such holder is under the instruction of, and accompanied by, a person who holds an instructor's license issued under the provisions of section 14-73 or a person twenty years of age or older who has been licensed to operate, for at least four years preceding the instruction, a motor vehicle of the same class as the motor vehicle being operated and who has not had his or her motor vehicle operator's license suspended by the commissioner during the four-year period preceding the instruction. (3) Unless the holder of the permit is under the instruction of and accompanied by a person who holds an instructor's license issued under the provisions of section 14-73, no passenger in addition to the person providing instruction shall be transported unless such passenger is a parent or legal guardian of the holder of the permit. (4) The holder of a youth instruction permit who (A) is an active member of a certified ambulance service, as defined in section 19a-175, (B) has commenced an emergency vehicle operator's course that conforms to the national standard curriculum developed by the United States Department of Transportation, and (C) has had state and national criminal history records checks conducted by the certified ambulance service or by the municipality in which such ambulance service is provided, shall be exempt from the provisions of subdivisions (2) and (3) of this subsection only when such holder is driving to or from the location of the ambulance for purposes of responding to an emergency call. (5) The commissioner may revoke any youth instruction permit used in violation of the limitations imposed by subdivision (2) or (3) of this subsection. (d) Operator's license requirements for persons sixteen or seventeen years of age. Administration of knowledge test. (1) No motor vehicle operator's license shall be issued to any applicant who is sixteen or seventeen years of age unless the applicant has held a youth instruction permit and has satisfied the requirements specified in this subsection. The applicant shall (A) submit to the commissioner, in such manner as the commissioner shall direct, a certificate of the successful completion (i) in a public secondary school, a technical education and career school or a private secondary school of a full course of study in motor vehicle operation prepared as provided in section 14-36e, (ii) of training of similar nature provided by a licensed drivers' school approved by the commissioner, or (iii) of home training in accordance with subdivision (2) of this subsection, including, in each case, or by a combination of such types of training, successful completion of: Not less than forty clock hours of behind-the-wheel, on-the-road instruction for applicants to whom a youth instruction permit is issued on or after August 1, 2008; (B) submit to the commissioner, in such manner as the commissioner shall direct, a certificate of the successful completion of a course of not less than eight hours relative to safe driving practices, including a minimum of four hours on the nature and the medical, biological and physiological effects of alcohol and drugs, including cannabis, as defined in section 21a-420, and their impact on the operator of a motor vehicle, the dangers associated with the operation of a motor vehicle after the consumption of alcohol or drugs by the operator, the problems of alcohol and drug abuse, the penalties for alcohol and drug-related motor vehicle violations and a video presentation specific to the impact of cannabis on the operator of a motor vehicle and how the ingestion of cannabis can cause impairment of motor function, reaction time, perception and peripheral vision; and (C) pass an examination which may include a comprehensive test as to knowledge of the laws concerning motor vehicles and the rules of the road in addition to the test required under subsection (c) of this section and shall include an on-the-road skills test as prescribed by the commissioner. At the time of application and examination for a motor vehicle operator's license, an applicant sixteen or seventeen years of age shall have held a youth instruction permit for not less than one hundred eighty days, except that an applicant who presents a certificate under subparagraph (A)(i) or subparagraph (A)(ii) of this subdivision shall have held a youth instruction permit for not less than one hundred twenty days and an applicant who is undergoing training and instruction by the driver training unit for persons with disabilities in accordance with the provisions of section 14-11b shall have held such permit for the period of time required by said unit. The commissioner shall approve the content of the safe driving instruction at drivers' schools, high schools and other secondary schools. Subject to such standards and requirements as the commissioner may impose, the commissioner may authorize any drivers' school, licensed in good standing in accordance with the provisions of section 14-69, or secondary school driver education program authorized pursuant to the provisions of section 14-36e, to administer the comprehensive test as to knowledge of the laws concerning motor vehicles and the rules of the road, required pursuant to subparagraph (C) of this subdivision, as part of the safe driving practices course required pursuant to subparagraph (B) of this subdivision, and to certify to the commissioner, under oath, the results of each such test administered. Such hours of instruction required by this subdivision shall be included as part of or in addition to any existing instruction programs. Any fee charged for the course required under subparagraph (B) of this subdivision shall not exceed one hundred fifty dollars. Any applicant sixteen or seventeen years of age who, while a resident of another state, completed the course required in subparagraph (A) of this subdivision, but did not complete the safe driving course required in subparagraph (B) of this subdivision, shall complete the safe driving course. The commissioner may waive any requirement in this subdivision, except for that in subparagraph (C) of this subdivision, in the case of an applicant sixteen or seventeen years of age who holds a valid motor vehicle operator's license issued by any other state, provided the commissioner is satisfied that the applicant has received training and instruction of a similar nature. (2) The commissioner may accept as evidence of sufficient training under subparagraph (A) of subdivision (1) of this subsection home training as evidenced by a written statement submitted to the commissioner, in such manner as the commissioner directs. Such statement shall be signed by the spouse of a married minor applicant, or by a parent, grandparent, foster parent or legal guardian of an applicant, and state that the applicant has obtained a youth instruction permit and has successfully completed a driving course taught by the person signing the statement, that the signer has had an operator's license for at least four years preceding the date of the statement, and that the signer has not had such license suspended by the commissioner for at least four years preceding the date of the statement. If the applicant has no spouse, parent, grandparent, foster parent or guardian so qualified and available to give the instruction, such statement may be signed by the applicant's stepparent, brother,

sister, uncle or aunt, by blood or marriage, provided the person signing the statement is qualified. (3) The knowledge test for a class D motor vehicle operator's license required under this section shall be administered (A) in electronic and audio format and any other format the commissioner deems appropriate, and (B) at the option of the applicant, in English, Spanish or any language spoken at home by at least one per cent of the state's population, according to statistics prepared by the United States Census Bureau, based on the most recent decennial census. The knowledge test shall also be administered in a written or electronic format in at least twenty-six other languages that the commissioner, in consultation with representatives of organizations that advocate on behalf of or assist immigrants, refugees or other persons who are English language learners, determines are responsive to the linguistic needs of the emerging immigrant and refugee populations in the state. Each knowledge test offered in such other languages shall be reviewed by a person who is fluent in the language of such knowledge test and may also be administered in an audio format as the commissioner deems appropriate. The commissioner shall require any applicant under this section to have sufficient understanding of English for the interpretation of traffic control signs. (4) The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to implement the purposes of this subsection concerning the requirements for behind-the-wheel, on-the-road instruction, the content of safe driving instruction at drivers' schools, high schools and other secondary schools, and the administration and certification of required testing. (e) Requirements for issuance of operator's license. (1) No motor vehicle operator's license shall be issued until (A) the applicant signs and submits to the commissioner, in such manner as the commissioner directs, an application under oath, or made subject to penalties for false statement in accordance with section 53a-157b, and (B) the commissioner is satisfied that the applicant is sixteen years of age or older and is a suitable person to receive the license. (2) Except any applicant described in section 14-36m, an applicant for a new motor vehicle operator's license shall submit with the application a copy of such applicant's birth certificate or other prima facie evidence, as determined by the commissioner, of date of birth and evidence of identity. (3) Before granting a license to any applicant who has not previously held a Connecticut motor vehicle operator's license, or whose Connecticut motor vehicle operator's license expired more than two years prior to the application date, the commissioner shall require the applicant to demonstrate personally to the commissioner, a deputy, a motor vehicle inspector or an agent of the commissioner, in such manner as the commissioner directs, that the applicant is a proper person to operate motor vehicles of the class for which such applicant has applied, has sufficient knowledge of the mechanism of the motor vehicles to ensure their safe operation by him or her and has satisfactory knowledge of the laws concerning motor vehicles and the rules of the road. The knowledge test of an applicant for a class D motor vehicle operator's license shall include a question concerning highway work zone safety and the responsibilities of an operator of a motor vehicle under section 14-212d. Each such knowledge test shall include not less than one question concerning distracted driving, the use of mobile telephones and electronic devices by motor vehicle operators or the responsibilities of motor vehicle operators under section 14-296aa. If any such applicant has held a license from a state, territory or possession of the United States where a similar examination is required, the commissioner may waive part or all of the examination. If any such applicant is (A) a veteran who applies not later than two years after the date of discharge from the military and who, prior to such discharge, held a military operator's license for motor vehicles of the same class as that for which such applicant has applied, or (B) a member of the armed forces or the National Guard who currently holds a military operator's license for motor vehicles of the same class as that for which such applicant has applied, the commissioner shall waive all of the examination, except in the case of a commercial motor vehicle license, the commissioner shall waive the driving skills test for such applicant and may, in such commissioner's discretion, waive the knowledge test for such application, provided such applicant meets the conditions set forth in 49 CFR 383.77, as amended from time to time. For the purposes of this subsection, "veteran" and "armed forces" have the same meanings as provided in section 27-103. When the commissioner is satisfied as to the ability and competency of any applicant, the commissioner may issue to such applicant a license, either unlimited or containing such limitations as the commissioner deems advisable, and specifying the class of motor vehicles which the licensee is eligible to operate. (4) If any applicant or operator license holder has any health problem which might affect such person's ability to operate a motor vehicle safely, the commissioner may require the applicant or license holder to demonstrate personally or otherwise establish that, notwithstanding such problem, such applicant or license holder is a proper person to operate a motor vehicle, and the commissioner may further require a certificate of such applicant's condition, signed by a medical authority designated by the commissioner, which certificate shall in all cases be treated as confidential by the commissioner. A license, containing such limitation as the commissioner deems advisable, may be issued or renewed in any case, but nothing in this section shall be construed to prevent the commissioner from refusing a license, either limited or unlimited, to any person or suspending a license of a person whom the commissioner determines to be incapable of safely operating a motor vehicle. Consistent with budgetary allotments, each motor vehicle operator's license issued to or renewed by a person who is deaf or hard of hearing shall, upon the request of such person, indicate such impairment. Such person shall submit a certificate stating such impairment, in such form as the commissioner may require and signed by a licensed health care practitioner. (5) The issuance of a motor vehicle operator's license to any applicant who is the holder of a license issued by another state shall be subject to the provisions of section 14-111k. (f) Limited license. No person issued a limited license shall operate (1) a motor vehicle in violation of the limitations imposed by such license, or (2) any motor vehicle other than the motor vehicle for which such person's right to operate is limited. (g) Ignition interlock device. The commissioner may place a restriction on the motor vehicle operator's license of any person or on any special operator's permit issued to any person in accordance with the provisions of section 14-37a that restricts the holder of such license or permit to the operation of a motor vehicle that is equipped with an approved ignition interlock device, as defined in section 14-227j, for such time as the commissioner shall prescribe, if such person has: (1) Been convicted for a first or second time of a violation of subdivision (2) of subsection (a) of section 14-227a, and has served not less than forty-five days of the prescribed period of suspension for such

conviction, in accordance with the provisions of subsections (g) and (i) of section 14-227a; (2) been ordered by the Superior Court not to operate any motor vehicle unless it is equipped with an approved ignition interlock device, in accordance with the provisions of section 14-227j; (3) been granted a reversal or reduction of such person's license suspension or revocation, in accordance with the provisions of subsection (i) of section 14-111; (4) been issued a motor vehicle operator's license upon the surrender of an operator's license issued by another state and such previously held license contains a restriction to the operation of a motor vehicle equipped with an ignition interlock device; (5) been convicted of a violation of section 53a-56b or 53a-60d; (6) been permitted by the commissioner to be issued or to retain an operator's license subject to reporting requirements concerning such person's physical condition, in accordance with the provisions of subsection (e) of this section and sections 14-45a to 14-46g, inclusive; (7) had such person's operator's license suspended under subsection (i) of section 14-227b and has served not less than forty-five days of the prescribed period of such suspension; (8) been convicted for a first or second time of a violation of subsection (a) of section 14-227m and has served not less than forty-five days of the prescribed period of suspension for such conviction, in accordance with the provisions of subsection (c) of section 14-227m and subsection (i) of section 14-227a; or (9) been convicted of a violation of subdivision (1) or (2) of subsection (a) of section 14-227n and has served not less than forty-five days of the prescribed period of suspension for such conviction, in accordance with the provisions of subsection (c) of section 14-227n and subsection (i) of section 14-227a. (h) Driving history record check. Before issuing a motor vehicle operator's license in accordance with this section or section 14-44c, the commissioner shall request information from the National Driver Registry and the Commercial Driver License Information System, in accordance with the provisions of 49 CFR section 383.73. Each driving history record shall contain a notation of the date on which such inquiry was made. (i) Penalties. (1) Any person who violates any provision of this section shall, for a first offense, be deemed to have committed an infraction and be fined not less than seventy-five dollars or more than ninety dollars and, for any subsequent offense, shall be fined not less than two hundred fifty dollars or more than three hundred fifty dollars or be imprisoned not more than thirty days, or both. (2) In addition to the penalty prescribed under subdivision (1) of this subsection, any person who violates any provision of this section who (A) has, prior to the commission of the present violation, committed a violation of this section or subsection (a) of section 14-215, shall be fined not more than five hundred dollars or sentenced to perform not more than one hundred hours of community service, or (B) has, prior to the commission of the present violation, committed two or more violations of this section or subsection (a) of section 14-215, or any combination thereof, shall be sentenced to a term of imprisonment of one year, and, in the absence of any mitigating circumstances as determined by the court, ninety days of the sentence imposed may not be suspended or reduced in any manner. (j) Regulations. The Commissioner of Motor Vehicles may adopt regulations, in accordance with chapter 54, to implement the provisions of this section. (1949 Rev., S. 2377; 1949, S. 1295d; 1953, S. 1296d; 1957, P.A. 117; 411; 437, S. 2; 599, S. 3; September, 1957, P.A. 23, S. 1; 1959, P.A. 309, S. 1; 1961, P.A. 481, S. 1; 1963, P.A. 150; 550, S. 2; February, 1965, P.A. 361, S. 3; 1967, P.A. 458, S. 3; 614, S. 1; 807, S. 3; 832, S. 4; 1969, P.A. 55, S. 1; 445, S. 1; 807, S. 1, 2; 1972, P.A. 127, S. 13; P.A. 73-507; 73-605, S. 1; P.A. 74-33; 74-36, S. 1; P.A. 76-263, S. 3, 9; P.A. 77-256, S. 1, 4; P.A. 79-7; P.A. 81-172, S. 17; P.A. 82-223, S. 9; P.A. 83-452; 83-491; 83-577, S. 15; P.A. 84-429, S. 15; 84-546, S. 40, 173; P.A. 86-90, S. 1; P.A. 89-242, S. 1, 7; P.A. 90-265, S. 1, 8; P.A. 91-13, S. 1, 3; P.A. 93-341, S. 9; P.A. 95-181, S. 2; P.A. 96-244, S. 35, 63; 96-248, S. 1, 4; P.A. 97-1, S. 1, 4; 97-236, S. 24, 27; June 18 Sp. Sess. P.A. 97-8, S. 73, 88; P.A. 02-70, S. 52, 66; P.A. 03-171, S. 1; 03-265, S. 20; P.A. 04-217, S. 2; 04-257, S. 22; P.A. 05-54, S. 1; 05-215, S. 3; 05-218, S. 20; P.A. 06-130, S. 2; 06-196, S. 281; P.A. 07-167, S. 20, 22; P.A. 08-32, S. 2, 3; 08-150, S. 57; P.A. 09-187, S. 2, 51; P.A. 11-48, S. 53; 11-51, S. 218; 11-213, S. 12, 13, 58; P.A. 12-81, S. 37; 12-116, S. 87; P.A. 13-89, S. 2; 13-92, S. 3; 13-271, S. 50, 56; 13-277, S. 22; P.A. 14-122, S. 20; 14-130, S. 4; 14-131, S. 2, 3; 14-228, S. 1; P.A. 16-126, S. 7; P.A. 17-79, S. 2; 17-202, S. 43; 17-237, S. 93; P.A. 21-28, S. 8; 21-79, S. 22; 21-106, S. 9; P.A. 23-40, S. 27; 23-47, S. 5; 23-116, S. 6.) History: 1959 act added to Subsec. (a) provision for waiver of certificate requirement for persons eighteen to twenty-one in hardship cases; 1961 act added provisions re home training certificates to Subsec. (a); 1963 acts added provisions for 60-day operation under out-of-state license and for request by spouse of minor applicant for issuance of license to such applicant and for signing of home training certificate by such spouse to Subsec. (a); 1965 act added references to schools in driver training course provisions in Subsec. (a); 1967 acts clarified provisions by referring to licenses for operation of different classes of vehicles, deleted references to certificates of behind-the-wheel training from secondary or vocational schools, added provision re filing birth certificate copy with application for license and added Subsec. (e) re definition of motor vehicle; 1969 acts required instructor accompanying learning driver to be at least twenty-one and to have held license for at least 2 years, allowed certificate of request, consent or instruction to be signed by stepparent, uncle or aunt under certain conditions, added provision re written examination in English or Spanish and allowed waiver of part or all of licensure examination for persons holding license from territory or possession of U.S.; 1972 act amended provisions to reflect change in age of majority from 21 to 18; P.A. 73-507 specified that behind-the-wheel instruction by drivers' training school be "given on the roads and highways of this state"; P.A. 73-605 allowed brother or sister to sign instruction certificate and added requirement that brother, sister, stepparent, uncle or aunt sign certificate when spouse, parent or guardian is not available to give instruction; P.A. 74-33 added special provision for waiver of examination when applicant recently serving in armed forces and holding military license for class of vehicles he is applying for license to drive; P.A. 74-36 allowed foster parents to sign certificates of request, consent or instruction; P.A. 76-263 made provisions of Subsec. (b) generally applicable to applicants who have not held Connecticut license during the preceding 4, rather than 2, years; P.A. 77-256 repealed change in applicability provision of Subsec. (b) enacted in 1976 act; P.A. 79-7 substituted "on the road" instruction for instruction "given on the roads and highways of this state" and allowed grandparents to sign instruction certificate; P.A. 81-172 required an operator's license for driving on a private road with established speed limit; P.A. 82-223 amended Subsec. (d) by specifying that the commission of a first offense constituted an infraction and establishing a minimum fine

therefor of \$25; P.A. 83-452 amended Subsec. (a), eliminating the 30-day limitation on the right of a student driver to operate a motor vehicle while under instruction; P.A. 83-491 amended Subsec. (b), providing that a license issued to or renewed by a deaf or hearing impaired person on or after October 1, 1983, shall indicate such impairment upon that person's request; P.A. 83-577 amended Subsec. (d) by increasing the minimum fine for a first offense from \$25 to \$35; P.A. 84-429 relettered Subsecs., rephrased provisions, transferred provision re license recall in Subsec. (d) to Sec. 14-38(a), a provision re classifications in Subsec. (f) to Sec. 14-36a(c) and made other technical changes; P.A. 84-546 made technical change, overridden in part by P.A. 84-429; P.A. 86-90 amended Subsec. (d)(2) to require signer of home training certificate to hold operator's license for a minimum of 4 years, to eliminate reference to age of such signer and to provide that such certificate be on file for 30 days before applicant may take examination; P.A. 89-242 amended Subsec. (d)(2) to require applicants between 16 and 18 years old to present proof of successful completion of a course relative to safe driving and alcohol and drug education and to authorize the motor vehicle commissioner to adopt regulations concerning the content of safe driving instruction at drivers' schools; P.A. 90-265 amended Subsec. (e) to replace reference to applicant who "suffers from any physical defect or from any disease" with reference to applicant or operator license holder who has any health problem, and to authorize commissioner to suspend license of person determined to be incapable of safely operating a motor vehicle; P.A. 91-13 amended Subsec. (e) to require each part of license examination to be conducted on same day at same location; P.A. 93-341 amended Subsec. (b)(2) to reduce from 60 to 30 the number of days during which a person holding a valid out-of-state motor vehicle operator's license could operate a motor vehicle following establishment of residence in Connecticut, if the motor vehicle was of the same class as that for which his out-of-state motor vehicle operator's license was issued; P.A. 95-181 amended Subsec. (g) by increasing the minimum fine for a first offense from \$35 to \$75 and the maximum fine from \$50 to \$90, adding a minimum fine of \$250 for any subsequent offense and increasing the maximum fine from \$100 to \$350 for any such offense; P.A. 96-244 amended Subsec. (d) to transfer authority for the content of safe driving instruction at high schools and other secondary schools from the Commissioner of Education to the Commissioner of Motor Vehicles, effective July 1, 1996; P.A. 96-248 amended Subsec. (b) to eliminate provisions authorizing person 16 years of age or older to operate a motor vehicle without license and requiring instructor to have full control of motor vehicle and to authorize issuance of a learner's permit on or after January 1, 1997, to persons 16 or 17 years of age, amended Subsec. (c) to require applicant for a new motor vehicle operator's license to file evidence of identity with application, amended Subsec. (d) to increase number of hours of behind-the-wheel, on-the-road instruction from six to eight, to substitute "on-the-road skills test" for "examination", to increase length of time within which home training certificate shall be on file with commissioner from 30 to 90 days and to insert references to "obtained a learner's permit" where applicable and amended Subsec. (e) to eliminate requirement that each part of operator's license examination be conducted on same day at same location, effective January 1, 1997; P.A. 97-1 restated the provisions of Subsecs. (b) to (e), inclusive, amended Subsec. (b) to restore language allowing persons 18 years of age or older to operate motor vehicles without an operator's license if they meet two requirements, transferred provisions re learner's permit from Subsec. (b) to (c), amended Subsec. (d) for consistency with provisions requiring a learner's permit and to eliminate home training certificates, amended Subsec. (g) to eliminate reference to Subsec. "(a), (b), (c), (d) or (f)" and added new Subsec. (i), authorizing commissioner to adopt regulations to implement the provisions of this section, effective January 30, 1997; P.A. 97-236 amended Subsec. (c)(2) to restate provision re operation on a multiple-lane limited access highway and added exception thereto for permit holders under the instruction of a person who holds an instructor's license, effective June 24, 1997; June 18 Sp. Sess. P.A. 97-8 amended Subsec. (c)(2) to add exemption and qualifications for ambulance service members, effective July 1, 1997; P.A. 02-70 amended Subsec. (d)(1) to increase the fee that may be charged for course on safe driving practices from \$25 to \$40, effective July 1, 2002, and added Subsec. (e)(5) providing that issuance of a motor vehicle operator's license to an applicant who holds a license from another state shall be subject to provisions of Secs. 14-111c and 14-111k, effective January 1, 2003; P.A. 03-171 amended Subsec. (c) by deleting restrictions on holder of learner's permit to operate motor vehicle on multiple-lane limited access highways, amended Subsec. (d) to increase from five to eight the number of hours of safe driving instruction a 16 or 17-year-old applicant must complete before being issued motor vehicle operator's license, to increase from two to four the number of hours of instruction re the effects of alcohol and drugs on the operation of a motor vehicle that must be included as part of the eight hours of safe driving instruction, to change \$40 fee for safe driving instruction to fee prescribed by commissioner by regulation, and to permit 16 or 17-year-old applicant who, while resident of another state, completed all but alcohol and drug portion of safe driving instruction to complete that portion at a fee prescribed by the commissioner by regulation, deleted former Subsec. (h) re definition and redesignated existing Subsec. (i) as Subsec. (h), making technical changes therein, and made technical changes in Subsecs. (a), (b), (c), (e) and (f), effective October 1, 2003, but not applicable to persons 16 or 17 years of age who applied for a learner's permit on or before that date; P.A. 03-265 amended Subsec. (d)(1) by making identical changes to those made by P.A. 03-171 and adding requirement that signer of statement evidencing home training not have had license suspended by commissioner for at least 4 years preceding date of statement, effective July 9, 2003; P.A. 04-217 added new Subsec. (g) requiring information request from National Driver Registry and Commercial Driver License Information System prior to issuance of motor vehicle operator's license, and redesignated existing Subsecs. (g) and (h) as new Subsecs. (h) and (i), effective January 1, 2005; P.A. 04-257 made technical changes in Subsec. (g), effective June 14, 2004; P.A. 05-54 amended Subsec. (d)(1) by adding Subpara. (A)(iii) re home training in accordance with Subdiv. (2) "or by a combination of such types of training", changing "eight" to "twenty" re clock hours of instruction and making technical changes; P.A. 05-215 amended Subsec. (h) to designate existing provisions as Subdiv. (1) and add Subdiv. (2) re additional penalties for persons who have one or more prior violations of this section or Sec. 14-215(a); P.A. 05-218 amended Subsec. (e)(1)(A) to delete provisions re renewals need not be under oath and re application to state such information as commissioner requires and add provision re

application made subject to penalties for false statement in accordance with Sec. 53a-157b; P.A. 06-130 amended Subsec. (d)(1)(C) to limit the 120-day learner's permit period to only those applicants who produce a certificate from a secondary or vocational school program or from a licensed drivers' school approved by the commissioner, effective June 2, 2006; P.A. 06-196 made a technical change in Subsec. (d)(2), effective June 7, 2006; P.A. 07-167 amended Subsec. (c) by adding new Subdivs. (3) and (4) re limitations on transportation of passengers by learner's permit holder, redesignating existing provisions of Subdiv. (2) re exemption as Subdiv. (5), redesignating existing Subdiv. (3) as Subdiv. (6) and making conforming changes, and amended Subsec. (h)(2)(B) by changing penalty from term of imprisonment of 90 days which may not be suspended or reduced to term of imprisonment of one year, 90 days of which may not be suspended or reduced; P.A. 08-32 amended Subsec. (c) to eliminate separate three and six-month passenger restrictions by revising provisions in Subdiv. (3) and deleting former Subdiv. (4), to renumber existing Subdivs. (5) and (6) as new Subdivs. (4) and (5) and to make conforming changes, and amended Subsec. (d) in Subdiv. (1) to increase clock hours of behind-the-wheel, on-the-road instruction for persons issued a learner's permit on or after August 1, 2008, from not less than 20 to not less than 40, to make test re motor vehicle laws and road rules permissive and to clarify that such test is in addition to test required under Subsec. (c) and, in Subdiv. (4), to authorize adoption of regulations to implement requirements for behind-the-wheel, on-the-road instruction, effective August 1, 2008; P.A. 08-150 added new Subsec. (g) re ignition interlock device (Revisor's note: In 2009, existing Subsecs. (g), (h) and (i) were redesignated editorially by the Revisors as Subsecs. (h), (i) and (j), respectively, to conform section with the addition of new Subsec. (g) by P.A. 08-150; P.A. 09-187 amended Subsec. (c)(1)(D) to include grandparent, effective July 8, 2009 and amended Subsec. (d)(1) to make a technical change, make second test of laws concerning motor vehicles and rules of the road mandatory, add provision re authorization for driver's school or secondary school driver education program to administer second test and replace former provisions re fee amount prescribed by regulation with provision establishing maximum course fees, and amended Subsec. (d)(4) to make a technical change and insert "and the administration and certification of required testing", effective October 1, 2009; P.A. 11-48 amended Subsec. (g)(1) to make provisions applicable to person convicted for a "first" time violation of Sec. 14-227a(a)(2) and reduce minimum suspension period that must be served from "one year" to "forty-five days", effective January 1, 2012; P.A. 11-51 made identical changes as P.A. 11-48, effective January 1, 2012; P.A. 11-213 amended Subsec. (d)(1)(C) to make inclusion of comprehensive test permissive, rather than mandatory, and amended Subsec. (e) to authorize administration of class D knowledge test in various forms and require administration in other languages, effective July 13, 2011, and amended Subsec. (g)(3) to replace reference to Sec. 14-111(k) with reference to Sec. 14-111(i), effective October 1, 2011; P.A. 12-81 amended Subsec. (b)(1) to rephrase provisions, add provision requiring person to apply for and obtain an adult instruction permit to operate motor vehicle on public highways for purpose of instruction, make person ineligible for permit if such person has had a motor vehicle operator's license suspended or revoked, replacing prior disqualifier of having a "Connecticut" motor vehicle operator's license suspended or revoked, and provide that adult instruction permit entitles holder, while holder has permit in his or her possession, to operate motor vehicle on public highways provided holder is being instructed and accompanied by person meeting specified conditions, amended Subsec. (c) to replace "learner's permit" with "youth instruction permit", provide such permit expires on the earliest of the permit holder being issued an operator's license, the permit holder attaining age 18 or "two years from the date of issuance" and delete an obsolete date and amended Subsec. (d) to replace "learner's permit" with "youth instruction permit" and delete provision re minimum hours of instruction for applicants to whom learner's permit is issued before August 1, 2008, effective January 1, 2013; pursuant to P.A. 12-116, "vocational school" was changed editorially by the Revisors to "technical high school" in Subsec. (d)(1)(A)(i), effective July 1, 2012; P.A. 13-89 amended Subsec. (e)(2) to exclude applicants described in Sec. 14-36m, effective January 1, 2015; P.A. 13-92 amended Subsec. (e)(3) to add provision requiring each knowledge test to include a question concerning highway work zone safety; P.A. 13-271 amended Subsec. (b)(1) to make ineligible for adult instruction permit any person who has had motor vehicle operator's privilege suspended or revoked and to prohibit issuance of motor vehicle operator's license to person holding adult instruction permit who has held permit for less than 90 days unless person is member of armed forces on active duty outside the state or previously held Connecticut motor vehicle operator's license, effective July 11, 2013, and amended Subsec. (d)(1) to delete provision establishing maximum fee of \$125 for safe driving practices course or \$150 for such course if comprehensive knowledge test is also administered and to establish maximum fee of \$150 for any safe driving practices course, effective October 1, 2013; P.A. 13-277 amended Subsec. (e)(3) to add provision requiring inclusion of not less than one question on knowledge test re distracted driving or use of mobile telephones and electronic devices; P.A. 14-122 amended Subsec. (d)(1) to replace "handicapped driver training unit" with "driver training unit for persons with disabilities"; P.A. 14-130 amended Subsec. (b)(1)(B) by deleting reference to Connecticut re person having previously held an operator's license, effective June 6, 2014; P.A. 14-131 amended Subsec. (e)(3) to delete provision re waiver of examination for person honorably separated from armed forces, to add provision re waiver of examination or driving skills test for certain veterans and members of the armed forces or National Guard and to add definitions of "veteran" and "armed forces"; P.A. 14-228 amended Subsec. (g) to add Subdiv. (7) re person whose operator's license was suspended under Sec. 14-227b(i) and has served not less than 45 days of suspension and to make technical changes, effective July 1, 2015; (Revisor's note: In 2015, the provisions added by P.A. 13-92, S. 3, and P.A. 13-277, S. 22, were incorporated editorially by the Revisors in the version of Subsec. (e), as amended by P.A. 13-89, S. 2, that became effective on January 1, 2015); P.A. 16-126 amended Subsec. (g) by adding Subdiv. (8) re violation of Sec. 14-227m(a) and by adding Subdiv. (9) re violation of Sec. 14-227n(a)(1) or (2); P.A. 17-79 amended Subsec. (c)(1) by deleting provision re expiration of youth instruction permit on date the holder attains age 18, adding provision re holder who attains age 18 may retain such permit until expiration, and making technical changes, effective June 27, 2017; P.A. 17-202 amended Subsec. (e)(4) by replacing "deaf or hearing impaired person" with "person who is deaf or hard of hearing"; P.A. 17-237 amended

Subsec. (d)(1)(A)(i) by replacing “state technical high school” with “technical education and career school”, effective July 1, 2017; P.A. 21-28 amended Subsec. (a) by replacing reference to Sec. 14-218a(a) with reference to Sec. 14-218a and adding reference to Sec. 14-307a; P.A. 21-79 amended Subsec. (e)(3) by redefining “veteran” and making technical changes; P.A. 21-106 amended Subsec. (b) to add provision re vision screening or vision examination in Subdiv. (1) and replace 30 days with 60 days in Subdiv. (2), amended Subsec. (c) to designate existing provision re knowledge test and fee as new Subparas. (A) and (B), add new Subpara. (C) re vision screening or vision examination, designate existing provision re certificate as new Subpara. (D) and redesignate existing Subparas. (A) to (D) as clauses (i) to (iv), amended Subsec. (e) to add “, as determined by the commissioner,” in Subdiv. (2), and replace “who has not operated a motor vehicle during the preceding two years” with “whose Connecticut motor vehicle operator's license expired more than two years prior to the application date” and add provision re commissioner discretion to waive knowledge test in case of commercial motor vehicle license for certain veterans and members of the armed forces or National Guard in Subdiv. (3), and made technical and conforming changes in Subsecs. (c) to (e), effective July 1, 2021; P.A. 23-47 amended Subsec. (i)(2)(B) by adding language re absence of mitigating circumstances and making a technical change; P.A. 23-40 amended Subsec. (d)(1)(B) to add instruction on cannabis and video presentation on impact of cannabis to safe driving practices course, moved provision re administration of knowledge test from Subsec. (e)(3) to Subsec. (d)(3) and amended same to add provision re administration of knowledge test in languages responsive to needs of immigrants, refugees or other persons who are English language learners, amended Subsec. (e)(5) to delete reference to Sec. 14-111c and made technical and conforming changes; P.A. 23-116 amended Subsec. (e)(5) to delete reference to Sec. 14-111c, effective July 1, 2023.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-36f. (Formerly Sec. 10-24d). - Regulations concerning driver education programs.

The Commissioner of Motor Vehicles shall adopt regulations, in accordance with the provisions of chapter 54, governing the establishment, conduct and scope of driver education programs in secondary schools of this state, subject to the requirements of section 14-36e. Such regulations shall (1) permit any local or regional board of education or private secondary school to contract with a licensed drivers' school approved by the Commissioner of Motor Vehicles for the behind-the-wheel instruction of such driver education program and instruction therein may be given by such school's driving instructors who are licensed by the Department of Motor Vehicles, (2) require that the classroom instruction of any such driver education program include (A) a discussion concerning highway work zone safety and the responsibilities of an operator of a motor vehicle under section 14-212d, and (B) a discussion concerning ways to reduce incidents of operators driving in the wrong direction and actions to take when an operator encounters a motor vehicle being operated in the wrong direction, and (3) except for instruction offered pursuant to section 14-36j, permit a class or classroom instruction to be offered in person in a congregate setting, through distance learning or through a combination of both in-person and distance learning, provided such distance learning has interactive components such as mandatory interactions, participation or testing. (1967, P.A. 765, S. 3; 1971, P.A. 456, S. 4; P.A. 77-614, S. 302, 587, 610; P.A. 78-218, S. 25; 78-303, S. 85, 136; P.A. 92-262, S. 5, 42; P.A. 13-92, S. 4; P.A. 21-106, S. 12; P.A. 23-51, S. 2.) History: 1971 act added provision requiring that regulations allow contract with licensed drivers' school for provision of behind-the-wheel instruction; P.A. 77-614 and P.A. 78-303 substituted commissioner of education for secretary of the state board of education, effective January 1, 1979; P.A. 78-218 deleted provision concerning appointment of full-time consultant in driver education; P.A. 92-262 transferred authority for the regulations from the department of education to the department of motor vehicles; Sec. 10-24d transferred to Sec. 14-36f in 1993; (Revisor's note: In 1997 references throughout the general statutes to “Motor Vehicle(s) Commissioner” and “Motor Vehicle(s) Department” were replaced editorially by the Revisors with “Commissioner of Motor Vehicles” or “Department of Motor Vehicles”, as the case may be, for consistency with customary statutory usage); P.A. 13-92 inserted Subdiv. (1) designator and added Subdiv. (2) re regulations requiring classroom instruction of highway work zone safety; P.A. 21-106 added Subdiv. (3) re offering of instruction in person, through distance learning or combination of in-person and distance learning, and made a technical change, effective June 30, 2021; P.A. 23-51 amended Subdiv. (2) by designating existing provision as Subpara. (A) and adding Subpara. (B) re classroom instruction concerning driving in the wrong direction.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-4. - Findings and rulings of commissioner.

The Commissioner of Motor Vehicles may, upon his initiative and after notice and hearing, make a finding of fact and issue a ruling thereon concerning any misfeasance or nonfeasance on the part of any officer for failure to enforce or for improperly enforcing any provision of this chapter relating to motor vehicles. Upon the presentation of such finding to him, the state's attorney of the judicial district wherein lies the jurisdiction of the accused shall apply to the superior court for said judicial district for a bench warrant for such accused. Such finding shall be prima facie evidence of a violation of official duty by the person named therein, and, upon conviction thereof, such officer shall be fined not more than five hundred dollars. (1949 Rev., S. 2353; P.A. 78-280, S. 2, 127; P.A. 96-180, S. 37, 166.) History: P.A. 78-280 substituted “judicial district” for “county”; P.A. 96-180 substituted “The Commissioner of Motor Vehicles” for “Said commissioner”, effective June 3, 1996.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-41. - Expiration and renewal of operators' licenses and identity cards. Fees. Notice. Video presentation.

(a) An original operator's license shall expire within a period not exceeding seven years following the date of the operator's next

birthday. The fee for such license shall be eighty-four dollars. Upon renewal of a license, the commissioner may issue a license for a period to be determined by the commissioner, provided such period does not exceed eight years. The fee for the renewal of a license that expires eight years from the date of issuance shall be ninety-six dollars. The commissioner shall charge a prorated amount of such fee for a license that expires less than eight years from the date of issuance. (b) The commissioner may authorize a contractor, including, but not limited to, an automobile club or association licensed in accordance with the provisions of section 14-67 on or before July 1, 2007, or any municipality, to issue duplicate licenses and identity cards pursuant to section 14-50a, renew licenses, renew identity cards issued pursuant to section 1-1h and conduct registration transactions. The commissioner may authorize such contractors and municipalities to charge a convenience fee, which shall not exceed eight dollars, to each applicant for a license or identity card renewal or duplication, or for a registration transaction. (c) Any previously licensed operator who fails to renew a motor vehicle operator's license in accordance with subsection (a) of this section shall be charged a late fee of twenty-five dollars upon renewal of such operator's license. (d) The commissioner may, at least fifteen days before the date on which each motor vehicle operator's license or identity card expires, notify the holder of such license or identity card of the expiration date, in a manner determined by the commissioner. The commissioner shall not provide such notification by mail to any such licensee or identity card holder if the United States Postal Service has determined that mail is undeliverable to the address for such person that is documented in the records of the Department of Motor Vehicles. Any previously licensed operator who operates a motor vehicle within sixty days after the expiration date of the operator's license without obtaining a renewal of the license shall be fined in accordance with the amount designated for the infraction of failure to renew a motor vehicle operator's license. Any operator so charged shall not be prosecuted under section 14-36 for the same act constituting a violation under this section but section 14-36 shall apply after the sixty-day period. (e) On and after January 1, 2013, the commissioner may extend the expiration date of an operator's license or identity card for a period of six months when such licensee or identity card holder presents documentation satisfactory to the commissioner that such person was out of the state during the renewal period for such license or identity card, or when the commissioner requires additional time to determine whether such person qualifies for a renewal. The fee for such extension shall be the same as that for a duplicate license under section 14-50a and no part of such fee shall be subject to refund. The commissioner shall not grant more than one extension to any such person pursuant to this subsection. (f) Notwithstanding the provisions of section 1-3a, if the expiration date of any motor vehicle operator's license or any public passenger endorsement falls on any day when the offices of the commissioner are closed for business or are open for less than a full business day, the license or permit shall be deemed valid until midnight of the next day on which the offices of the commissioner are open for a full day of business. (g) The commissioner shall develop, and thereafter revise as needed, a video presentation concerning current state laws that impact motorists, pedestrians and bicyclists and ways to practice safe driving behaviors and reduce transportation-related fatalities and severe injuries. In developing such video presentation, the commissioner may use materials and one or more video presentations developed by a governmental entity, independent contractor or any other party. Upon every other renewal of a motor vehicle operator's license, the commissioner shall require the licensee to watch such video presentation prior to issuing such license.

(1949 Rev., S. 2381; 1953, 1955, S. 1299d; 1957, P.A. 437, S. 4; February, 1965, P.A. 68; 1967, P.A. 115; 436, S. 1; 807, S. 4; 1969, P.A. 759, S. 4; 1972, P.A. 127, S. 16; P.A. 75-213, S. 9, 53; 75-577, S. 21, 126; P.A. 76-263, S. 6, 9; P.A. 77-10; 77-256, S. 3, 4; 77-348, S. 1, 2; P.A. 79-89, S. 1; P.A. 80-51; P.A. 81-172, S. 3; P.A. 83-489, S. 3, 17; P.A. 84-254, S. 29, 62; 84-429, S. 21; P.A. 85-413, S. 4, 8; P.A. 87-329, S. 5; P.A. 90-263, S. 8, 74; 90-265, S. 7, 8; P.A. 91-408, S. 8, 18; May Sp. Sess. P.A. 92-9, S. 1, 4; P.A. 93-80, S. 49, 67; 93-341, S. 12, 38; P.A. 95-223, S. 1, 2; P.A. 97-284, S. 1, 2; P.A. 99-287, S. 7, 9; June Sp. Sess. P.A. 01-6, S. 74, 85; June Sp. Sess. P.A. 01-9, S. 47, 131; P.A. 03-171, S. 6; June 30 Sp. Sess. P.A. 03-3, S. 34; P.A. 04-4, S. 6; 04-177 S. 12; 04-199, S. 22; June Sp. Sess. P.A. 05-3, S. 26; P.A. 07-167, S. 32; June Sp. Sess. P.A. 07-1, S. 94; June Sp. Sess. P.A. 07-5, S. 43; P.A. 09-187, S. 10; P.A. 10-110, S. 21; 10-179, S. 25; P.A. 11-6, S. 137; 11-48, S. 27; 11-213, S. 16; P.A. 12-81, S. 4; P.A. 13-271, S. 15; P.A. 14-130, S. 7; P.A. 16-55, S. 24; P.A. 17-79, S. 5; P.A. 18-164, S. 23; P.A. 19-165, S. 2; P.A. 21-106, S. 13; P.A. 23-116, S. 5.) History: 1965 act added proviso clause re holder reaching 21 in Subsec. (b); 1967 acts included motorcycle licenses in provisions, revised provisions re expiration of licenses in Subsec. (b), inserted new Subsec. (c) re effect of change in birth date on expiration and reissuance of license, redesignated former Subsec. (c) as Subsec. (d) and added provisions re penalty for failure to renew license within 30 days of expiration date; 1969 act revised fee provisions in Subsecs. (b) and (c), raising rate from \$0.25 to \$0.35 per month and placing \$2 maximum on fee for 6-month period; 1972 act changed age of majority from 21 to 18; P.A. 75-213 raised fee in Subsec. (b) to \$0.45 per month not to exceed \$2.50 for 6-month period; P.A. 75-577 removed reference to \$25 maximum fine in Subsec. (d) and added references to fines of the amount designated for infractions specified; P.A. 76-263 revised section to cover transition period for change of validity period from 2 to 4 years and institution of licenses with pictures, deleted references to provisional licenses and deleted violation in Subsec. (d) re failure to sign license before operating motor vehicle or motorcycle; P.A. 77-10 added Subsec. (e) re expiration of license on day when motor vehicle offices are closed; P.A. 77-256 raised fee in Subsec. (c) to \$0.45 per month not to exceed \$2.50 for 6-month period; P.A. 77-348 revised provisions re expiration so that all licenses expire on birth date rather than last day of birth month and changed reference to June 30, 1976 to June 30, 1977 in Subsec. (a); P.A. 79-89 added exception re Sec. 14-41a to Subsec. (a); P.A. 80-51 made former Subdivs. (1) to (4) in Subsec. (a) subparagraphs (A) to (D) under Subdiv. (1) re motor vehicle and motorcycle licenses, made provision re public service operator's license Subdiv. (2) and added exception re change of expiration date from April 30th to June 30th; P.A. 81-172 amended Subsec. (d) by increasing from 30 to 60 days after the expiration date the amount of time during which an operator can be charged with only an infraction; P.A. 83-489 amended Subsec. (b) to increase additional sum from \$1 to \$2; P.A. 84-254 amended Subsec. (b), effective July 1, 1984, to increase the fee, scheduling the increases to take effect as of July 1, 1984, 1986 and 1988; P.A. 84-429 deleted

obsolete provisions, rephrased provisions and made other technical changes; P.A. 85-413 adjusted fees after July 1, 1988, and deleted obsolete fee provisions; P.A. 87-329 amended Subsec. (b) maintaining the fee at the level existing on and after July 1, 1986, and decreasing the fee effective July 1, 1992, to the level formerly existing on and after July 1, 1988; P.A. 90-263 amended Subsecs. (a) and (e) to substitute public passenger transportation permit for public service motor vehicle operator's license; P.A. 90-265 amended Subsec. (a) to require vision screening for motor vehicle operators prior to every other renewal of operator's license in accordance with specified schedule; P.A. 91-408 amended Subsec. (a) to delay the commencement of vision screening from July 1, 1991, to October 1, 1992, and to change the beginning and ending dates of the specified schedule accordingly; May Sp. Sess. P.A. 92-9 amended Subsec. (a) to postpone vision screening requirement from October 1, 1992, to July 1, 1993, and to require that screening be done in accordance with a schedule adopted by the commissioner, eliminating the specified schedule according to the last name of the operator; P.A. 93-80 amended Subsec. (a) to postpone vision screening requirement from July 1, 1993, to July 1, 1995, effective July 1, 1993; P.A. 93-341 amended Subsec. (a) by deleting former Subdiv. (2) re expiration date for public passenger transportation permits, effective July 1, 1994; P.A. 95-223 amended Subsec. (a) to postpone vision screening requirement from July 1, 1995, to July 1, 1997, effective July 1, 1995; (Revisor's note: In 1997 references throughout the general statutes to "Motor Vehicle(s) Commissioner" and "Motor Vehicle(s) Department" were replaced editorially by the Revisors with "Commissioner of Motor Vehicles" or "Department of Motor Vehicles", as the case may be, for consistency with customary statutory usage); P.A. 97-284 amended Subsec. (a) to postpone vision screening requirement from July 1, 1997, to July 1, 1999, effective July 1, 1997; P.A. 99-287 amended Subsec. (a) by postponing the implementation of vision screening from July 1, 1999, to July 1, 2001, and allowing a vision screening conducted by a licensed health care professional to have occurred during the preceding 12 months in lieu of the preceding 3 months, effective July 1, 1999; June Sp. Sess. P.A. 01-6 amended Subsecs. (a) and (b) to require renewal of license every 6 years, amended Subsec. (b) to increase fee from \$3.50 to \$5.25, amended Subsec. (c) to modify the issue period for renewal licenses from not more than 48 months to not more than 72 months and made technical changes for purposes of gender neutrality in Subsecs. (a) and (d), effective July 1, 2001; June Sp. Sess. P.A. 01-9 amended Subsec. (a) to provide for an optional licensure period of 4 years in accordance with a schedule to be established by the commissioner and changed to July 1, 2003, the date by which the commissioner shall screen the vision of operator's at every other renewal of license, effective July 1, 2001; P.A. 03-171 amended Subsecs. (a), (d) and (e) to delete references to motorcycle operator's license, made technical changes in Subsec. (a) and amended Subsec. (d) to delete references to Sec. 14-40a; June 30 Sp. Sess. P.A. 03-3 amended Subsec. (a) to change commencement date of vision screening program from July 1, 2003, to July 1, 2005, effective August 20, 2003, and applicable as of July 1, 2003; P.A. 04-4 amended Subsec. (b) to delete former formula for the license fee and to establish fees for 4-year and 6-year licenses and a fee for a part-year license, deleted former Subsec. (c) re changes in records relating to birth dates and renewal of licenses thereafter and redesignated existing Subsecs. (d) and (e) as new Subsecs. (c) and (d), effective March 11, 2004; P.A. 04-177 and P.A. 04-199 both amended Subsec. (b) to increase fee for original 4-year operator's licenses from \$43 to \$44 and for 6-year operator's license from \$65 to \$66, effective July 1, 2004; June Sp. Sess. P.A. 05-3 amended Subsec. (a) by changing "2005" to "2007", effective July 1, 2005; P.A. 07-167 amended Subsec. (a) by deleting provisions re vision screening and amended Subsec. (b) by adding provisions re renewals at office facilities of licensed automobile club or association, effective July 1, 2007; June Sp. Sess. P.A. 07-1 attempted to amend Subsec. (a) to change July 1, 2007, to July 1, 2009, effective July 1, 2007, but failed to take effect since the vision screening provisions were previously deleted from this Subsec. by P.A. 07-167; June Sp. Sess. P.A. 07-5 amended Subsec. (a) by restoring provisions re vision screening and postponing implementation to July 1, 2009; P.A. 09-187 amended Subsec. (a) to postpone implementation of vision screening from July 1, 2009, to July 1, 2011, effective July 1, 2009; P.A. 10-110 amended Subsec. (a) to authorize commissioner, upon every other renewal of operator's license or identity card, to issue such license or card without personal appearance of licensee or card holder if such licensee or card holder has digital image on file with commissioner and has met all other renewal requirements and amended Subsec. (b) to authorize automobile clubs and associations to perform identity card renewals and registration transactions and to charge fee of not more than \$2, effective July 1, 2010; P.A. 10-179 amended Subsec. (b) to make the same changes as made to Subsec. (b) by P.A. 10-110, effective July 1, 2010; P.A. 11-6 amended Subsec. (b) to increase fee for 4-year license from \$44 to \$48, for 6-year license from \$66 to \$72 and for a year or part thereof from \$11 to \$12, added Subsec. (c) re \$25 late renewal fee, redesignated existing Subsecs. (c) and (d) as Subsecs. (d) and (e), and deleted "shall be deemed to have failed to renew a motor vehicle operator's license and" in Subsec. (d), effective July 1, 2011; P.A. 11-48 amended Subsec. (a) by eliminating 4 or 6-year renewal requirement, requirement for personal appearance of licensee or holder for renewal and requirement for vision screening prior to every other renewal, effective July 1, 2011; P.A. 11-213 amended Subsec. (b) to authorize issuance of duplicate licenses and identity cards by automobile club or association and make conforming and technical changes, and amended Subsec. (c) to include identity cards, change "shall" to "may" re notification and prohibit notification by mail if mail determined to be undeliverable, effective July 13, 2011; P.A. 12-81 amended Subsec. (a) to make provisions applicable upon every "other" renewal of a license or identity card, amended Subsec. (b) to delete provision re fee for 4-year license and make conforming changes, added new Subsec. (e) re 6-month extension of expiration date of operator's license or identity card and fee therefor and redesignated existing Subsec. (e) as Subsec. (f), effective July 1, 2012; P.A. 13-271 amended Subsec. (b) to delete provision re license fee of \$12 per year or any part of a year and to increase maximum convenience fee charged by automobile club or association from \$2 to \$3; P.A. 14-130 amended Subsec. (f) by replacing "public passenger transportation permit" with "public passenger endorsement, as defined in section 14-1", effective June 6, 2014; P.A. 16-55 amended Subsec. (b) by adding "a contractor, including, but not limited to," and "or any office or department of a municipality", increasing maximum convenience fee from \$3 to \$5 and making a conforming change, effective May 31, 2016; P.A. 17-79 amended Subsec. (b) by

deleting “office or department of a”, replacing “its office facilities” with “the office or facilities of such contractors or municipalities” and adding provision re authorization for municipalities to charge a convenience fee, effective July 1, 2017; P.A. 18-164 amended Subsec. (b) by increasing maximum convenience fee from \$5 to \$8 and making a technical change, effective July 1, 2018; P.A. 19-165 deleted former Subsec. (a) re authority to issue renewal of operator's license or identity card without personal appearance of licensee or card holder, redesignated existing Subsec. (b) as Subsec. (a) and amended same to increase period of validity for original operator's license from 6 years to 7 years, increase fee from \$72 to \$84 and add provision re renewal and renewal fee, designated existing provision re authority of contractor or municipality to issue duplicate licenses and identity cards as new Subsec. (b), amended Subsec. (f) to delete reference to Sec. 14-1, and made conforming and technical changes, effective January 1, 2020; P.A. 21-106 amended Subsec. (b) to delete “at the office or facilities of such contractors or municipalities”, effective June 30, 2021; P.A. 23-116 added Subsec. (g) re video presentation concerning laws that impact motorists, pedestrians and bicyclists and safe driving behaviors, effective January 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-41c. - *(See end of section for amended version and effective date.) Renewal of operator's licenses and identity cards of incarcerated persons.

The Commissioner of Motor Vehicles shall consult with the Commissioner of Correction to establish a procedure to renew the operator's licenses and identity cards of persons who are incarcerated, without the appearance of such persons at the Department of Motor Vehicles, in accordance with subsection (b) of section 14-36d. Such renewal shall be initiated at the request of an incarcerated person who responds to a renewal notice for such person's operator's license or identity card. This section shall not apply to the initial issuance of an operator's license or identity card or the issuance of a license or identity card that has expired more than two years before the date of the requested renewal. (P.A. 11-213, S. 59; P.A. 12-81, S. 20.) *Note: On and after April 1, 2024, this section, as amended by section 2 of public act 23-88, is to read as follows: “Sec. 14-41c. Renewal of operator's licenses and identity cards of incarcerated persons. (a) The Commissioner of Motor Vehicles shall consult with the Commissioner of Correction to establish a procedure to renew the operator's licenses and identity cards of persons who are incarcerated, without the appearance of such persons at the Department of Motor Vehicles, in accordance with subsection (b) of section 14-36d. Such renewal shall be initiated at the request of an incarcerated person who responds to a renewal notice for such person's operator's license or identity card. This section shall not apply to the initial issuance of an operator's license or identity card or the issuance of a license or identity card that has expired more than two years before the date of the requested renewal. (b) On or before January 1, 2025, the Commissioner of Motor Vehicles shall examine whether any feasible modifications can be made to expand the permissible forms of identification that may be utilized for purposes of obtaining operator's licenses and identity cards for persons who are incarcerated. If the commissioner determines that feasible modifications can be made, the commissioner shall implement such feasible modifications.” (P.A. 11-213, S. 59; P.A. 12-81, S. 20; P.A. 23-88, S. 2.) History: P.A. 11-213 effective October 1, 2012; P.A. 12-81 replaced provision requiring Department of Motor Vehicles upon written request of incarcerated person to extend expiration date of such person's operator's license for 2 years or 30 days following incarceration release date, whichever occurs first, with provision requiring Commissioner of Motor Vehicles to consult with Commissioner of Correction to establish procedure to renew incarcerated person's operator's license or identity card upon request of such person and without such person appearing at the department and added provision making section inapplicable to initial issuance of license or card or issuance of license or card that expired more than 2 years before request; P.A. 23-88 redesignated existing provision as Subsec. (a) and added Subsec. (b) re examination by Commissioner of Motor Vehicles of feasible modifications to permissible forms of identification that can be used to obtain operator's licenses and identity cards for persons who are incarcerated, effective April 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-44. - License endorsement for operators of commercial motor vehicles used for passenger transportation, school buses, student transportation vehicles, taxicabs, motor vehicles in livery service and motor or service buses. Requirements. Hearing. Appeal. Report re persons whose license or endorsement has been withdrawn, suspended or revoked. Penalty.

(a)(1) No person shall operate a commercial motor vehicle used for passenger transportation on any public highway of this state until such person has obtained a commercial driver's license with a public passenger endorsement, as defined in section 14-1, from the Commissioner of Motor Vehicles, except a nonresident who holds such license with such endorsement issued by another state. (2) No person shall operate a school bus until such person has obtained a commercial driver's license with a school bus endorsement, except that a person who holds such a license without such endorsements may operate a school bus without passengers for the purpose of road testing or moving the vehicle. (3) No person shall operate a student transportation vehicle, as defined in section 14-212, taxicab, motor vehicle in livery service, motor bus or service bus until such person has obtained an operator's license of the proper classification bearing an appropriate public passenger endorsement from the Commissioner of Motor Vehicles, issued in accordance with the provisions of this section and section 14-36a, except that a person who holds an operator's license without such endorsement may operate any such vehicle without passengers for the purpose of road testing or moving the vehicle. (b) (1) No operator's license bearing a public passenger endorsement shall be issued or renewed in accordance with the provisions of this section or section 14-36a, until the Commissioner of Motor Vehicles, or the commissioner's authorized representative, is satisfied that the applicant is a proper person to receive such an operator's license bearing an endorsement, holds a valid motor vehicle

operator's license, or, if necessary for the class of vehicle operated, a commercial driver's license and is at least eighteen years of age. Each applicant for an operator's license bearing a public passenger endorsement or the renewal of such a license shall furnish the commissioner, or the commissioner's authorized representative, with satisfactory evidence, under oath, to prove that such person has no criminal record and has not been convicted of a violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n within five years of the date of application and that no reason exists for a refusal to grant or renew such an operator's license bearing a public passenger endorsement. Each applicant for such an operator's license bearing a public passenger endorsement shall submit with the application proof satisfactory to the commissioner that such applicant has passed a physical examination administered not more than ninety days prior to the date of application and meets the physical qualification standards set forth in 49 CFR 391, as amended from time to time. Each applicant for renewal of such license shall present evidence that such applicant is in compliance with the physical qualification standards established in 49 CFR 391, as amended from time to time. Each applicant for such an operator's license bearing a public passenger endorsement shall be fingerprinted before the license bearing a public passenger endorsement is issued. (2) The Department of Motor Vehicles, in consultation with the Departments of Aging and Disability Services, Developmental Services, Mental Health and Addiction Services and Social Services, shall develop, and thereafter revise as needed, a video presentation providing instruction and best practices concerning ways to appropriately interact with disabled persons who may be receiving services from the departments. In developing such video presentation, the departments may use materials and one or more video presentations developed by a governmental entity, independent contractor or any other party. The departments shall post such video presentation and any other training resources concerning ways to appropriately interact with persons with an intellectual disability or other developmental disabilities in a conspicuous location on their respective Internet web sites. On and after January 1, 2024, prior to issuing or renewing an operator's license bearing a public passenger endorsement, the Commissioner of Motor Vehicles shall require the applicant for such license to watch such video presentation. (c) The Commissioner of Motor Vehicles may issue, withhold, renew, suspend, cancel or revoke any public passenger endorsement required to operate a motor vehicle that transports passengers, as provided in subsection (c) of section 14-36a. The Commissioner of Motor Vehicles may, in making his or her decision, consider the age, accident and criminal record, moral character and physical condition of any such applicant or public passenger endorsement holder and such other matters as the commissioner may determine. The Commissioner of Motor Vehicles may require any such applicant or public passenger endorsement holder to furnish the statements of two or more reputable citizens, which may be required to be under oath, vouching for the good character or other qualifications of the applicant or public passenger endorsement holder. (d) Upon the arrest of any person who holds an operator's license bearing a public passenger endorsement, as defined in section 14-1, and who is charged with a felony or violation of section 53a-73a, the arresting officer or department, within forty-eight hours, shall cause a report of such arrest to be made to the Commissioner of Motor Vehicles. The report shall be made on a form approved by said commissioner containing such information as the commissioner prescribes. The Commissioner of Motor Vehicles may adopt regulations, in accordance with chapter 54, to implement the provisions of this subsection. (e) (1) Prior to issuing an operator's license bearing a public passenger endorsement pursuant to subsection (a) of this section, the Commissioner of Motor Vehicles shall require each applicant to submit to state and national criminal history records checks, conducted in accordance with section 29-17a. The Commissioner of Emergency Services and Public Protection shall complete such state and national criminal history records checks required pursuant to this section within sixty days of receiving such a request for a check of such records. If notice of a state or national criminal history record is received, the Commissioner of Motor Vehicles may, subject to the provisions of section 46a-80, refuse to issue an operator's license bearing such public passenger endorsement and, in such case, shall immediately notify the applicant, in writing, of such refusal. Each applicant for a public passenger endorsement to operate a school bus or student transportation vehicle shall submit to a check of the state child abuse and neglect registry established pursuant to section 17a-101k. If notification that the applicant is listed as a perpetrator of abuse on the state child abuse and neglect registry is received, the Commissioner of Motor Vehicles may refuse to issue an operator's license bearing such public passenger endorsement and, in such case, shall immediately notify the applicant, in writing, of such refusal. The Commissioner of Motor Vehicles shall not issue a temporary operator's license bearing a public passenger endorsement for operation of a school bus or student transportation vehicle. (2) The fingerprints of an applicant for a public passenger endorsement to operate a school bus may be captured electronically or by other means in accordance with section 29-17a. (3) For the purposes of this subdivision, "certificate or permit holder" means any person, association, limited liability company or corporation that holds a certificate of public convenience and necessity to operate a taxicab, as described in section 13b-97 or holds a permit to operate a motor vehicle in livery service, as described in section 13b-103. Any certificate or permit holder who seeks to employ a person who has applied for a public passenger endorsement to operate a taxicab or motor vehicle in livery service under subdivision (3) of subsection (a) of this section may permit such person to operate a taxicab or motor vehicle in livery service prior to the approval by the Commissioner of Motor Vehicles of the application for such endorsement, but in no event for a period longer than ninety days after the date of application for such endorsement, provided such certificate or permit holder determines such person meets the requirements to operate a taxicab or motor vehicle in livery service set forth in regulations adopted by the commissioner pursuant to subsection (f) of this section. In making such determination, such certificate or permit holder shall (A) conduct, or have a consumer reporting agency regulated under the federal Fair Credit Reporting Act conduct, a local, state and national criminal history records check, including a search of state and national sexual offender registry databases, and (B) review such person's driving history record maintained by the commissioner and dated not more than seven days prior to the date of such review. A person who is approved by a certificate or permit holder under this subdivision shall carry and present, upon request, a copy of such person's application to the commissioner and criminal history records check when such person is operating a

taxicab or motor vehicle in livery service. (f) Notwithstanding any other provision of this section, the commissioner shall not issue an operator's license bearing a public passenger endorsement to transport passengers who are students, and shall suspend any such public passenger endorsement that has been issued, to any person who has been convicted of a serious criminal offense, as determined by the Commissioner of Motor Vehicles, or convicted of any provision of federal law or the law of any other state, the violation of which involves conduct that is substantially similar to a violation determined by the Commissioner of Motor Vehicles to be a serious criminal offense, if any part of the sentence of such conviction has not been completed, or has been completed during the preceding five years. The Commissioner of Motor Vehicles shall adopt regulations, in accordance with chapter 54, to implement the provisions of this subsection. (g) Any applicant who is refused an operator's license bearing a public passenger endorsement or the renewal of such a license, or whose operator's license bearing a public passenger endorsement or the renewal of such a license is withdrawn or revoked on account of a criminal record, shall be entitled to a hearing if requested in writing within twenty days. The hearing shall be conducted in accordance with the requirements of chapter 54 and the applicant may appeal from the final decision rendered therein in accordance with section 4-183. (h) Notwithstanding the provisions of section 14-10, the Commissioner of Motor Vehicles shall furnish to any board of education or to any public or private organization that is actively engaged in providing public transportation, including the transportation of school children, a report containing the names and motor vehicle operator license numbers of each person who has been issued an operator's license with one or more public passenger endorsements, authorizing such person to transport passengers in accordance with the provisions of section 14-36a, but whose license or any such public passenger endorsement has been withdrawn, suspended or revoked by the commissioner in accordance with the provisions of this section, or any other provision of this title. The report shall be issued and updated periodically in accordance with a schedule to be established by the commissioner. Such report may be transmitted or otherwise made available to authorized recipients by electronic means. (i) Violation of any provision of this section shall be an infraction. (1949 Rev., S. 2384; 1963, P.A. 336; 372; 1969, P.A. 110, S. 1; 1971, P.A. 612, S. 4; 1972, P.A. 127, S. 17; P.A. 74-152; P.A. 75-213, S. 10, 53; 75-577, S. 22, 126; P.A. 76-382, S. 2; P.A. 83-340, S. 2, 4; P.A. 84-254, S. 31, 62; 84-429, S. 25; P.A. 85-148, S. 2; P.A. 87-329, S. 7; 87-585, S. 1; P.A. 89-320, S. 1, 2, 12; P.A. 90-112, S. 12, 14; 90-263, S. 10, 74; P.A. 91-272, S. 1, 8; May Sp. Sess. P.A. 92-11, S. 62, 70; P.A. 93-341, S. 13-15, 38; P.A. 01-175, S. 9, 32; P.A. 02-70, S. 83; P.A. 03-278, S. 37; P.A. 04-217, S. 4; P.A. 05-218, S. 6; P.A. 06-130, S. 10; P.A. 07-167, S. 47; 07-224, S. 1; June Sp. Sess. P.A. 07-5, S. 20; P.A. 09-187, S. 11; P.A. 10-32, S. 49; 10-110, S. 35, 57; P.A. 11-213, S. 18; P.A. 12-81, S. 49; P.A. 14-130, S. 9, 29; June Sp. Sess. P.A. 15-5, S. 200; P.A. 16-39, S. 9; 16-55, S. 14; 16-126, S. 10; P.A. 17-68, S. 15; 17-140, S. 12; P.A. 18-164, S. 26; P.A. 19-119, S. 5, 6; P.A. 23-137, S. 25.) History: 1963 acts raised minimum age requirement from 18 to 21 and added provisions for examination of operating ability and fee for same; 1969 act replaced interstate commerce commission with United States department of transportation and required that applicants for public service license to operate school bus be at least nineteen and not more than 69 years old; 1971 act replaced reference to repealed Sec. 14-30 with reference to Sec. 14-34; 1972 act changed minimum age for public service vehicle license from 21 to 18, reflecting change in age of majority, and deleted minimum age of 19 for school bus operator's license; P.A. 74-152 made provisions applicable to operation of service buses as well as public service motor vehicles and expanded provisions re physical examinations; P.A. 75-213 raised examination fee from \$2 to \$2.50; P.A. 75-577 replaced provision for maximum \$50 fine for violation of provisions with statement that violation constitutes an infraction; P.A. 76-382 added Subsec. (b) re validity of license issued by other state or country; P.A. 83-340 amended Subsec. (a) deleting the statement providing that an applicant for a public service license to operate a school bus shall not be older than 69 years of age; P.A. 84-254 amended Subsec. (a) to increase the examination fee from \$2.50 to \$5 as of July 1, 1992; P.A. 84-429 relettered Subsecs., rephrased provisions and made other technical changes; P.A. 85-148 amended Subsec. (a), eliminating requirement for nonresidents holding a valid out-of-state public service motor vehicle operator's license to obtain a license to operate in this state if vehicle is engaged in intrastate commerce; P.A. 87-329 amended Subsec. (b), maintaining the fee at the level existing on and after July 1, 1986, and decreasing the fee effective July 1, 1992, to the level formerly existing on and after July 1, 1988; P.A. 87-585 amended Subsec. (b), requiring prerequisites for issuance of license to apply to renewals and applicants to furnish evidence of absence of convictions for violations of Sec. 14-227a(a) within 1 year and negative drug test results, and added new provisions in Subsec. (d) re issuance of a 90-day temporary license to applicants who intend to operate a school bus, relettering remaining Subdivs. accordingly; P.A. 89-320 amended Subsec. (b) to require applicants to furnish evidence of absence of convictions for violations of Sec. 14-227a(a) within 5 years instead of within 1 year and amended Subsec. (d) to require commissioner to request criminal record for each applicant from state police bureau of identification and to forward fingerprints obtained under Subsec. (b) to bureau which shall submit fingerprints to FBI for a national criminal history records check, to authorize immediate withdrawal of the temporary license if notice of a criminal record is received within 90 days, subject to the provisions of Sec. 46a-80 and to require the licensee and his employer to be notified immediately in writing of receipt of a criminal record, making technical changes as necessary; P.A. 90-112 amended Subsecs. (a), (d) and (e) to include references to operation of student transportation vehicles; P.A. 90-263 divided Subsec. (a) into two subdivisions, inserting in Subdiv. (1) prohibition on operation of commercial motor vehicles used for passenger transportation until operator has obtained a commercial driver's license with a passenger endorsement, deleting references to public service motor vehicle or service bus and public service motor vehicle operator's license, and inserting in Subdiv. (2) prohibition on operation of school bus, student transportation vehicle, taxicab, motor vehicle in livery service, motor bus or service bus until operator has obtained a public passenger transportation permit, amended remaining Subsecs. to substitute public passenger transportation permit for public service motor vehicle operator's license, amended Subsec. (d) to insert references to "student transportation vehicle" after references to "school bus", and amended Subsec. (e) to provide that any applicant refused a permit on account of a criminal record shall be entitled to a hearing, if requested, and to permit

applicant to appeal from final decision in accordance with Sec. 4-183, effective July 1, 1991; P.A. 91-272 amended Subsec. (b) to apply to applicants for renewal on and after July 1, 1992, amended Subsec. (d) to require applicants for a temporary permit or for renewal of a permit to submit to a state criminal history records check prior to issuance of such temporary permit or renewal and to make numerous changes throughout the Subsec., and amended Subsec. (e) to apply to applicants who are refused a renewal or whose permit or renewal is withdrawn or revoked on account of a criminal record; May Sp. Sess. P.A. 92-11 amended Subsec. (a) by deleting phrase “or a student transportation vehicle, as defined in section 14-212”; P.A. 93-341 amended Subsec. (a)(2) to provide that no person may operate a school bus carrying passengers without having obtained a commercial driver's license with a passenger endorsement and a school endorsement and substituted references to passenger or school endorsements for references to public passenger transportation permits throughout section, effective July 1, 1994, amended Subsec. (b) by inserting references to an “operator's license bearing an endorsement” and by revising the provisions regarding drug testing and physical examinations of applicants, effective July 1, 1993, amended Subsec. (d) by deleting provisions regarding a 90-day temporary permit pending completion of a national criminal history records check, and deleted Subsec. (f) which had specified contents of public passenger transportation permits in its entirety and relettered remaining Subsec. accordingly, effective July 1, 1994; P.A. 01-175 amended Subsec. (d) by making a technical change for the purposes of gender neutrality and by replacing language re state criminal history checks, fingerprinting and fee charged with language re state and national criminal history checks pursuant to Sec. 29-17a, effective July 1, 2001; P.A. 02-70 made a technical change in Subsec. (a)(3), added new Subsec. (d) to require the arresting officer or department, upon the arrest of any person who holds an operator's license bearing a school endorsement for a felony or violation of Sec. 53a-73a, to report such arrest to the commissioner within 48 hours, to specify form of such report and to authorize adoption of regulations, and redesignated existing Subsecs. (d) to (f) as Subsecs. (e) to (g), effective June 3, 2002; P.A. 03-278 made technical changes in Subsec. (f), effective July 9, 2003; P.A. 04-217 amended Subsec. (a) to include “activity vehicle” as vehicle requiring operator to have appropriate endorsement, amended Subsec. (b) to eliminate public passenger transportation permit, to eliminate provision requiring applicant for license with endorsement or renewal of license with endorsement to have received negative drug test results in two or more urine tests if administered within 1 year of date of application and to substitute requirement that applicant for renewal of such license present evidence that applicant is in compliance with medical qualifications under federal law, amended Subsec. (c) to change references to “permittee” to “endorsement holder”, to eliminate “passenger or school” endorsement and substitute endorsement “required to operate a motor vehicle that transports passengers”, and made technical changes, effective January 1, 2005; P.A. 05-218 amended Subsec. (a)(3) by adding camp vehicles; P.A. 06-130 added new Subsec. (g) re notification of school boards and providers of public transportation of drivers whose licenses or endorsements have been withdrawn, suspended or revoked and redesignated existing Subsec. (g) as Subsec. (h); P.A. 07-167 amended Subsec. (a)(3) by deleting reference to camp vehicle, effective July 1, 2007; P.A. 07-224 amended Subsec. (a) by repositioning existing provisions re endorsement for taxicabs, motor vehicles in livery service and motor or services buses as Subdiv. (3), redesignating existing provisions re endorsement for student transportation vehicles and activity vehicles as Subdiv. (4) and deleting “camp vehicle”, amended Subsec. (b) by requiring evidence furnished by applicant to be under oath, amended Subsec. (e) by adding provisions re endorsement for operation of student transportation vehicle, re check of state child abuse registry and notification that applicant is listed thereon and re prohibition on issuance of temporary operator's license, by deleting provision re withdrawal of operator's license bearing school endorsement and by making conforming changes, added new Subsec. (f) re convictions, redesignated existing Subsecs. (f), (g) and (h) as Subsecs. (g), (h) and (i), amended redesignated Subsec. (h) to require report to be furnished by commissioner and made technical changes throughout, effective July 1, 2007; June Sp. Sess. P.A. 07-5 amended Subsec. (e) to substitute “abuse and neglect” for “abuse”, reorganize provisions and delete reference to Sec. 46a-80 re perpetrators of abuse listed on registry, effective October 6, 2007; P.A. 09-187 amended Subsec. (a)(3) to require endorsement for operation of student transportation vehicle or activity vehicle and add exception authorizing person without endorsement to operate vehicle without passengers for purpose of road testing or moving vehicle, effective July 1, 2009; P.A. 10-32 made a technical change in Subsec. (b), effective May 10, 2010; P.A. 10-110 amended Subsec. (a) to make a technical change, effective October 1, 2010, and further amended Subsec. (a) to delete reference to activity vehicle in Subdivs. (3) and (4), effective July 1, 2011; P.A. 11-213 amended Subsec. (a) to require “proper classification” of license and make technical changes in Subdiv. (3) and to delete former Subdiv. (4) containing duplicate provision re student transportation vehicle, effective July 1, 2011; P.A. 12-81 amended Subsec. (e) to add provision requiring Commissioner of Emergency Services and Public Protection to complete criminal history records checks within 60 days of request and made technical changes, effective July 1, 2012; P.A. 14-130 amended Subsec. (b) to add provision re exemption from medical qualifications for certain Class D operator's license applicants, effective October 1, 2014, and amended Subsec. (d) by replacing “school endorsement” with “public passenger endorsement, as defined in section 14-1, and who is”, effective June 6, 2014; June Sp. Sess. P.A. 15-5 replaced references to passenger endorsement and endorsement with references to public passenger endorsement and, in Subsec. (a)(1), added reference to Sec. 14-1, effective June 30, 2015; P.A. 16-39 amended Subsec. (b)(1) by adding reference to licensed advanced practice registered nurse; P.A. 16-55 amended Subsec. (e) by replacing reference to Subsec. (a)(4) with reference to Subsec. (a)(3), effective May 31, 2016; P.A. 16-126 amended Subsec. (b) by replacing reference to Sec. 14-227a(a) with reference to Sec. 14-227a and by adding references to Secs. 14-227m and 14-227n(a)(1) and (2); P.A. 17-68 amended Subsec. (h) by adding provision re commissioner to ensure that carriers review report, effective July 1, 2017; P.A. 17-140 amended Subsec. (e) to designate existing provision re applicant to submit to criminal history records checks as Subdiv. (1) and amended same to replace “school endorsement or bearing the appropriate type of public passenger endorsement for operation of a student transportation vehicle” with “public passenger endorsement” and make technical and conforming changes, and to add Subdiv. (2) re operation of taxicab or motor

vehicle in livery service, effective January 1, 2018; P.A. 18-164 amended Subsec. (e) to replace reference to Subsec. (a)(3) with reference to Subsec. (a) in Subdiv. (1), add new Subdiv. (2) re fingerprints for applicant for public passenger endorsement to operate school bus, redesignate existing Subdiv. (2) as Subdiv. (3) and amend same to replace reference to Subsec. (a)(1) with reference to Subsec. (a)(3), and made technical changes, effective July 1, 2018; P.A. 19-119 amended Subsec. (b) to replace provision re safety regulations by U.S. Department of Transportation with provision re physical qualification standards set forth in 49 CFR 391, delete provision re certain Class D operator's license applicants and make conforming and technical changes, and amended Subsec. (h) to delete provision re commissioner to ensure that carrier review report and make technical changes, effective July 1, 2019; P.A. 23-137 amended Subsec. (b) by designating existing provisions as Subdiv. (1) and adding Subdiv. (2) re video presentation of ways to appropriately interact with disabled persons.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-44c. - Application and qualifications for commercial driver's license or commercial driver's instruction permit. Penalty.

(a) The application for a commercial driver's license or commercial driver's instruction permit, shall include the following: (1) The full name and current mailing and residence address of the person; (2) A physical description of the person, including gender, height and eye color; (3) Date of birth; (4) The applicant's Social Security number; (5) The person's statement, under oath, that such person meets the physical qualification standards set forth in 49 CFR 391, as amended from time to time; (6) The person's statement, under oath, that the type of vehicle in which the person has taken or intends to take the driving skills test is representative of the type of motor vehicle the person operates or intends to operate; (7) The person's statement, under oath, that such person is not subject to disqualification, suspension, revocation or cancellation of operating privileges in any state, and that he or she does not hold an operator's license in any other state; (8) The person's identification of all states in which such person has been licensed to drive any type of motor vehicle during the last ten years, and the person's statement, under oath that he or she does not hold an operator's license in any other state; and (9) The person's signature, and certification of the accuracy and completeness of the application, subject to the penalties of false statement under section 53a-157b. The application shall be accompanied by the fee prescribed in section 14-44h. (b) No person who has been a resident of this state for thirty days may drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction. (c) At the time of application for a commercial driver's license, the applicant shall make the applicable certification, as required by 49 CFR 383.71(b), regarding the type of commerce in which such person shall engage. No commercial driver's license shall be issued to a person who fails to make such certification. (d) On and after November 18, 2024, the commissioner shall request a driver's record from the Drug and Alcohol Clearinghouse, in accordance with 49 CFR 382.725, as amended from time to time, for any person who applies for, renews, transfers or upgrades a commercial driver's license or a commercial driver's instruction permit. The commissioner shall use information obtained from the Drug and Alcohol Clearinghouse solely for the purpose of determining whether such person is qualified to operate a commercial motor vehicle and shall not disclose such information to any other person or entity not directly involved in determining whether such person is qualified to operate a commercial motor vehicle. If the commissioner receives notification pursuant to 49 CFR 382.501(a), as amended from time to time, that such person is prohibited from operating a commercial motor vehicle, the commissioner shall not issue, renew or upgrade the commercial driver's license or commercial driver's instruction permit. If such person currently holds a commercial driver's license or commercial driver's instruction permit, the commissioner shall, not later than sixty days after the date the commissioner receives such notification: (1) Downgrade the commercial driver's license to a Class D operator's license, or (2) cancel the commercial driver's instruction permit. Any person who is denied a commercial driver's license or a commercial driver's instruction permit, or whose license or permit is downgraded or cancelled pursuant to this subsection, shall be granted an opportunity for a hearing in accordance with the provisions of chapter 54. (e) In addition to other penalties provided by law, any person who knowingly falsifies information or certifications required under subsection (a) of this section shall have such person's operator's license or privilege to operate a motor vehicle in this state suspended for sixty days. (P.A. 90-263, S. 35, 74; P.A. 96-167, S. 6; P.A. 04-217, S. 6; P.A. 11-213, S. 55; June Sp. Sess. P.A. 15-5, S. 201; P.A. 17-79, S. 7; P.A. 19-119, S. 19; P.A. 21-106, S. 14; P.A. 23-40, S. 1.) History: P.A. 96-167 amended Subsec. (b) to substitute 30-day for 60-day residency; P.A. 04-217 amended Subsec. (a) to make a technical change in Subdiv. (6), to add provision in Subdiv. (8) to include in application for commercial driver's license or commercial driver's license instruction permit statement that applicant is not subject to cancellation of operating privileges in any state, to add new Subdiv. (9) to require applicant to identify all states in which applicant has been licensed to drive any type of motor vehicle in last 10 years and statement that person does not hold license in any other state, and to redesignate existing Subdiv. (9) as new Subdiv. (10), effective January 1, 2005; P.A. 11-213 amended Subsec. (a) to delete former Subdiv. (5) re color picture requirement and redesignate existing Subdivs. (6) to (10) as Subdivs. (5) to (9), effective July 13, 2011; June Sp. Sess. P.A. 15-5 added new Subsec. (c) re federally required certification, redesignated existing Subsec. (c) as Subsec. (d) and made technical changes, effective June 30, 2015; P.A. 17-79 amended Subsec. (a)(5) by deleting provision re expectation to not operate in interstate or foreign commerce; P.A. 19-119 amended Subsec. (a)(5) to make technical changes, effective July 1, 2019; P.A. 21-106 amended Subsec. (a)(2) to replace "sex" with "gender", added new Subsec. (d) re driver's record from Drug and Alcohol Clearinghouse and redesignated existing Subsec. (d) as Subsec. (e), effective July 1, 2021; P.A. 23-40 amended Subsec. (d) to replace "January 6, 2023" with "November 18, 2024", add reference to commercial driver's instruction permit, add provisions re notification received pursuant to 49 CFR 382.501(a) and make technical changes, effective June 12, 2023.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-4a. - Conduct of hearings and rendering of decisions.

In any case where a hearing is required or authorized under the provisions of any statute dealing with the Department of Motor Vehicles such hearing may be conducted by and the decision rendered therein by the commissioner or by any person or persons designated by him. (1971, P.A. 755, S. 4.) History: (Revisor's note: In 1997 references throughout the general statutes to "Motor Vehicle(s) Commissioner" and "Motor Vehicle(s) Department" were replaced editorially by the Revisors with "Commissioner of Motor Vehicles" or "Department of Motor Vehicles", as the case may be, for consistency with customary statutory usage). Cited. 168 C. 587. Cited. 39 CS 285; 40 CS 505; 42 CS 602.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-5. - Branch offices.

The commissioner shall have exclusive charge of the control and maintenance of the branch offices of the Department of Motor Vehicles, and the expense of leasing and maintaining the same shall be paid out of the appropriation for said department. (1949 Rev., S. 2354.) History: (Revisor's note: In 1997 references throughout the general statutes to "Motor Vehicle(s) Commissioner" and "Motor Vehicle(s) Department" were replaced editorially by the Revisors with "Commissioner of Motor Vehicles" or "Department of Motor Vehicles", as the case may be, for consistency with customary statutory usage).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-50a. - Fees for copies, abstracts, duplicates, replacements and searches. Restriction on use of information. Penalty.

(a) Except as otherwise provided in this section, the fee charged by the Commissioner of Motor Vehicles for the following items or services shall be twenty dollars: (1) Duplicate of a registration certificate provided at the main office or a branch office of the Department of Motor Vehicles or by a contractor authorized by the commissioner pursuant to subsection (b) of section 14-41. (2) For each duplicate of a motor vehicle operator's license or identity card, thirty dollars. As used in this section, "duplicate" includes any license or identity card that is reissued prior to the expiration date of a previously issued license or identity card, and (A) is identical to the holder's most recently issued license or identity card, or (B) contains modifications to one or more items of information that appear on the holder's most recently issued license or identity card. Notwithstanding the provisions of this subdivision, one duplicate shall be issued, for a fee of five dollars, to the holder of a license or identity card who reaches the age of twenty-one years. (3) Replacement number plate or set of number plates, except as provided in subsection (c) of section 14-253a. (4) Replacement number plate or set of number plates bearing same number as set of replaced plates. (5) Certified abstract of driving history record, or driving history record for applicants for commercial driver's license with passenger endorsement or transportation permit. (6) Name of registered owner. (7) Operator license information. (8) Certification of any copy or record. (9) Certified transcripts of hearing held and transcribed by the commissioner, three dollars and fifty cents per page with a minimum charge of twenty dollars. (10) Each copy of a motor vehicle operator's completed application for a license. (11) Each copy of a completed application for registration of a motor vehicle. (12) Each copy of a title document provided to a municipality. (13) Each request for information as provided in section 14-10, the amount provided in said section. (14) Each document from a motor vehicle record, as defined in section 14-10, that is electronically maintained by the Department of Motor Vehicles. (15) For any copy or material released from information maintained by the Department of Motor Vehicles for which no fee is established by statute, an amount determined by the commissioner. (b) The commissioner may establish fees not conforming to those of subsection (a) of this section for information furnished on a volume basis to persons or firms who satisfy the commissioner that the information furnished is properly required in connection with the conduct of such person's or firm's business, except that commencing on August 16, 2003, the fee established under this subsection for driving history records furnished to for-profit businesses shall be not less than fifteen dollars. (c) The commissioner may waive any fee specified in subdivision (3) or (4) of subsection (a) of this section in the case of any person who submits a police report to the commissioner indicating that the number plate or set of number plates have been stolen or mutilated. (d) No person, firm or corporation furnished information by the commissioner as provided by this section shall distribute such information for any other purpose than that for which it was furnished. (e) Any person, firm or corporation which violates any provision of this section shall be fined not more than one hundred dollars. (P.A. 73-549, S. 1, 4; P.A. 74-283, S. 1, 2; P.A. 77-381, S. 1, 2; P.A. 80-466, S. 15, 25; P.A. 82-413; P.A. 83-443; 83-489, S. 15, 17; P.A. 84-254, S. 36, 62; 84-546, S. 41, 173; P.A. 85-525, S. 4, 6; P.A. 87-304, S. 2; 87-329, S. 13; P.A. 92-177, S. 1, 12; P.A. 94-206, S. 2; P.A. 97-226, S. 4, 6; June 30 Sp. Sess. P.A. 03-1, S. 117; P.A. 04-199, S. 16; P.A. 09-187, S. 40; P.A. 11-6, S. 141; June Sp. Sess. P.A. 15-5, S. 209; P.A. 23-40, S. 40.) History: P.A. 74-283 amended Item 4 in Subsec. (a) table to refer to set of plates rather than one plate; P.A. 77-381 changed fee for duplicate of operator's license (Item 2) in Subsec. (a) table from \$2 to \$3; P.A. 80-466 amended Items 3 and 4 in table in Subsec. (a) to include references to single plates; P.A. 82-413 raised fee for a driving history record from \$4 to \$5; P.A. 83-443 amended Subsec. (a) to impose a fee of \$3 for each search of the department's accident record files made as a result of a request for a copy of an accident report which resulted in no document being found; P.A. 83-489 amended Subsec. (a) to increase the fee for a replacement number plate or set of number plates from \$3 to \$5; P.A. 84-254 amended Subsec. (a) to increase all the fees except under item 9., making the increases effective on successive July first dates of varying years; P.A. 84-546 made technical changes in Subsec. (a); P.A. 85-525 amended Subdivs. 3. and 4. of Subsec. (a) to increase fee for replacement number plate or set of plates

from \$6 to \$7.50, on and after July 1, 1984, from \$8 to \$10, on and after July 1, 1986, from \$9 to \$11, on and after July 1, 1988, and from \$10 to \$12, on and after July 1, 1992; P.A. 87-304 amended Subsec. (a)(3) to include an exemption from assessment of the fee for issuance of replacement number plates for handicapped persons receiving a special international symbol of access number plate after transfer of their previously unexpired registrations; P.A. 87-329 amended Subsec. (a) to maintain fees at the levels existing on and after July 1, 1986, where appropriate and decreasing the fees effective July 1, 1992, to the levels formerly existing on and after July 1, 1988, and to make technical changes throughout the subsection; P.A. 92-177 amended Subsec. (a)(1) to increase fee for duplicate of registration certificate from \$3 to \$5 and to eliminate fee increase effective July 1, 1992, amended Subsec. (a)(2) to establish fees for first, second and subsequent duplicate of motor vehicle operator's license and to eliminate fee increase effective July 1, 1992, amended Subsec. (a)(9) to increase fee for certified abstract of driving history record from \$5 to \$10 and to impose such fee for certified abstract of driving history record for applicants for commercial driver's license or transportation permit, amended Subsec. (a)(10) to increase fee for name of registered owner from \$0.75 to \$4.50 and to eliminate fee increase effective July 1, 1992, amended Subsec. (a)(11) to increase fee for operator license information to \$5.50 and to eliminate schedule of fee increases, added new language in Subsec. (a)(14) to establish \$7 fee for copy of motor vehicle operator's completed license application, added Subsec. (a)(15), establishing new \$7 fee for copy of completed registration application, and added Subsec. (a)(16), establishing new \$10 fee for copy of title document provided to a municipality and renumbered remaining Subdiv. accordingly; P.A. 94-206 created a new Subsec. (a)(17) re fees for providing information under Sec. 14-10 and renumbered former Subdiv. (17) as Subdiv. (18); P.A. 97-226 amended Subsec. (a)(3) to make a technical change, amended Subdivs. (3) to (8), inclusive, and (12) and (13) of said Subsec. to eliminate obsolete provisions, inserted new Subsec. (c), allowing commissioner to waive any fee in Subsec. (a)(3) or (4) for any person who submits a police report indicating that number plate has been stolen or mutilated for purpose of obtaining the sticker attached to plate, and relettered existing Subsecs. (c) and (d) as (d) and (e), respectively, effective July 1, 1997; June 30 Sp. Sess. P.A. 03-1 amended Subsec. (a) to provide that the fee under said subsection, unless otherwise provided, shall be \$20 and amended Subsec. (b) to provide that the fee for driving history records shall be not less than \$15, effective August 16, 2003; P.A. 04-199 amended Subsec. (b) to limit minimum \$15 fee to driving history records furnished to for-profit businesses, effective June 3, 2004; P.A. 09-187 amended Subsec. (c) to delete "for the purpose of obtaining the sticker attached to the plate denoting the expiration date of the registration"; P.A. 11-6 amended Subsec. (a) to add identity card, define "duplicate", add \$5 fee for duplicate of license or identity card issued to holder who turns 21 and make technical changes in Subdiv. (1), delete former Subdivs. (5) to (8) and redesignate existing Subdivs. (9) to (17) as Subdivs. (5) to (13), add new Subdiv. (14) re document electronically maintained and redesignate existing Subdiv. (18) as Subdiv. (15), effective July 1, 2011; June Sp. Sess. P.A. 15-5 amended Subsec. (a)(9) to add "and transcribed", effective June 30, 2015; P.A. 23-40 amended Subsec. (a)(1) to add provision re duplication provided at main office or branch office of department or by contractor and amended Subsec. (a)(2) to make a technical change, effective June 12, 2023.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-51. - Definitions.

(a) As used in this subpart: (1) "New car dealer" includes any person, firm or corporation engaged in the business of merchandising new motor vehicles under a manufacturer's or importer's contract for each such make of vehicle who may, incidental to such business, sell used motor vehicles and repair motor vehicles. Such person shall be qualified to conduct such business in accordance with the requirements of section 14-52a. (2) "Used car dealer" includes any person, firm or corporation engaged in the business of merchandising motor vehicles other than new who may, incidental to such business, repair motor vehicles. A used car dealer does not include any person, firm or corporation engaged in the business of leasing or renting motor vehicles that offers for sale or sells used motor vehicles incidental to its primary business, if (A) such person, firm or corporation is licensed in accordance with the provisions of section 14-15, and (B) the motor vehicles that it offers for sale were formerly the subject of one or more lease agreements to which it was a party and the actual or prospective purchaser is the original lessee pursuant to a purchase option specified in a lease agreement. Such person shall be qualified to conduct such business in accordance with the requirements of section 14-52a. (3) "Repairer" includes any person, firm or corporation qualified to conduct such business in accordance with the requirements of section 14-52a, having a suitable facility and having adequate equipment, engaged in repairing, overhauling, adjusting, assembling or disassembling any motor vehicle or making minor repairs to any motor vehicle, including repairs and replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing and repair and replacement of shock absorbers. "Repairer" does not include a person engaged in making repairs to tires, upholstering, glazing, general blacksmithing, welding and machine work on motor vehicle parts when parts involving such work are disassembled or reassembled by a licensed repairer. (b) The lubricating of motor vehicles, adding or changing of oil or other motor vehicle fluids, changing of tires and tubes, including the balancing of wheels, or installing of batteries or light bulbs, windshield wiper blades or drive belts shall not be construed as the repairing of motor vehicles under the provisions of this subpart. (1949 Rev., S. 2391; 1953, 1955, S. 1307d; 1963, P.A. 316; 1967, P.A. 307; P.A. 02-70, S. 21; P.A. 23-40, S. 2.) History: 1963 act redefined limited repairer to add "relining and repairs," etc.; 1967 act replaced reference to factory contract with reference to manufacturer's or importer's contract for each make of vehicle in definition of "new car dealer" and deleted references to removing and replacing parts of motor vehicles in definition of "repairer"; (Revisor's note: In 1997 references throughout the general statutes to "Motor Vehicle(s) Commissioner" and "Motor Vehicle(s) Department" were replaced editorially by the Revisors with "Commissioner of Motor Vehicles" or "Department of Motor Vehicles", as the case may be, for consistency with customary statutory usage); P.A. 02-70

divided existing provisions into Subsecs. (a) and (b) and in Subsec. (a) adding language making definitions applicable to subpart (D), inserting Subdiv. designators and making conforming changes for each definition, in Subdivs. (1) and (2) requiring new car dealer and used car dealer to be qualified to conduct business in accordance with the requirements of Sec. 14-52a and deleting reference to having a suitable and adequate place of business determined to be such by the commissioner, in Subdiv. (2) excluding leasing or renting businesses that sell used motor vehicles incidental to their primary business from the definition of “used car dealer” provided they satisfy criteria in Subparas. (A) and (B), in Subdiv. (3) requiring repairer to be qualified to conduct business in accordance with the requirements of Sec. 14-52a and deleting reference to having a suitable place of business, and in Subsec. (b) specifying the list of services that may be performed without being construed as the repairing of motor vehicle under subpart (D); P.A. 23-40 amended Subsec. (a) by redefining “repairer” in Subdiv. (3) and deleting former Subdiv. (4) re definition of “limited repairer” and made technical changes, effective January 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-51b. - Limited repairer's license.

On and after January 1, 2024, each limited repairer's license issued by the Commissioner of Motor Vehicles prior to January 1, 2024, that is otherwise valid, shall remain valid, according to its terms, and shall authorize each license holder to engage in the business of minor repairs of motor vehicles under the provisions of section 14-52 of the general statutes, revision of 1958, revised to January 1, 2023, until the expiration of the license. On and after January 1, 2024, the commissioner shall not issue or renew a limited repairer's license. (P.A. 23-40, S. 4.) History: P.A. 23-40 effective January 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-52. - New car dealer's, used car dealer's and repairer's licenses. Surety bonds. Penalty.

(a) No person, firm or corporation may engage in the business of the buying, selling, offering for sale or brokerage of any motor vehicle or the repairing of any motor vehicle without having been issued a new car dealer's, a used car dealer's or a repairer's license. The license fee for each such license, payable to the Commissioner of Motor Vehicles, shall be as follows: (1) New motor vehicle dealer, seven hundred dollars; (2) used motor vehicle dealer, five hundred sixty dollars; and (3) repairer, three hundred forty dollars. Each such license shall be renewed biennially according to renewal schedules established by the commissioner to effect staggered renewal of all such licenses. If the adoption of a staggered system results in the expiration of any license more or less than one year from its issuance, the commissioner may charge a prorated amount for such license fee. Not less than forty-five days prior to the date of expiration of each such license, the commissioner shall send or transmit to each licensee, in a manner determined by the commissioner, an application for renewal. Any licensee which has not filed the application for renewal accompanied by the prescribed fee prior to the date of expiration of its license shall cease to engage in business. An application for renewal filed with the commissioner after the date of expiration shall be accompanied by a late fee of one hundred dollars. The commissioner shall not renew any license under this subsection which has expired for more than forty-five days. (b) (1) Except as provided in subsection (c) of this section, each applicant for a repairer's license shall furnish a surety bond in the amount of twenty-five thousand dollars. (2) Except as provided in subsection (c) of this section, each applicant for a new car dealer's or a used car dealer's license shall furnish a surety bond in the amount of sixty thousand dollars. (3) Each applicant for a leasing or rental license issued pursuant to section 14-15, who is engaged in the leasing or renting of motor vehicles for periods of thirty days or more, shall furnish a surety bond in the amount of fifteen thousand dollars. (4) Each such bond required under subdivisions (1) to (3), inclusive, of this subsection shall be conditioned upon the applicant or licensee complying with the provisions of any state or federal law or regulation relating to the conduct of such business and provided as indemnity for any loss sustained by any customer by reason of any acts of the licensee constituting grounds for suspension or revocation of the license or such licensee going out of business. Each surety bond shall be executed in the name of the state of Connecticut for the benefit of any aggrieved customer, but the penalty of the bond shall not be invoked except upon order of the commissioner after a hearing held before said commissioner in accordance with the provisions of chapter 54. For purposes of this subdivision, “customer” does not include (A) any person, firm or corporation that finances a licensed dealer's motor vehicle inventory, or (B) any licensed dealer, in such person's capacity as a dealer, who buys motor vehicles from, or sells motor vehicles to, another licensed dealer. (5) The commissioner shall assess an administrative fee of two hundred dollars against any licensee for failing to provide proof of bond renewal or replacement on or before the date of the expiration of the existing bond. Such fee shall be in addition to the license suspension or revocation penalties and the civil penalties to which the licensee is subject pursuant to section 14-64. (c) The commissioner may request information from any applicant for a repairer's license or used car dealer's license concerning the financial status and ability of such applicant to comply with the requirements of this subpart and the regulations adopted thereunder. The commissioner shall review such information to determine if the applicant has sufficient financial resources to conduct the business in a manner consistent with the reasonable security and protection of its customers in regard to the duties and responsibilities imposed by the provisions of this subpart and the regulations adopted thereunder. The commissioner may refuse to issue a license if the applicant fails to provide any such information requested or, if, after review by the commissioner, the commissioner is not satisfied as to such applicant's financial status. The commissioner may, in any case deemed appropriate, grant a license on condition that the applicant post a surety bond, in accordance with the provisions of subsection (b) of this section, in an amount prescribed by the commissioner that is greater than the minimum amount required by the applicable provisions of said subsection (b). Any applicant aggrieved by any decision of the commissioner made pursuant to this subsection shall be afforded an opportunity for hearing in accordance with the provisions of chapter 54. The commissioner may

adopt regulations in accordance with chapter 54 to carry out the provisions of this subsection. (d) Any person, firm or corporation engaging in the business of the buying, selling, offering for sale or brokerage of any motor vehicle or of the repairing of any motor vehicle without a license shall be guilty of a class B misdemeanor. (e) The Commissioner of Motor Vehicles shall transmit to the Commissioner of Revenue Services and the Commissioner of Energy and Environmental Protection a summary of any complaint that the Commissioner of Motor Vehicles receives alleging that a person, firm or corporation is engaging in the business of the buying, selling, offering for sale or brokerage of any motor vehicle or of the repairing of any motor vehicle without a license. (1949 Rev., S. 2392; 1953, S. 1308d; 1961, P.A. 581, S. 10; 1967, P.A. 384; P.A. 75-577, S. 25, 126; P.A. 77-305; 77-376, S. 1, 3; P.A. 81-172, S. 4; P.A. 83-489, S. 8, 17; P.A. 84-254, S. 37, 62; 84-391, S. 5, 8; 84-508; 84-528, S. 1; P.A. 85-613, S. 29, 154; P.A. 86-58; June Sp. Sess. P.A. 91-13, S. 6, 21; P.A. 93-164, S. 2; P.A. 95-301; P.A. 96-167, S. 8; P.A. 02-70, S. 22; P.A. 10-110, S. 12; P.A. 11-213, S. 22, 57; P.A. 12-81, S. 7; P.A. 14-130, S. 14; June Sp. Sess. P.A. 15-5, S. 210; P.A. 17-79, S. 9; P.A. 21-106, S. 19; P.A. 22-44, S. 2; P.A. 23-40, S. 3.) History: 1961 act increased license fees; 1967 act included brokerage of motor vehicles in activities requiring license; P.A. 75-577 added provision that failure to secure license is an infraction; P.A. 77-305 deleted provision re infraction; P.A. 77-376 increased fee for new motor vehicle dealer from \$25 to \$50, for used motor vehicle dealer from \$20 to \$40 and for repairer from \$12 to \$24; P.A. 81-172 included a provision for a limited repairer's license; P.A. 83-489 doubled license fees; P.A. 84-254 increased the license fees scheduling increases to take effect as of July first of 1985, 1989, 1991 and 1993, and made editorial change for grammatical correctness in sentence following Subdiv. (3), substituting "shall" for "to"; P.A. 84-391 provided for the staggered renewal of dealers' and repairers' licenses, deleting provision whereby licenses ran from day of issuance to last day of February next following; P.A. 84-508 specified that license fee is payable to motor vehicles commissioner and added Subsec. (b) requiring an applicant for a dealer's or repairer's license to furnish a surety bond; P.A. 84-528 added Subsec. (c) providing that any person, firm or corporation repairing motor vehicles without a license shall be guilty of a class C misdemeanor; P.A. 85-613 made technical change in Subsec. (a)(3); P.A. 86-58 amended Subsec. (b)(3) to provide that surety bond penalty may be invoked upon order of motor vehicle commissioner after administrative hearing and eliminated reference to court adjudication; June Sp. Sess. P.A. 91-13 increased new motor vehicle dealer license fee from \$225 to \$560 and \$700 after July 1, 1993, increased the used motor vehicle license fee from \$225 to \$450 and \$500 after July 1, 1993, increased the repairer or limited repairer license fee from \$235 to \$270 and \$340 after July 1, 1993, changed renewal requirement of each license from annual to biennial and deleted obsolete fee increases; P.A. 93-164 amended Subsec. (b) by increasing the repairer's and limited repairer's license surety bond from \$2,500 to \$5,000, increasing the new car dealer's and used car dealer's license surety bond from \$5,000 to \$20,000 and inserting new Subdiv. (3) requiring an applicant for a leasing or rental license pursuant to Sec. 14-15 to furnish a \$10,000 surety bond, renumbering and revising former Subdiv. (3) accordingly; P.A. 95-301 amended Subsec. (c) to change penalty for unlicensed motor vehicle repair business, from class C misdemeanor to class B misdemeanor, and added Subsec. (d) re transmission of summaries of complaints re such unlicensed businesses; P.A. 96-167 amended Subsec. (a) to add provisions re mailing of application for renewal, failure to file such application with fee, imposition of \$100 late fee for application filed after date of license expiration and to provide that commissioner shall not renew license which has expired for more than 45 days; P.A. 02-70 amended Subsec. (a) to delete provisions re fees applicable prior to July 1, 1993, and re payment of fees to commissioner, amended Subsec. (b) to add an exception re Subsec. (c) in Subdivs. (1) and (2) and to make a technical change for purposes of gender neutrality in Subdiv. (4), inserted new Subsec. (c) to allow commissioner to request financial information from any applicant for a repairer's license or used car dealer's license, to review the information to determine if the applicant has sufficient financial resources to conduct business, to allow commissioner to refuse to issue a license if the applicant fails to provide information or if the commissioner is unsatisfied as to the applicant's financial status, to allow commissioner to grant a license on condition that applicant post a surety bond, to provide opportunity for a hearing and to allow commissioner to adopt regulations, redesignated existing Subsecs. (c) and (d) as Subsecs. (d) and (e), amended Subsec. (d) to make the buying, selling, offering for sale or brokerage of any motor vehicle without a license a class B misdemeanor and amended Subsec. (e) to require commissioner to transmit to the Revenue Services and Environmental Protection Commissioners a summary of any complaint alleging the buying, selling, offering for sale or brokerage of any motor vehicle without a license and to make a technical change for purposes of gender neutrality; P.A. 10-110 amended Subsec. (b)(2) to increase surety bond amount from \$20,000 to \$50,000; P.A. 11-213 amended Subsec. (a) to replace "mail" with "send or transmit" and add "in a manner determined by the commissioner" re renewal applications, amended Subsecs. (b) and (c) to insert "cash bond" and amended Subsec. (b)(4) to require each cash bond to be deposited with commissioner, effective July 13, 2011 (Revisor's note: In Subsec. (e), "Commissioner of Environmental Protection" was changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection" to conform with changes made by P.A. 11-80, S. 1); P.A. 12-81 amended Subsec. (b) to add Subdiv. (5) re assessment of \$50 fee for failing to continuously maintain bond requirements; P.A. 14-130 amended Subsec. (b)(4) by replacing references to person and party with references to customer, and by adding provision re persons and entities excluded from definition of "customer", effective July 1, 2014; June Sp. Sess. P.A. 15-5 amended Subsec. (b)(5) to add "administrative" re fee and to substitute provision re failure to provide proof of bond renewal or replacement for provision re failure to continuously maintain bond requirements, effective June 30, 2015; P.A. 17-79 amended Subsec. (b)(5) by increasing fee from \$50 to \$200 for failure to provide proof of bond renewal or replacement, effective July 1, 2017; P.A. 21-106 amended Subsecs. (b) and (c) to remove provisions re cash bond; P.A. 22-44 amended Subsec. (b) to remove provision re limited repairer's license and increase surety bond from \$5,000 to \$25,000 in Subdiv. (1), add new Subdiv. (2) re limited repairer's license, redesignate existing Subdivs. (2) to (5) as Subdivs. (3) to (6), amend redesignated Subdiv. (3) to increase surety bond from \$50,000 to \$60,000, amend redesignated Subdiv. (4) to increase surety bond from \$10,000 to \$15,000 and make a technical and conforming change, effective July 1, 2022; P.A.

23-40 amended Subsec. (a) to delete references to limited repairer's license, amended Subsec. (b) to delete former Subdiv. (2) re surety bond for limited repairer's license and redesignate existing Subdivs. (3) to (6) as Subdivs. (2) to (5) and made technical and conforming changes, effective January 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-54. - Location to be approved by local authorities.

Any person who desires to obtain a license for dealing in or repairing motor vehicles shall first obtain and present to the commissioner a certificate of approval from the zoning enforcement official of the municipality where such license is desired, affirming that the proposed location and use of the property conform to the zoning regulations of such municipality. In addition thereto, such certificate shall be approved by the local building official and local fire marshal. The provisions of this section shall not apply to (1) a transfer of ownership to a spouse, child, brother, sister or parent of a licensee, (2) a transfer of ownership to or from a corporation in which a spouse, child, brother, sister or parent of a licensee has a controlling interest, or (3) a change in ownership involving the withdrawal of one or more partners from a partnership. (1949 Rev., S. 2394; 1953, S. 1310d; P.A. 77-614, S. 486, 587, 610; P.A. 78-303, S. 85, 136; P.A. 84-195; P.A. 89-244, S. 2; P.A. 03-184, S. 2; June 30 Sp. Sess. P.A. 03-6, S. 70; P.A. 05-218, S. 22; P.A. 06-133, S. 23; P.A. 16-55, S. 4; P.A. 23-40, S. 30.) History: P.A. 77-614 and P.A. 78-303 made state police department a division within the department of public safety, effective January 1, 1979; P.A. 84-195 exempted from the approval of location requirement transfers of ownership to an immediate family member or certain changes in ownership; P.A. 89-244 exempted from the approval of location requirement transfers of ownership to or from a corporation in which an immediate family member of a licensee has a controlling interest; P.A. 03-184 replaced requirement for approval of certificate by chief elected official or zoning board of appeals with requirement that the certificate be obtained from the zoning commission, planning and zoning commission or other board or authority of the municipality; June 30 Sp. Sess. P.A. 03-6 replaced provision authorizing the zoning commission or combined planning and zoning commission to issue certificate of approval with provision that in any town or city with a zoning commission, combined planning and zoning commission and a board of appeals, such certificate shall be obtained from the board of appeals; P.A. 05-218 replaced provisions re certificate obtained from board of appeals and approved by chief of police or commander of state police situated nearest to location with provision re certificate obtained from zoning commission and made a technical change; P.A. 06-133 designated existing provisions as Subsec. (a) and amended same to apply only to municipalities having population of no less than twenty thousand and added Subsec. (b) applicable to municipalities having population of less than twenty thousand, effective June 6, 2006; P.A. 16-55 deleted former Subsec. (a) re obtaining license in municipality having population of no less than 20,000, deleted Subsec. (b) designator, deleted provision re obtaining license in municipality with population of less than 20,000 and replaced provision re approval by chief of police or commander of state police barracks with provision re approval by local building official and local fire marshal, effective July 1, 2016; P.A. 23-40 replaced provision re certificate of approval from municipal board or authority or board of appeals with provision re certificate of approval from municipal zoning enforcement official and added provision re affirmation that location and use of property conform to municipal zoning regulations, effective July 1, 2023.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-58. - Application. General registration of motor vehicles. Documents to be issued to drivers. Photostatic copies of registration certificate as proof of ownership. Return of void number plates. Penalty.

(a) Each new car dealer, used car dealer or repairer before engaging in such business shall make a separate sworn application to the commissioner for a license to engage in such business in each place of business conducted by such dealer. The application shall include any information that may be required by the commissioner on blanks to be furnished by said commissioner. Each application shall be accompanied by a fee of one hundred forty dollars for each place of business conducted by the applicant, together with the fee for the type of license for which the applicant is making application, and such fee or fees shall not be subject to prorating and shall not be subject to refund. No such license shall be transferable. When such licensee adds buildings or adjacent land to such licensee's licensed place of business, the commissioner may require the licensee to furnish satisfactory evidence of compliance with the provisions of section 14-54, or with other applicable provisions of law, administered by the municipality wherein such business is located, concerning building or zoning requirements. When a change of officers of a corporation engaged in such business is made, a notice of the change shall be sent to the commissioner within a period of fifteen days from the date of the change. The commissioner may suspend the license of any corporation, after notice and hearing, when the newly appointed or elected officers cannot be considered as qualified to conduct the business as provided in section 14-51. (b) Each such licensee shall, instead of registering each motor vehicle owned by such licensee or temporarily in such licensee's custody, apply to the commissioner for a general distinguishing number and mark, and the commissioner may issue to the applicant a certificate or certificates of registration containing the distinguishing number and mark assigned to such applicant, and made in a form and containing any further information that the commissioner may determine, and, thereupon, each motor vehicle owned by the applicant or temporarily in the applicant's custody shall be regarded as registered under and having assigned to it such general distinguishing number and mark until sold. For the registration of all motor vehicles registered under a general distinguishing number and mark, the commissioner shall charge a fee at the rate of seventy dollars per year. The commissioner may issue to each such licensee such registrations as the commissioner deems necessary. The commissioner may withdraw any registration previously issued or may limit the number of registrations which any licensee is eligible to receive or to hold, if the commissioner determines

that a licensee does not require such number of registrations or if a licensee has been found to be in violation of any of the provisions of section 14-64. (c) Registration certificates issued under the provisions of this section shall not be required to be carried upon such motor vehicles when upon the public highways as required under subsection (a) of section 14-13, except that the licensee shall issue to each person driving such motor vehicle a document indicating that such person is validly entrusted with such vehicle which document shall be carried in the motor vehicle. The commissioner shall determine the form and contents of this document. Legible photostatic copies of such registration certificates may be carried in such vehicles as proof of ownership. The licensee shall furnish financial responsibility satisfactory to the commissioner as defined in section 14-112, provided such financial responsibility shall not be required from a licensee when the commissioner finds that the licensee is of sufficient financial responsibility to meet such legal liability. The commissioner may issue such license upon presentation of evidence of such financial responsibility satisfactory to the commissioner. The commissioner shall assess an administrative fee of two hundred dollars against any licensee for failing to provide proof of policy or bond renewal or replacement on or before the expiration date of the existing policy or bond. Such fee shall be in addition to the license suspension or revocation penalties and the civil penalties to which the licensee is subject pursuant to section 14-64. (d) Each licensee that was issued a general distinguishing number plate or plates by the commissioner in accordance with the provisions of this section or section 14-59, and that no longer holds a valid license due to failure to renew the license, surrender of the license or revocation of the license by the commissioner for a violation of any provision of this subpart, shall account for and immediately return such number plate or plates to the department, or shall immediately surrender such number plate or plates to a motor vehicle inspector or other authorized agent or employee of said department. All such number plates shall be void, as of the date of termination of the license, and shall not be used as a registration to operate any motor vehicle on any highway. (e) Any person who fails to return or surrender any general distinguishing number plate that is void, in accordance with the provisions of subsection (d) of this section, or who, with knowledge that such plate is void, uses such plate to operate a motor vehicle on any highway shall be guilty of a violation of subsection (c) of section 14-147. (1949 Rev., S. 2398; 1953, S. 1312d; 1961, P.A. 581, S. 13; 1963, P.A. 373; 1967, P.A. 866, S. 1; 1969, P.A. 247, S. 2; 759, S. 10; 1971, P.A. 649, S. 2; P.A. 77-50; P.A. 80-380, S. 1, 2; P.A. 81-108, S. 1; P.A. 84-254, S. 39, 62; 84-391, S. 1, 8; 84-429, S. 56; P.A. 02-70, S. 27; P.A. 03-184, S. 5; P.A. 09-187, S. 24; P.A. 10-110, S. 20, 59; P.A. 12-81, S. 8; June Sp. Sess. P.A. 15-5, S. 211; P.A. 17-79, S. 10; P.A. 23-40, S. 6.) History: 1961 act increased application fee and fee for number plates; 1963 act added provisions re notice to commissioner of change in officers of corporation and re commissioner's suspension of license if new officers found to be unqualified; 1967 act added provisions re inclusion of additional buildings or land in license to engage in business; 1969 acts specified that \$4 fee per set of plates is an annual charge and later increased \$4 fee to \$8; 1971 act referred to issuance of single plate rather than pair of plates; P.A. 77-50 added provision re carrying photostat copies of registration certificates as proof of ownership; P.A. 80-380 increased fee to \$20 per year; P.A. 81-108 required licensees to issue documents to persons entrusted with motor vehicles subject to general registration; P.A. 84-254 increased the application and registration fees, effective July 1, 1984, scheduling the changes to take effect as of July first of 1985, 1989, 1991 and 1993; P.A. 84-391 limited the number of registrations under a general distinguishing number and mark issued to new and used car dealers and repairers and limited repairers; P.A. 84-429 made technical changes for statutory consistency; P.A. 02-70 divided existing provisions into Subsecs. (a), (b) and (c) and made technical changes throughout, amended Subsec. (a) to delete provisions re additions to existing license and to authorize commissioner to require licensee to furnish evidence of compliance with Secs. 14-54 and 14-55 or other provisions of law administered by the municipality wherein the business is located re building or zoning requirements when a licensee adds buildings or adjacent land to the licensed place of business, and amended Subsec. (b) to allow commissioner to withdraw any registration previously issued or limit the number of registrations a licensee is eligible to receive when the licensee has been found to be in violation of Sec. 14-64; P.A. 03-184 amended Subsec. (a) by deleting reference to Sec. 14-55; P.A. 09-187 added Subsecs. (d) and (e) re return or surrender of general distinguishing number plates and penalty for failure to return or surrender; P.A. 10-110 amended Subsec. (b) to authorize commissioner to withdraw or limit number of registrations held by licensee upon determination that licensee does not require such number and to make technical changes, effective June 5, 2010, and made a technical change in Subsec. (d), effective October 1, 2010; P.A. 12-81 amended Subsec. (c) to add provisions re assessment of \$50 fee for failing to continuously maintain financial responsibility requirements; June Sp. Sess. P.A. 15-5 amended Subsec. (c) to add "administrative" re fee and to substitute provision re failure to provide proof of policy or bond renewal or replacement for provision re failure to continuously maintain financial responsibility, effective June 30, 2015; P.A. 17-79 amended Subsec. (c) by increasing administrative fee from \$50 to \$200 for failure to provide proof of policy or bond renewal or replacement, effective July 1, 2017; P.A. 23-40 amended Subsec. (b) by deleting provisions re number of registrations issued to new car dealer, repairer and limited repairer per year and making a technical and conforming change, effective January 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-5a. - Ansonia branch office.

Section 14-5a is repealed. (P.A. 80-444, S. 4, 6; P.A. 81-460, S. 3, 4.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-5b. - Discontinuation of branch offices.

The Commissioner of Motor Vehicles shall take steps to discontinue the operation and use of Department of Motor Vehicles branch offices to operate within the department's budget. (P.A. 81-460, S. 2, 4.) History: (Revisor's note: In 1997 references throughout the general statutes to "Motor Vehicle(s) Commissioner" and "Motor Vehicle(s) Department" were replaced editorially by the Revisors

with “Commissioner of Motor Vehicles” or “Department of Motor Vehicles”, as the case may be, for consistency with customary statutory usage).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-5c. - Department closed or unable to perform transactions due to emergency or other reason. Extension of expiration date or period of validity of credentials issued by commissioner.

In the case of any emergency situation described by the provisions of section 3-6a or 28-1 or any other reason for which the Department of Motor Vehicles is closed or is unable to perform transactions with the public in an effective or secure manner, the Commissioner of Motor Vehicles, with the approval of the Governor, may extend the expiration date or the period of validity of any registration, license, permit, certificate or other form or credential issued by said commissioner in accordance with any provision of the general statutes. In any such case in which the commissioner exercises the authority granted by this section, the commissioner shall take such actions, as said commissioner deems necessary or appropriate, to inform the public and all law enforcement agencies of the extension of such expiration date or period of validity. (P.A. 08-150, S. 18.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-6. - Coordination of enforcement activities.

The commissioner shall endeavor to coordinate motor vehicle enforcement throughout the state by calling conferences of officials and officers connected with enforcement, as may appear to him advantageous or desirable. He shall, whenever deemed advisable, bring to the attention of such officials and officers statistics in connection with enforcement and shall urge the desirability and necessity of uniformity. He shall endeavor to coordinate and unify volunteer effort for highway traffic safety and may, if he is so requested, initiate a program for uniform effort and may call upon such organizations as are working in the field of traffic safety to carry out the same. (1949 Rev., S. 2355; P.A. 84-546, S. 38, 173.) History: P.A. 84-546 made technical change, amending section to restore language inadvertently deleted.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-61. - Issuance of temporary transfer of registration by dealer. Fee. Return of number plates and registration applications by dealer.

(a) Any dealer licensed under the provisions of this subpart who in the opinion of the commissioner is qualified and sells or trades a passenger motor vehicle, motorcycle, camper, camp trailer, commercial trailer, service bus, school bus or truck to a transferee who holds a current registration certificate for a passenger motor vehicle, motorcycle, camper, camp trailer, commercial trailer, service bus, school bus or truck registered in this state may issue a sixty-day temporary transfer of such registration to the vehicle transferred. The commissioner shall charge such dealer a fee of ten dollars for each new temporary dealer transfer form furnished for the purposes of this section. No dealer may make such temporary transfer of a registration unless the transferee surrenders the current registration certificate to the dealer indicating the disposition of the vehicle described thereon in the space provided on the reverse side of such certificate and unless the transferee is eighteen years of age or older. The dealer shall, within ten days from the issuance of such temporary registration, submit to the commissioner an application together with all necessary documents for a permanent registration for the vehicle transferred. No such temporary registration may be issued if (1) the transferred passenger motor vehicle, motorcycle, camper, camp trailer, commercial trailer, service bus, school bus or truck is used and was not previously registered in this state, unless the inspection requirements of section 14-12 have been met, (2) such motor vehicle is ten or more years old, unless the inspection requirements of section 14-16a have been met, or (3) such motor vehicle has been declared a total loss by an insurance company, unless the inspection requirements of section 14-103a have been met. (b) The commissioner shall require any dealer who is authorized to issue a temporary transfer of registration in accordance with subsection (a) of this section or a new registration in accordance with subsection (c) of section 14-12 to file each application for a permanent registration electronically if the commissioner determines that the dealer files, on average, five or more such applications for permanent registration each month with the Department of Motor Vehicles. Any dealer may make a written request to the commissioner for an exemption from filing such applications electronically due to a hardship, including, but not limited to, a lack of access to a device capable of communicating electronically. The commissioner may enter into an agreement with one or more nonprofit associations or organizations representing the interests of motor vehicle dealers to file such applications electronically on behalf of such dealer. The commissioner may authorize such nonprofit association or organization to charge a convenience fee, in an amount to be determined by the commissioner, to each dealer for an application submitted electronically by such nonprofit association or organization. (c) If any dealer licensed under this subpart holds a dealer license that is no longer valid or if any such licensed dealer is no longer conducting its licensed business, such dealer shall return to the commissioner, within five business days of such license becoming invalid or the termination of such business, (1) any number plates or other materials supplied by the commissioner to enable such dealer to issue new registrations under subsection (c) of section 14-12 or to complete the temporary transfer of registrations under subsection (a) of this section, and (2) any applications for new registrations or registration transfers that were not acted upon or completed by such dealer when it was conducting its licensed business. A violation of any provision of this subsection shall be an infraction. (1949 Rev., S. 2401; 1961, P.A. 178; 1967, P.A. 197; 1969, P.A. 279; 1972, P.A. 127, S. 18; P.A. 73-417; P.A. 81-172, S. 6; June Sp. Sess. P.A. 91-13, S. 7, 21; P.A. 93-341, S. 21; P.A. 95-260, S. 10, 24; P.A. 00-169, S. 2; June Sp. Sess. P.A. 01-9, S. 53, 131; P.A. 09-187, S. 15; P.A. 10-110, S. 19; P.A. 11-213, S. 23; June Sp. Sess. P.A. 15-5, S. 212; P.A. 16-55, S. 5; P.A. 18-164,

S. 6; P.A. 23-40, S. 23.) History: 1961 act extended temporary transfer period from 10 to 20 days; 1967 act expanded provisions re temporary transfers and deleted provision re authorization to issue new registrations and transfer registrations; 1969 act included temporary transfers of motorcycles; 1972 act changed age of majority from 21 to 18; P.A. 73-417 included transfers of trucks with gross weight not exceeding 10,000 pounds and limited transfer power to dealers whom commissioner considers to be qualified; P.A. 81-172 required totalled motor vehicles to be inspected prior to being issued a temporary transfer of registration; June Sp. Sess. P.A. 91-13 added fee for book of twenty-five new temporary dealer transfer forms; P.A. 93-341 changed the temporary transfer period from 20 days to 45 days and extended the deadline for submission of an application to the commissioner from 5 days after issuance of the temporary registration to 7 days; P.A. 95-260 included temporary transfers of campers, camp trailers and trucks with gross weight not exceeding 25,000 pounds in lieu of 10,000 pounds, effective July 1, 1995; P.A. 00-169 replaced a 45-day with a 60-day temporary transfer of a registration, changed the period of time a dealer shall submit an application to the commissioner for a permanent registration from 7 to 5 days, and made a technical change for the purpose of gender neutrality; June Sp. Sess. P.A. 01-9 designated existing provisions as Subsec. (a), increased the fee for a new temporary dealer transfer form from \$5 for a book of twenty-five forms to \$10 for each form and added new Subsec. (b) to allow the commissioner to require a dealer who is authorized to issue a temporary transfer of registration or a new registration to file each application for a permanent registration electronically if such dealer files an average of twenty-five applications or more each month, effective July 1, 2001 (Revisor's note: The reference in Subsec. (a) to "subdivision (D)" was changed editorially by the Revisors to "subpart (D)" for clarity of reference); P.A. 09-187 amended Subsec. (b) to reduce average monthly applications filed by dealer from 25 or more to 10 or more, effective July 1, 2009; P.A. 10-110 made a technical change in Subsec. (a) and added Subsec. (c) re return of number plates and applications by dealer holding invalid dealer license or dealer no longer in business, effective July 1, 2010; P.A. 11-213 amended Subsec. (a) to add "commercial trailer, service bus, school bus", delete gross vehicle weight limit, insert numeric Subdiv. designators, and make technical changes; June Sp. Sess. P.A. 15-5 amended Subsec. (a) to delete references to official stamp and regulations, effective June 30, 2015; P.A. 16-55 amended Subsec. (b) by replacing "may" with "shall" in provision re filing application for permanent registration electronically, reducing average monthly applications filed by dealer from 10 or more to 7 or more, deleting provision re filing application at branch office and adding provisions re exemption due to hardship, re agreement between commissioner and nonprofit association or organization representing interests of motor vehicle dealers and re convenience fee, effective July 1, 2016; P.A. 18-164 amended Subsec. (a) by increasing period of time for dealer to submit permanent registration application to commissioner from 5 days to 10 days, effective July 1, 2018; P.A. 23-40 amended Subsec. (b) by reducing average monthly applications filed by dealer from 7 or more to 5 or more, effective July 1, 2023.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-62b. - Sale of used motor vehicle parts.

(a) As used in this section: (1) "Motor vehicle part" means a major component part, as defined in subdivision (2) of subsection (a) of section 14-149a. (2) "Used motor vehicle part" means any of the parts listed in subparagraphs (A) to (Q), inclusive, of subdivision (1) of this section which has been taken from and previously utilized in any motor vehicle or light truck having a gross vehicle weight of less than ten thousand pounds. (b) No new car dealer, used car dealer or repairer, licensed in accordance with the provisions of section 14-52, may purchase or in any manner obtain possession of any motor vehicle for the purpose of dismantling such motor vehicle and selling its parts, as defined in subsection (a) of this section, for use in any other motor vehicle, except that any such dealer or repairer may sell used motor vehicle parts if the parts are installed in a motor vehicle by such dealer or repairer for the purpose of repair or maintenance of such motor vehicle. (c) Any dealer or repairer who violates subsection (b) of this section, after notice and hearing in accordance with the provisions of chapter 54, shall be subject to a civil penalty of not more than two thousand dollars. (d) No provision of this section shall apply to the sale or purchase of used motor vehicle parts for use in antique, rare or special interest motor vehicles or modified antique motor vehicles, as defined in section 14-1. (e) Any person, firm or corporation engaging in the business of purchasing or obtaining a motor vehicle for the purpose of dismantling such motor vehicle and selling its parts without first obtaining a motor vehicle recycler's license issued pursuant to the provisions of section 14-67 shall be deemed to have committed a class C misdemeanor. (P.A. 94-189, S. 24; P.A. 96-167, S. 10; P.A. 99-268, S. 12; P.A. 00-169, S. 22; P.A. 23-40, S. 7.) History: P.A. 96-167 amended Subsec. (e) to substitute "motor vehicle recycler's license" for "motor vehicle junk yard license" and "motor vehicle junk business license"; P.A. 99-268 redefined "motor vehicle part" in Subsec. (a)(1) to mean a "major component part", as defined in Sec. 14-149a(a)(2); P.A. 00-169 revised effective date of P.A. 99-268 but without affecting this section; P.A. 23-40 amended Subsec. (b) to delete reference to limited repairer and make a technical change, effective January 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-65e. - Motor vehicle repairs: Definitions.

For the purposes of sections 14-65f to 14-65j, inclusive, "motor vehicle repair shop" or "repair shop" means a new car dealer, a used car dealer or a repairer, or their agents or employees. (P.A. 80-425, S. 1; P.A. 23-40, S. 8.) History: P.A. 23-40 deleted reference to limited repairer and made technical change, effective January 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-65n. - Notice re motor vehicle repaired or worked upon is subject to an open recall.

(a) For the purposes of this section, “open recall” means a safety-related recall for which notification by a manufacturer of a motor vehicle has been provided under 49 USC 30119, as amended from time to time, that necessitates repairs or modifications to a motor vehicle by an authorized motor vehicle dealer, but does not include a recall related to defects or failures to comply with requirements relating to labeling or notification in an owner's manual or a recall where the remedy is for the manufacturer to repurchase the motor vehicle or otherwise provide financial compensation to the owner of the motor vehicle. (b) During the course of performing repair work or changing the oil or tires and tubes of a motor vehicle, a repairer licensed in accordance with section 14-52 or a person, firm or corporation engaged in the business of changing the oil or tires and tubes of a motor vehicle, shall determine whether the motor vehicle being repaired or worked upon is subject to an open recall by checking information provided by the manufacturer of the motor vehicle or other known and readily available sources, such as the National Highway Traffic Safety Administration. If the motor vehicle is subject to one or more open recalls, the repairer, person, firm or corporation shall provide the owner of the motor vehicle with written notice of each such open recall at the time of such repair or work. The notice shall include a description of each open recall and a statement that a motor vehicle dealer approved by the manufacturer of the motor vehicle may repair or modify the motor vehicle at no cost to the owner, except as provided in 49 USC 30120, as amended from time to time. (c) Nothing in this section shall alter the liability under common law of any motor vehicle manufacturer or motor vehicle dealer approved by the manufacturer to repair or modify a motor vehicle subject to an open recall. (d) A repairer or person, firm or corporation engaged in the business of changing the oil or tires and tubes of a motor vehicle and any employee of such repairer or person, firm or corporation shall not be liable to any person for any act or omission related to the provision of a written notice regarding an open recall required pursuant to this section. (P.A. 23-40, S. 24.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-67g. (Formerly Sec. 21-15). - Definitions.

“Motor vehicle recycler's business” or “motor vehicle recycler's yard” shall include any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles. Said terms shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to cut up the parts thereof. (1949 Rev., S. 4653; 1953 S. 2332d; 1972, P.A. 37, S. 1; P.A. 96-167, S. 15.) History: 1972 act deleted reference to place of business where it is intended to burn material forming parts of motor vehicles; Sec. 21-15 transferred to Sec. 14-67g in 1981; P.A. 96-167 substituted “recycler's” for “junk” in the terms defined. Annotations to former section 21-15: Former provision authorizing commissioner to determine unfitness and bulk deemed unconstitutional. 116 C. 470. Business of buying, sorting and grading used tires not within definition. 145 C. 490. Plant that manufactures processed scrap autos is not a “motor vehicle junk business.” 161 C. 229. Definition, “motor vehicle junk yard”, applies to fenced-in property not open to view from public highway. 12 CS 70. Where defendant did not buy or cut up cars for junk and where he had unrepairable cars or parts removed periodically, held that he was not operating a motor vehicle junk yard. 24 CS 222.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-67h. - “Major component parts” defined.

As used in this part, sections 14-103a, 14-149, 14-152 and 14-184, subsection (b) of section 14-196 and section 38a-356, “major component parts” has the same meaning as provided in subdivision (2) of subsection (a) of section 14-149a. (P.A. 80-292, S. 1; P.A. 81-174, S. 3; P.A. 99-268, S. 13; P.A. 00-169, S. 22; P.A. 14-122, S. 105.) History: P.A. 81-174 amended the definition to include hoods, rear fenders and quarter panels and to remove floors from consideration as major component parts; P.A. 99-268 redefined “major component parts” to have the same meaning as provided in Sec. 14-149a(a)(2) and deleted the requirement that this definition apply to Sec. 53a-119b; P.A. 00-169 revised effective date of P.A. 99-268 but without affecting this section; P.A. 14-122 made technical changes. See Sec. 14-149 re procedure and penalty in cases involving mutilated or missing identification, engine or factory numbers.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-67i. (Formerly Sec. 21-16). - Certificate of approval of location required. Exemption.

(a) No person, firm or corporation shall establish, operate or maintain a motor vehicle recycler's yard or motor vehicle recycler's business unless a certificate of approval of the location to be used therefor has been procured from the board or authority designated by local charter, regulation or ordinance in the town, city or borough wherein such yard or business is located or is proposed to be located, except that in any town or city having a zoning commission, combined planning and zoning commission and a board of appeals, such certificate shall be obtained from the board of appeals. (b) The provisions of this section shall not apply to any public agency, as defined in section 7-339a, which acquires, collects, dismantles or disposes of junk or abandoned motor vehicles pursuant to a program of solid waste disposal, in accordance with the provisions of chapter 446d and the regulations of Connecticut state agencies, concerning the operation of motor vehicle recycler's yards, provided this exemption shall not apply to any public agency which sells or distributes or exchanges for profit motor vehicle parts for reuse as such, and provided further, such public agency

shall designate an employee to maintain accurate records of all motor vehicles received and processed. Such records shall include the make, year, serial number and, if available, the name and address of the person from whom each vehicle was received. A list containing the make, year and serial number of each such motor vehicle shall be sent to the Commissioner of Motor Vehicles on or before the last day of the month following the month during which such disposal occurred. (1949 Rev., S. 4655; 1957, P.A. 438, S. 1; 1967, P.A. 415, S. 1; 1969, P.A. 712; 1971, P.A. 504, S. 1; P.A. 81-347, S. 1, 3; P.A. 90-229, S. 1; P.A. 96-167, S. 16; P.A. 03-184, S. 3; June 30 Sp. Sess. P.A. 03-6, S. 71; P.A. 12-81, S. 10.) History: 1967 act deleted requirement zoning board of appeals certify location "is not within an established district restricted against such uses"; 1969 act added Subsec. (b) re applicability of provisions to public agencies; 1971 act made provision re public agencies in Subsec. (b) Subdiv. (1), adding provision re required record-keeping and added Subdiv. (2) re intermediate processors; Sec. 21-16 transferred to Sec. 14-67i in 1981; P.A. 81-347 transferred procurement of certificate from zoning board of appeals to zoning commission and deleted reference to town manager's power to grant certificates of approval for business location in Subsec. (a). P.A. 90-229 amended Subsec. (b)(1) to add to exemption for any public agency, which acquires, collects or disposes of junk vehicles pursuant to solid waste disposal program "in accordance with the provisions of chapter 446d and the regulations of Connecticut state agencies, concerning the operation of motor vehicle junk yards"; and Subsec. (b)(2) to limit exemption for intermediate processor to that which operates at a licensed facility; P.A. 96-167 amended Subsec. (a) to substitute motor vehicle recycler's yard or recycler's business for motor vehicle junk yard or junk business and amended Subsec. (b) to make changes consistent with provisions of Subsec. (a) and to substitute motor vehicle recycler's license for motor vehicle junk yard license; P.A. 03-184 amended Subsec. (a) to replace requirement for approval of certificate by chief elected official or zoning commission with requirement that the certificate be obtained from the zoning commission, planning and zoning commission or other board or authority of the municipality; June 30 Sp. Sess. P.A. 03-6 amended Subsec. (a) by replacing provision authorizing the zoning commission or planning and zoning commission to issue certificate of approval with provision that in any town or city with a zoning commission, combined planning and zoning commission and a board of appeals, such certificate shall be obtained from the board of appeals; P.A. 12-81 amended Subsec. (b) to delete former Subdiv. (2) re exemption for intermediate processor and make a conforming change, effective July 1, 2012. Annotations to former section 21-16: Cited. 116 C. 460; 138 C. 613; 151 C. 706. Requires certificate of approval from local authorities before the issuance of licenses by Commissioner of Motor Vehicles. 144 C. 67. Purpose of licensing junk dealer. 145 C. 490. Function of board under section prior to 1967 amendment is twofold: To certify that location is not within a restricted area, and if not within such area, to conduct a public hearing to determine the suitability of the location in view of the factors set out in Sec. 21-17; if location is within restricted area, zoning board of appeals lacks authority to grant a variance or to hold a public hearing. 147 C. 469. Appeal from decision of zoning appeals board allowed where no finding location was unsuitable for any reason specified in Sec. 21-17 had been made by board. 158 C. 244. Cited. 24 CS 226. Annotations to present section: Cited. 233 C. 254; Id., 281. Cited. 34 CA 402.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-67j. - Intermediate processors. Permit and license required. License required to transport vehicles or parts processed by intermediate processors. Records of vehicles or parts received, dismantled or sold. Inspection. Regulations.

Section 14-67j is repealed, effective July 1, 2012. (P.A. 80-292, S. 12; P.A. 82-169; P.A. 90-229, S. 2; P.A. 93-272, S. 2; P.A. 96-167, S. 17; P.A. 11-51, S. 134; P.A. 12-81, S. 56.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-67k. (Formerly Sec. 21-17). - Hearing on application. Fee.

Section 14-67k is repealed, effective October 1, 2003. (1949 Rev., S. 4656; 1957, P.A. 438, S. 2; 1967, P.A. 415, S. 2; 1969, P.A. 179; P.A. 81-347, S. 2, 3; P.A. 03-184, S. 10.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-67l. (Formerly Sec. 21-18). - License, fees and surety bond. General registration of motor vehicles. Documents to be issued to drivers of such motor vehicles. Compliance with environmental statutes and regulations.

(a) Upon receiving such certificate of approval pursuant to section 14-67i, each applicant for an issuance of a motor vehicle recycler's license shall (1) submit such certificate of approval to the Commissioner of Motor Vehicles, (2) pay a fee of two hundred eighty dollars to the commissioner for the examination of the location or proposed location of each such motor vehicle recycler's yard or business, (3) pay a license fee of seven hundred five dollars to the commissioner for each motor vehicle recycler's yard or business, and (4) submit a surety bond in the amount of twenty-five thousand dollars. (b) Any surety bond submitted pursuant to subsection (a) or (d) of this section shall be conditioned upon the applicant or licensee complying with the provisions of any state or federal law or regulation relating to the business of operating a motor vehicle recycler's yard and provided as indemnity for any loss sustained by any aggrieved customer by reason of any acts of the licensee constituting grounds for suspension or revocation of the license or such licensee going out of business. Each surety bond shall be executed in the name of the state of Connecticut for the benefit of any aggrieved customer, but the penalty of the bond shall not be invoked except upon order of the commissioner after a hearing held in accordance with the provisions of chapter 54. The commissioner shall assess an administrative fee of two hundred dollars against any licensee for failing to provide proof of bond renewal or replacement on or before the date of the expiration of the existing bond. (c) Except as provided in subsection (e) of this section, upon receipt of such certificate of approval, the payment of

the required fees, the submission of such surety bond and observance of regulations required, the commissioner may issue a license, provided the commissioner may refuse to grant a license to a person, firm or corporation to engage in the business of operating a motor vehicle recycler's yard if the applicant for such license or an officer or major stockholder, if the applicant is a firm or corporation, has been convicted of a violation of any provision of laws pertaining to the business of a motor vehicle dealer or repairer, including a motor vehicle recycler, in the courts of the United States or of this state or any state of the United States, in accordance with the hearing requirements provided for in section 14-67p. (d) Any license may be renewed on a biennial basis upon payment of a fee of seven hundred dollars and submission of a surety bond in the amount of twenty-five thousand dollars. Each such licensee shall, instead of registering each motor vehicle owned by the licensee, apply to the commissioner for a general distinguishing number and mark, and the commissioner may issue to the applicant a certificate of registration containing the distinguishing number and mark assigned to such licensee and, thereupon, each motor vehicle owned by such licensee shall be regarded as registered under such general distinguishing number and mark. No licensee may be issued more than three registrations under a general distinguishing number and mark in a year, unless the licensee applies for an additional registration to the commissioner, in such form and containing such information as the commissioner may require to substantiate such request. The commissioner may issue to each such licensee such additional registrations as the commissioner deems necessary. The licensee shall issue to each person driving such motor vehicle a document indicating that such person is validly entrusted with the vehicle, which document shall be carried in the motor vehicle. The commissioner shall determine the form and contents of such document. For the registration of each motor vehicle under a general distinguishing number and mark, the commissioner shall charge a fee at the rate of seventy dollars per year. Such licensee shall furnish proof of financial responsibility satisfactory to the commissioner, as described in section 14-112. Such number plates may be used as provided for under section 14-67n. (e) Each applicant for a recycler's license shall be required to certify that, to the best of such applicant's knowledge and belief, all the property to be used for the operation of the yard and business is in compliance with the provisions of all applicable provisions of title 22a and all regulations adopted by the Commissioner of Energy and Environmental Protection pursuant to the provisions of said title. Upon receipt of such certification and completed application, the Commissioner of Motor Vehicles shall notify the Commissioner of Energy and Environmental Protection. The notification shall include a statement of the location of the subject property and a legal description thereof. Within forty-five days of receipt of such notification, the Commissioner of Energy and Environmental Protection shall inform the Commissioner of Motor Vehicles if there is any reason to believe that the property that is proposed to be licensed is not in compliance with the above referenced statutory and regulatory requirements. If the Commissioner of Motor Vehicles is informed that there is any such reason to believe that the subject location is not in compliance with such requirements, said commissioner may (1) refuse to issue the license, or (2) issue the license subject to such conditions, including, but not limited to, the remediation of the conditions causing the suspected violation or violations, as are acceptable to the Commissioner of Energy and Environmental Protection. (1949 Rev., S. 4658; 1953, S. 2333d; 1961, P.A. 581, S. 20; 1971, P.A. 649, S. 5; 1972, P.A. 223, S. 27; P.A. 73-200, S. 2; P.A. 81-108, S. 2; 81-372; P.A. 82-472, S. 41, 183; P.A. 83-489, S. 11, 17; P.A. 84-254, S. 44, 62; 84-391, S. 3, 8; P.A. 96-167, S. 18; P.A. 08-150, S. 10; P.A. 09-187, S. 18; P.A. 10-110, S. 43; P.A. 11-80, S. 1; P.A. 24-20, S. 6.) History: 1961 act increased examination and license fees from \$25 to \$40 each and registration fee from \$5 to \$7 and changed technical language; 1971 act replaced reference to pairs of plates with reference to single plate; 1972 act increased initial license fee from \$40 to \$100 and increased renewal fee from \$40 to \$50; P.A. 73-200 added provision re grounds for refusal to grant license and replaced reference to Sec. 21-22 (later transferred to Sec. 14-67q) with reference to Sec. 21-19 (later transferred to Sec. 14-67n); Sec. 21-18 transferred to Sec. 14-67lin 1981; P.A. 81-108 required licensees to issue documents to persons entrusted with motor vehicles subject to general registration; P.A. 81-372 increased the fee for each number plate from \$7 to \$20; P.A. 82-472 made technical corrections; P.A. 83-489 increased fee for examination of location of junk yard or business from \$40 to \$80, increased license fee for junk yard or business from \$100 to \$200 and increased annual license renewal fee from \$50 to \$100; P.A. 84-254 increased the fees, scheduling the increases to take effect as of July first of 1985, 1989, 1991 and 1993; P.A. 84-391 limited the number of registrations under a general distinguishing number and mark issued to junk yard or junk business licensees and provided for the staggered renewal of such licenses and deleted provision whereby license period ended "the last day of February next following"; P.A. 96-167 substituted "motor vehicle recycler's license" for "motor vehicle junk yard" or "junk business license" and "motor vehicle recycler's yard" for "motor vehicle junk yard"; P.A. 08-150 designated existing provisions as Subsec. (a) and amended same to add exception re Subsec. (b) with respect to issuance of license by commissioner and delete obsolete provisions re scheduled fee increases, retaining \$280 examination fee, \$705 license fee, \$350 license renewal fee and \$70 number plate fee, and added Subsec. (b) re certificate of compliance with environmental statutes and regulations, review of subject property by Commissioner of Environmental Protection and authority of Commissioner of Motor Vehicles to refuse to issue license or issue license with conditions; P.A. 09-187 amended Subsec. (a) to replace provisions re annual license renewal and \$350 renewal fee with provisions re biennial license renewal and \$700 renewal fee, effective July 1, 2009; P.A. 10-110 amended Subsec. (a) to replace motor vehicle registration fee of \$70 for each number plate furnished with registration fee at rate of \$70 per year and to make technical changes, effective June 5, 2010; pursuant to P.A. 11-80, "Commissioner of Environmental Protection" was changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection" in Subsec. (b), effective July 1, 2011; P.A. 24-20 amended Subsec. (a) to add Subdiv. designators (1) to (3) and add Subdiv. (4) re \$25,000 surety bond, added new Subsec. (b) re surety bond, redesignated existing provision re issuance of license as Subsec. (c), redesignated existing provision re renewal, registration of vehicle under distinguishing number and mark and proof of financial responsibility as Subsec. (d), redesignated existing Subsec. (b) as Subsec. (e) and made technical and conforming changes. See Sec. 13a-123e re certificate of approval obtained from

Transportation Commissioner for operation of junk yard or scrap metal processing facility. Annotations to former section 21-18: Cited. 116 C. 461. Requires certificate of approval from local authorities before the issuance of licenses by Commissioner of Motor Vehicles. 144 C. 67. Cited. 147 C. 469. Certificate cannot be refused under section for reasons usually associated with zoning. 14 CS 339. Cited. 24 CS 226.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-67m. (Formerly Sec. 21-18a). - Record of vehicles, major component parts or catalytic converters received, dismantled or sold. Inspection of records, vehicles, parts and premises. Receipt of certificate of title. Penalty.

(a) Each motor vehicle recycler licensee shall maintain a suitable office and keep accurate records of all motor vehicles or major component parts thereof received, dismantled or sold. Such records may be handwritten, typewritten or computer-generated. Such records, vehicles and parts shall be available for inspection during regular business hours by one or more representatives of the Department of Motor Vehicles, the Division of State Police within the Department of Emergency Services and Public Protection or any organized local police department. Such inspection shall include examination of the recycler's premises to determine the accuracy of the required records. Such records shall include the make, year, engine number, if any, and identification number of each vehicle, the name and address of the person from whom each vehicle or part was received and to whom each vehicle or part was sold, if a sale occurred, the date of such receipt and sale, and the records required by subparagraph (C) of subdivision (2) of subsection (c) of this section. The records shall be maintained for a period of two years after each receipt or sale. Twice a month, each such licensee shall mail to the Commissioner of Motor Vehicles a list of all motor vehicles received, stating the make, year, engine number, if any, and identification number of each such vehicle. The list, on a form approved by the commissioner, shall be mailed or delivered to the commissioner on or before the twentieth day of each month, covering the first fifteen days of that month, and on or before the fifth day of each month, covering the sixteenth through the last day of the preceding month. A recycler shall report the information contained on such lists to the National Motor Vehicle Title Information System under 49 USC Section 30504, as amended from time to time. Nothing in this subsection shall be construed to require the department to report any of such information to said title information system. (b) No motor vehicle recycler licensee may receive a motor vehicle unless the licensee receives the vehicle's certificate of title, if the vehicle is required to have title, or a copy of the vehicle's certificate of title made by an insurance company pursuant to section 14-16c, at the time of receipt of the vehicle. Upon receipt of any such certificate or copy, such licensee shall stamp on it the word "JUNKED" in one-inch-high letters not to exceed three inches in length. Any certificate of title received, other than a title acquired for use in connection with the licensee's business, shall accompany the list sent pursuant to subsection (a) of this section. Any such copy received shall be maintained for as long as the junk is on the licensee's premises. If the Commissioner of Motor Vehicles determines that information concerning junked motor vehicles required to be reported by a licensee to the National Motor Vehicle Title Information System under 49 USC Sections 30501 to 30505, inclusive, as amended from time to time, and 28 CFR Sections 25.51 to 25.57, inclusive, as amended from time to time, is available to the department on a regular basis from the National Motor Vehicle Title Information System, the commissioner may discontinue the requirement that a licensee submit to the department (1) a list of vehicles or parts received, in accordance with the provisions of subsection (a) of this section, and (2) certificates of title or copies of such certificates, in accordance with the provisions of this subsection. (c) (1) No motor vehicle recycler licensee may receive a catalytic converter of a motor vehicle unless such catalytic converter is attached to a motor vehicle that such recycler receives in compliance with the provisions of this section. (2) No motor vehicle recycler may sell or transfer a catalytic converter unless such recycler: (A) Detaches such catalytic converter from a motor vehicle received by such recycler in compliance with the provisions of this section; (B) Affixes or writes a stock number on such converter; and (C) Creates a written record, with one copy of such record retained by such recycler and one copy provided to the purchaser or transferee, that includes the name, address, telephone number and license number of such recycler, the vehicle identification number of the motor vehicle from which such catalytic converter was detached and the stock number of such catalytic converter. (d) The Commissioner of Motor Vehicles may adopt regulations, in accordance with chapter 54, concerning the records required by this section. (e) The commissioner may, after notice and hearing, impose a civil penalty of not less than one hundred dollars nor more than five hundred dollars for each offense on any person, firm or corporation who violates the provisions of this section. (1959, P.A. 562, S. 1; P.A. 80-292, S. 8; P.A. 81-172, S. 8; 81-206, S. 2; P.A. 93-272, S. 3; P.A. 95-260, S. 12; P.A. 96-167, S. 19; P.A. 10-110, S. 10; P.A. 11-51, S. 134; P.A. 21-106, S. 46; P.A. 22-43, S. 1.) History: P.A. 80-292 expanded provisions re records to include major component parts, required record of buyers of vehicle or parts to be kept, included among those with inspection rights representative of state or local police and department of public safety and required that records be mailed to commissioner of motor vehicles and added Subsecs. (b) to (d); Sec. 21-18a transferred to Sec. 14-67m in 1981; P.A. 81-172 reduced the required height of the word "junked" required to be stamped on certificates of title under Subsec. (b) from three inches to one inch and imposed restriction on length; P.A. 81-206 converted the criminal fines provided for in Subsec. (d) to civil penalties imposed by the commissioner; P.A. 93-272 amended Subsec. (a) by deleting provision which required that copy of the record of each vehicle or part sold to a scrap metal processor be delivered to the processor; P.A. 95-260 amended Subsec. (a) to eliminate requirement that licensee mail list of all motor vehicles dismantled to commissioner; P.A. 96-167 amended Subsecs. (a) and (b) to substitute motor vehicle recycler licensee for motor vehicle junk yard licensee and to delete references to "junk yard" and added in Subsec. (a) statement that records may be handwritten, typewritten or computer-generated; P.A. 10-110 amended Subsec. (a) to require recycler to report information on lists to National Motor Vehicle Title Information System and to provide that nothing in Subsec. shall be construed to require department to report any such information to said system, and amended Subsec. (b) to provide if commissioner determines information re

junked vehicles required to be reported by licensee to said system is regularly available to department from said system, commissioner may discontinue requirement that licensee submit list of vehicles, parts received and title certificates, effective June 5, 2010; pursuant to P.A. 11-51, "Department of Public Safety" was changed editorially by the Revisors to "Department of Emergency Services and Public Protection" in Subsec. (a), effective July 1, 2011; P.A. 21-106 amended Subsec. (a) to add provision re catalytic converter, added new Subsec. (c) re proof when receiving catalytic converter and redesignated existing Subsecs. (c) and (d) as Subsecs. (d) and (e); P.A. 22-43 amended Subsec. (a) to revise provision re records required by Subsec. (c) and insert "as amended from time to time", amended Subsec. (b) to insert "as amended from time to time.", amended Subsec. (c) to replace provisions re receipt of catalytic converters with new provisions re receipt and sale of catalytic converters and amended Subsec. (d) to make a technical change, effective July 1, 2022. Cited. 35 CA 455.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-67n. (Formerly Sec. 21-19). - Use of general registration restricted. Number plates for motor vehicles being towed. Fees.

(a) No motor vehicle recycler licensee shall rent or allow or cause to be rented, or operate or allow or cause to be operated for hire, or use or allow or cause to be used for the purpose of conveying passengers or merchandise or freight for hire, any motor vehicle registered under a general distinguishing number or mark. Such plates as are issued to a licensee may be used in connection with such licensee's business for the purpose of towing vehicles to such licensee's place of business, for use on the vehicle being towed, for use on commercial vehicles carrying motor vehicles or parts thereof to such licensee's place of business for the purpose of dismantling, and for carrying parts of motor vehicles or motor vehicle scrap from such place of business to the place of sale or disposition. The licensee may use such plates for personal use on vehicles owned by such licensee. (b) A motor vehicle recycler licensee may apply to the commissioner for a general distinguishing number and number plate for the purpose of displaying such number plate on a motor vehicle being towed in connection with such licensee's business. The commissioner shall charge a fee to cover the cost of the issuance and renewal of such number plates. (1957, P.A. 343; P.A. 96-167, S. 20; P.A. 00-169, S. 20.) History: Sec. 21-19 transferred to Sec. 14-67n in 1981; P.A. 96-167 substituted "motor vehicle recycler licensee" for "junk yard licensee" and deleted reference to "junk yard"; P.A. 00-169 designated existing section as Subsec. (a) and made technical changes for the purposes of gender neutrality and added Subsec. (b) re general distinguishing number and number plate for use by motor vehicle recycler licensee when towing a motor vehicle. Cited. 35 CA 455.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-67o. (Formerly Sec. 21-20). - Revocation of license upon sale or transfer of business.

Any license issued by the Commissioner of Motor Vehicles under the provisions of this subpart (H) shall be revoked by, and surrendered to, said commissioner upon the sale, transfer or conveyance of any such motor vehicle recycler's yard or business. (1949 Rev., S. 4662; P.A. 96-167, S. 21.) History: Sec. 21-20 transferred to Sec. 14-67o in 1981; P.A. 96-167 substituted "motor vehicle recycler's yard" for "licensed junk yard"; (Revisor's note: In 2003 the reference to "subdivision (H)" was changed editorially by the Revisors to "subpart (H)" for clarity of reference).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-67p. (Formerly Sec. 21-21). - Suspension or revocation for violation.

Any license issued by the Commissioner of Motor Vehicles under the provisions of this subpart (H) shall be suspended by, and surrendered to, said commissioner, when, after notice and hearing, it is determined that the licensee has violated any provision of this subpart (H), or of any other statute pertaining to his business as a licensee. (1957, P.A. 341.) History: Sec. 21-21 transferred to Sec. 14-67p in 1981; (Revisor's note: In 2003 the references to "subdivision (H)" were changed editorially by the Revisors to "subpart (H)" for clarity of reference).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-67q. (Formerly Sec. 21-22). - Commissioner may impose conditions concerning establishment and maintenance of yards.

The Commissioner of Motor Vehicles or his representative shall examine the location or proposed location of each motor vehicle recycler's yard or business and said commissioner may make reasonable regulations concerning and applicable to the establishment, operation or maintenance of such yards or businesses as are essential to the safety and general welfare of the public, and no license for any such yard or business shall be issued or renewed until such regulations have been complied with. Upon violation of any of the regulations established under the provisions of this section, the commissioner, after notice to such violator and giving him opportunity to be heard, may revoke the license issued or any renewal thereof. (1949 Rev., S. 4657; 1967, P.A. 854, S. 1; P.A. 96-167, S. 22.) History: 1967 act deleted restriction that locations to be examined by commissioner be adjacent to highways, extended purview of statute to renewal of licenses and changed technical language; Sec. 21-22 transferred to Sec. 14-67q in 1981; P.A. 96-167 substituted "recycler's yard" for "junk yard". Annotation to former section 21-22: Cited. 116 C. 462.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-67r. (Formerly Sec. 21-22a). - Fencing.

Each new location of a motor vehicle recycler's yard shall be completely surrounded with a solid fence at least eight feet high with a suitable gate which shall be closed and locked except during the working hours of such yard. All unregistered motor vehicles, used parts, old iron, metal, glass, paper, and any other material which may have been parts of such vehicles shall be enclosed within this location. Any dismantling of material or cutting up of parts of such vehicles must be carried on within this enclosure. (1959, P.A. 562, S. 2; 1972, P.A. 37, S. 2; P.A. 96-167, S. 23.) History: 1972 act deleted reference to burning material and permits for such burning; Sec. 21-22a transferred to Sec. 14-67r in 1981; P.A. 96-167 substituted "recycler's yard" for "junk yard" and made a technical change. Cited. 233 C. 254; Id., 281.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-67s. (Formerly Sec. 21-23). - Ordinances creating restricted districts.

For the purpose of promoting the health, safety and general welfare of municipalities and governmental subdivisions in the state; for the purpose of conserving the value of buildings and encouraging the most appropriate use of land; for the purpose of providing for the public health, comfort and general welfare in living and working conditions; for the purpose of facilitating highway development and transportation and for the purpose of regulating and restricting unsightly and detrimental developments tending to depreciate the value of property and obstruct progressive improvements in such municipalities and governmental subdivisions, the legislative body of any town, city or borough, in addition to powers conferred by the statutes or special acts upon such towns, cities or boroughs or the respective officials thereof, may enact ordinances creating restricted districts within which any motor vehicle recycler's yard or motor vehicle recycler's business shall not be permitted to be established; provided, in any town, city or borough having a zoning commission or town or city planning commission or board, such zoning commission, planning commission or board shall have the authority to create such restricted districts by the adoption of appropriate rules, orders or regulations, and provided any ordinances, bylaws or regulations adopted prior to October 1, 1957, under the provisions of section 4654 of the general statutes, revision of 1949, otherwise valid except that they were not adopted pursuant to the procedure provided in this section, shall remain valid until altered or repealed under the provisions of this section. (1949 Rev., S. 4654; 1957, P.A. 13, S. 90; P.A. 96-167, S. 24.) History: Sec. 21-23 transferred to Sec. 14-67s in 1981; P.A. 96-167 substituted "recycler's yard" and "recycler's business" for "junk yard" and "junk business". Annotations to former section 21-23: Cited. 116 C. 462; 145 C. 469. Regulation permissible if a business, by its very nature, is dangerous to the public. Id., 490. Absent adoption of regulation prohibiting junk yards in area plaintiff wished to use for expansion of existing motor vehicle junk yard, zoning board of appeals could not withhold permission. 158 C. 244. Applies to "motor vehicle junk business" or "motor vehicle junk yard" in a fenced-in area. 12 CS 70. Cited. 24 CS 226.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-67t. (Formerly Sec. 21-24). - Publication of ordinances.

Any ordinance, order, rule or regulation creating a restricted district or districts within which any motor vehicle recycler's yard or business shall not be located or established under the provisions of this subpart (H) shall, forthwith, be filed with the clerk of the municipality and said clerk shall, within ten days thereafter, cause such ordinance to be published once in a newspaper having a circulation in such municipality. (1949 Rev., S. 4659; P.A. 96-167, S. 25.) History: Sec. 21-24 transferred to Sec. 14-67t in 1981; P.A. 96-167 substituted "recycler's yard" for "junk yard"; (Revisor's note: In 2003 the reference to "subdivision (H)" was changed editorially by the Revisors to "subpart (H)" for clarity of reference).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-67u. (Formerly Sec. 21-25). - Appeal.

Any person, firm or corporation aggrieved by the action of any local officials, zoning commission or board, taken pursuant to the provisions of this subpart (H), may, within thirty days from the date of the action complained of and upon giving bond in the sum of one hundred and fifty dollars, appeal to the superior court for the judicial district within which such town, city or borough is situated, and any person, firm or corporation aggrieved by any action of the Commissioner of Motor Vehicles or his authorized representative, taken pursuant to said provisions, may, within said time of thirty days and upon giving such bond, appeal to the superior court for the judicial district of Hartford, in the same manner as is provided for appeals in civil actions. Upon any such appeal, said court shall make such order in relation to the action appealed from as it deems equitable. (1949 Rev., S. 4660; P.A. 76-436, S. 444, 681; P.A. 78-280, S. 1, 5, 127; P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6.) History: P.A. 76-436 replaced court of common pleas with superior court and added reference to judicial districts, effective July 1, 1978; P.A. 78-280 deleted reference to counties and replaced Hartford county with judicial district of Hartford-New Britain; Sec. 21-25 transferred to Sec. 14-67u in 1981; P.A. 88-230 replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; (Revisor's note: In 2003 the reference to "subdivision (H)" was changed editorially by the Revisors to "subpart (H)" for clarity of reference). Annotation to former section 21-25: Cited. 116 C. 461.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-67v. (Formerly Sec. 21-26). - Penalty. Injunction to restrain violation.

Any person, or any officer or agent of any firm or corporation, who establishes, operates or maintains a motor vehicle recycler's yard or motor vehicle recycler's business in any location within a restricted district created under the provisions of this subpart (H), or establishes, operates or maintains such yard or business without procuring such certificate of approval from the local authority, or transports or hauls any motor vehicle or used parts of a motor vehicle in violation of any provision of this subpart (H) or violates any provision of this subpart (H), shall be guilty of a class C misdemeanor. Each day of such establishment, operation or maintenance in violation of this section shall constitute a separate offense. The Commissioner of Motor Vehicles may, after notice and hearing, impose a civil penalty of not more than two thousand dollars on any person, firm or corporation that establishes, operates or maintains such yard or business, uses the title "motor vehicle recycler" or advertises or holds itself out as a motor vehicle recycler without a license. In addition to the penalties herein prescribed, the Commissioner of Motor Vehicles or the local authority, upon a violation of any of the provisions of this subpart (H), may bring an application to the superior court for the judicial district where such yard or business is located to enjoin a further operation or maintenance of such yard or business and to abate the same as a public nuisance. Said court may, upon finding such yard or business has been established, operated or maintained in violation of the provisions of this subpart (H), issue such injunction as it deems equitable and make such order for the discontinuance or abatement of such yard or business as a nuisance as it finds to be necessary, including authorization to the Commissioner of Motor Vehicles to enter such yard or business to eliminate, at the expense of the defendant, the conditions which constitute the violation of any provision of this subpart (H). (1949 Rev., S. 4661; 1957, P.A. 438, S. 3; 1967, P.A. 854, S. 3; P.A. 76-436, S. 445, 681; P.A. 78-280, S. 1, 2, 127; P.A. 82-303, S. 2; P.A. 90-229, S. 3; P.A. 96-167, S. 26; P.A. 09-243, S. 3; P.A. 12-80, S. 162; 12-81, S. 11.) History: 1967 act added that court order may include authorization for commissioner to enter yard or business to eliminate conditions constituting violation at expense of defendant; P.A. 76-436 replaced court of common pleas with superior court and added reference to judicial district, effective July 1, 1978; P.A. 78-280 deleted reference to counties; Sec. 21-26 transferred to Sec. 14-67v in 1981; P.A. 82-303 imposed a civil penalty of not more than \$2,000 for operating a junk yard or business without a license; P.A. 90-229 applied criminal penalties to any person who establishes, operates or maintains an intermediate processor, or transports or hauls any vehicle or parts, in violation of Subdiv. (H); P.A. 96-167 substituted "recycler's yard" and "recycler's business" for "junk yard" and "junk business" and made technical changes; (Revisor's note: In 2003 the references to "subdivision (H)" were changed editorially by the Revisors to "subpart (H)" for clarity of reference); P.A. 09-243 applied civil penalty to any person, firm or corporation that uses the title "motor vehicle recycler" or advertises or holds itself out as a motor vehicle recycler without a license and made a technical change; P.A. 12-80 changed penalty from a fine of not more than \$100 or imprisonment of not more than 90 days or both to a class C misdemeanor and made a technical change; P.A. 12-81 deleted provision re person, officer or agent who establishes, operates or maintains an intermediate processor, effective July 1, 2012. Annotations to former section 21-26: Cited. 116 C. 461. The interpretation of chapter by commissioner who must enforce it is entitled to great weight. 145 C. 490. Cited. 24 CS 223. Annotations to present section: Cited. 233 C. 254; Id., 281.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-67w. (Formerly Sec. 21-26a). - Scrap metal processors exempted. Receipt of motor vehicles. Required information. Inspection of premises and records. Retention of records. Regulations.

(a) Except as herein provided, the provisions of this subpart (H) shall not apply to any scrap metal processor. "Scrap metal processor" shall include any place of business and any place of deposit which has facilities for preparing and processing iron, steel and nonferrous metals into a form suitable for remelting by a foundry, steel mill or other remelter, and which does not buy or receive motor vehicles from any person, firm or corporation, except the holder of a motor vehicle recycler's license pursuant to section 14-67i, or a public agency exempt from the provisions of said section pursuant to subsection (b) of section 14-67i, and which does not sell automobile parts for reuse as parts. Any scrap metal processor who retains on his premises for a period in excess of thirty days any motor vehicle junk which has not been processed into a form suitable for remelting as provided in this section shall be deemed to be operating or maintaining a motor vehicle recycler's business or motor vehicle recycler's yard, as defined in section 14-67g, and shall be subject to the provisions of section 14-67v. (b) No scrap metal processor shall receive any motor vehicle unless such processor receives the following information: The make of the motor vehicle, the year the motor vehicle was manufactured, the engine number of the motor vehicle, if any, the identification number of the motor vehicle and the name and address of the person from whom such vehicle was received. If any sale of the motor vehicle occurred, the processor shall be given the date of the receipt and sale for the motor vehicle. The provisions of this subsection shall not apply to a licensed motor vehicle recycler's business or motor vehicle recycler's yard, as defined in section 14-67g, which is delivering a motor vehicle that has been dismantled, crushed or conditioned for scrap metal processing to a scrap metal processor. (c) The premises of each scrap metal processor utilized for processing motor vehicle junk and the records provided to each such processor pursuant to the provisions of section 14-67m shall be available for inspection during regular business hours by one or more representatives of the Department of Motor Vehicles, the Division of State Police within the Department of Emergency Services and Public Protection or any organized local police department. Each such record shall be retained by each scrap metal processor for a period of two years after receipt of such record. (d) The Commissioner of Motor Vehicles may adopt regulations, in accordance with chapter 54, concerning the records required by this section and the processing of motor vehicle junk to prevent the removal of vehicle identification numbers. (1967, P.A. 887, S. 2; 1969, P.A. 514, S. 2; 1971, P.A. 504, S. 2; P.A. 80-292, S. 9; P.A. 93-272, S. 4; May 25 Sp. Sess. P.A. 94-1, S. 71, 130; P.A. 96-167, S. 27; P.A. 11-51, S. 134; P.A. 12-81, S. 12, 22.) History: 1969 act added provisions re consideration of processor who retains motor vehicle junk for more than 30 days without processing it into form suitable for remelting as operator of motor vehicle

junk business or yard; 1971 act replaced “whole cars” with “motor vehicles” and excepted public agencies and intermediate processors from definition; P.A. 80-292 added Subsecs. (b) to (d); Sec. 21-26a transferred to Sec. 14-67w in 1981; P.A. 93-272 replaced former Subsec. (b) requiring processor to obtain records for each vehicle obtained as junk with a new Subsec. (b) specifying precise information to be received and providing exception to its provisions; May 25 Sp. Sess. P.A. 94-1 amended Subsec. (b) by making technical changes, effective July 1, 1994; P.A. 96-167 amended Subsec. (a) to substitute recycler's license for junk yard license and amended Subsecs. (a) and (b) to substitute recycler's business and recycler's yard for junk business and junk yard; (Revisor's note: In 2003 the reference in Subsec. (a) to “subdivision (H)” was changed editorially by the Revisors to “subpart (H)” for clarity of reference); pursuant to P.A. 11-51, “Department of Public Safety” was changed editorially by the Revisors to “Department of Emergency Services and Public Protection” in Subsec. (c), effective July 1, 2011; P.A. 12-81 amended Subsec. (a) to delete reference to intermediate processor exempt pursuant to Sec. 14-67i(b) and amended Subsec. (c) to delete reference to Sec. 14-67j, effective July 1, 2012.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-68. - Definitions.

Terms used in this part shall be construed in accordance with section 14-1 and as follows: (a) “Drivers' school” means the business of giving instruction, for compensation, in the driving of private passenger motor vehicles and does not include training of professional drivers of motor vehicles other than private passenger motor vehicles; (b) “Fraudulent practice” includes but is not limited to (1) any conduct or representation tending to give the impression that a license to operate a motor vehicle or any other license, registration or service granted by the commissioner may be obtained by any means other than the means prescribed by law or (2) furnishing or obtaining the same by illegal or by improper means or (3) requesting, accepting, exacting or collecting money for such purpose. (1957, P.A. 507, S. 1; 1967, P.A. 531, S. 1.) History: 1967 act redefined “drivers' school” to specifically exclude schools training professional drivers of vehicles other than private passenger vehicles.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-69. - License to conduct a drivers' school. Penalty.

(a) No person shall engage in the business of conducting a drivers' school without being licensed by the Commissioner of Motor Vehicles. An application for a license shall be in writing and shall contain such information as the commissioner requires. Each applicant for a license or the renewal of a license shall be fingerprinted before such application is approved. The commissioner shall subject each applicant for a license or the renewal of a license to state and national criminal history records checks conducted in accordance with section 29-17a, and a check of the state child abuse and neglect registry established pursuant to section 17a-101k. If any such applicant has a criminal record or is listed on the state child abuse and neglect registry, the commissioner shall make a determination whether to issue a license or renew a license to conduct a drivers' school in accordance with the standards and procedures set forth in section 14-44 and the regulations adopted pursuant to said section. If the application is approved, the applicant shall be granted a license upon the payment of a fee of seven hundred dollars and submission of a surety bond from a surety company authorized to do business in this state, conditioned upon the faithful performance by the applicant of any contract to furnish instruction, in such amount as the commissioner may require. Such surety bond shall be held by the commissioner to satisfy any execution issued against such school in a cause arising out of failure of such school to perform such contract. For each additional place of business of such school, the commissioner shall charge a fee of one hundred seventy-six dollars, except if the licensee opens an additional place of business with one year or less remaining on the term of its license, the commissioner shall charge a fee of eighty-eight dollars for each such additional place of business for the year, or any part thereof, remaining on the term of such license. No license or surety bond shall be required in the case of any board of education, or any public, private or parochial school, which conducts a course in driver education established in accordance with sections 14-36e and 14-36f. A license so issued shall be valid for two years. The commissioner shall issue a license certificate or certificates to each licensee, one of which shall be displayed in each place of business of the licensee. In case of the loss, mutilation or destruction of a license certificate, the commissioner shall issue a duplicate license certificate to the licensee upon proof of the facts and the payment of a fee of twenty dollars. (b) The biennial fee for the renewal of a license shall be seven hundred dollars and the biennial renewal fee for each additional place of business shall be one hundred seventy-six dollars, except if the licensee opens an additional place of business with one year or less remaining on the term of its license, the commissioner shall charge a fee of eighty-eight dollars for each such additional place of business for the year, or any part thereof, remaining on the term of such license. If the commissioner has not received a complete renewal application and all applicable renewal fees on or before the expiration date of an applicant's license, the commissioner shall charge such applicant, in addition to such renewal fees, a late fee of seven hundred dollars. Upon the expiration date of a license, the licensee shall cease to conduct business until such time as the licensee's application for renewal is approved by the commissioner. The commissioner shall not renew any license under this section that has expired for more than sixty days. (c) Any person who engages in the business of conducting a drivers' school without being licensed in accordance with this section shall be guilty of a class B misdemeanor. (1957, P.A. 507, S. 2; 1967, P.A. 406; 531, S. 2; 778; 1971, P.A. 95; P.A. 84-254, S. 45, 62; P.A. 03-265, S. 10; P.A. 04-143, S. 21; 04-182, S. 9; P.A. 10-110, S. 38; P.A. 11-213, S. 24; P.A. 12-81, S. 46; June 12 Sp. Sess. P.A. 12-2, S. 125; P.A. 13-271, S. 27; P.A. 21-106, S. 21; P.A. 22-44, S. 4; P.A. 23-40, S. 14.) History: 1967 acts provided for charge of \$25 for each additional place of business, excluded from license requirements persons or schools providing instruction in operation of vehicles other than passenger vehicles and under the jurisdiction of the state board of education pursuant to Sec. 10-8,

and added provision re cash or bond security; 1971 act raised cost of duplicate certificate from \$1 to \$2; P.A. 84-254 increased the fees, scheduling the increases to take effect as of July first of 1985, 1989, 1991 and 1993; P.A. 03-265 deleted provisions re fees applicable before July 1, 1993, and replaced provisions re waiver of license for board of education or school conducting driver education course approved by the State Board of Education or person or school under jurisdiction of said board with provisions re waiver of license for board of education or school conducting driver education course “established in accordance with sections 14-36e and 14-36f”; P.A. 04-143 provided that fee for license to conduct a drivers' school is \$350 and fee for replacement license is \$7, effective May 21, 2004; P.A. 04-182 increased fee for duplicate certificate to \$20, effective July 1, 2004; P.A. 10-110 designated existing provisions as Subsec. (a) and amended same to require criminal history records checks and check of state child abuse and neglect registry for drivers' school license or license renewal applicant, delete provision re annual renewal fee and deposit of security and make technical changes, and added Subsec. (b) establishing annual renewal fee for license and for each additional place of business and late fee, effective July 1, 2010; P.A. 11-213 deleted provisions re renewal of license in Subsec. (a) and added Subsec. (c) re penalty for conduct of school without license, effective July 1, 2011; P.A. 12-81 amended Subsec. (b) to change license renewal fee from \$350 annually to \$700 biennially, change renewal fee for each additional place of business from \$88 annually to \$176 biennially and increase late fee from \$350 to \$700; June 12 Sp. Sess. P.A. 12-2 amended Subsec. (a) to change license fee from \$350 to \$700, change fee for each additional place of business from \$88 to \$176 and change term of license from 1 year to 2 years; P.A. 13-271 amended Subsecs. (a) and (b) to add provisions re fee of \$88 for additional place of business opened by licensee with one year or less remaining on the term of license, effective July 1, 2013; P.A. 21-106 amended Subsec. (a) by removing “cash or”, effective July 1, 2021; P.A. 22-44 amended Subsec. (b) to add provision re cease to conduct business upon expiration of license and add provision re no renewal of license expired for more than 60 days and made technical changes, effective July 1, 2022; P.A. 23-40 amended Subsec. (a) to add provisions re renewal of license and make a technical change, effective July 1, 2023.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-7. - Deputy commissioners.

The Commissioner of Motor Vehicles may, as provided in section 4-8, appoint not more than three deputy commissioners of motor vehicles, who shall, under the direction of the commissioner, assist in the administration of the business of the department, and, when so directed by said commissioner, shall hear and determine questions that may come before the department. (1949 Rev., S. 2356; P.A. 88-245, S. 3, 7; P.A. 96-180, S. 38, 166.) History: P.A. 88-245 authorized commissioner to appoint not more than three deputy commissioners, where previously limited to one; P.A. 96-180 substituted “The Commissioner of Motor Vehicles” for “Said commissioner”, effective June 3, 1996. Section does not authorize delegation of the authority of deputy commissioner to any other assistant. 151 C. 679.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-70. - Grounds for denial of application.

The commissioner may deny the application of any person for a license if he determines that: (a) Such applicant has made a material false statement or concealed a material fact in connection with his application; (b) such applicant, any officer, director, stockholder or partner, or any other person directly or indirectly interested in the business, was the former holder of a license under this part, or was an officer, director, stockholder or partner in a corporation or partnership which held a license under this part, which license was revoked or suspended by the commissioner; (c) such applicant or any officer, director, stockholder, partner, employee or any other person directly or indirectly interested in the business has failed to furnish satisfactory evidence of good moral character, reputation and fitness or is an employee of the Department of Motor Vehicles; (d) such applicant does not have a place of business; (e) such applicant is not the true owner of the drivers' school; or (f) the application is not accompanied by a certificate from the applicant's insurance carrier in such form as the commissioner shall prescribe showing that each motor vehicle used by such school has been insured for at least the minimum amounts required by subsection (a) of section 14-112 and such certificate shall stipulate that the insurance shall not be cancelled except upon ten days' written notice to the commissioner. (1957, P.A. 507, S. 3; 1967, P.A. 213, S. 3; 1971, P.A. 533.) History: 1967 act replaced specific insurance requirements in Subdiv. (f) with general statement that application must be accompanied by evidence that vehicles used be insured “for at least the minimum amounts required by subsection (a) of section 14-112”; 1971 act required certificate from insurance carrier rather than “evidence” of insurance and specified that certificate must state cancellation procedure re notice to commissioner.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-71. - Schedule of rates to be filed.

The applicant for a license to operate a drivers' school shall file with the commissioner a schedule of rates charged for services involved in the instruction of drivers. If such rates are changed, he shall file an amended schedule. (1957, P.A. 507, S. 4.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-72. - Suspension, revocation or refusal to renew school license.

The commissioner may suspend, revoke or refuse to renew any school license if: (a) The licensee has made a material false

statement or concealed a material fact in connection with the application for a license or the renewal thereof; (b) the licensee has failed to comply with any of the provisions of this part or any of the regulations of the commissioner; (c) the licensee or any partner or officer of such licensee has been guilty of fraud or fraudulent practices in relation to the business conducted under the license, or guilty of inducing another person to resort to fraud or fraudulent practices in relation to securing for himself or another a license to drive a motor vehicle; (d) the licensee has failed to maintain satisfactory insurance to meet damage claims as required by section 14-70. (1957, P.A. 507, S. 5.) Cited. 34 CA 751; judgment reversed, see 233 C. 211.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-73. - Instructor's license. Master instructor's license. Regulations.

(a)(1) No person shall be employed by a drivers' school to give instruction in driving a motor vehicle unless such person is licensed to act as an instructor or master instructor by the commissioner. (2) The drivers' school employing an instructor's licensee or a master instructor's licensee shall be responsible for ensuring any such licensee is in compliance with the requirements of this part and any regulations adopted under section 14-78. (b) Application for an instructor's license or a master instructor's license shall be in writing and shall contain such information as the commissioner requires. Each applicant for an instructor's license or a master instructor's license, or for any renewal thereof, shall be fingerprinted and shall furnish evidence satisfactory to the commissioner that such applicant: (1) Is of good moral character considering such person's state and national criminal history records checks conducted in accordance with section 29-17a, and record, if any, on the state child abuse and neglect registry established pursuant to section 17a-101k. If any applicant for a license or the renewal of a license has a criminal record or is listed on the state child abuse and neglect registry, the commissioner shall make a determination of whether to issue or renew an instructor's license or master instructor's license in accordance with the standards and procedures set forth in section 14-44 and the regulations adopted pursuant to said section; (2) has held a license to drive a motor vehicle for the past five consecutive years and has a driving record satisfactory to the commissioner, including no record of a conviction or administrative license suspension for a drug or alcohol-related offense during such five-year period; (3) has passed a physical examination, administered not more than ninety days prior to the date of application, by a physician, physician assistant or an advanced practice registered nurse licensed to practice within the state and the physician, physician assistant or advanced practice registered nurse certifies that the applicant is physically fit to operate a motor vehicle and provide instruction in driving; (4) has received a high school diploma or has an equivalent academic education; and (5) has completed an instructor training course of forty-five clock hours given by a school or agency approved by the commissioner, except that any such course given by an institution under the jurisdiction of the board of trustees of the Connecticut State University System shall be approved by the commissioner and the State Board of Education. During the period of licensure, an instructor shall notify the commissioner, within forty-eight hours, of an arrest or conviction for a misdemeanor or felony, or an arrest, conviction or administrative license suspension for a drug or alcohol-related offense. Upon such notification, the commissioner may suspend, revoke or withdraw the instructor's license or master instructor's license pursuant to the provisions of section 14-79. (c) The commissioner may deny the application of any person for an instructor's license or a master instructor's license if the commissioner determines that the applicant has made a material false statement or concealed a material fact in connection with such person's application for the instructor's license or master instructor's license. (d) The commissioner shall conduct such written, oral and practical examinations, as the commissioner deems necessary, to determine whether an applicant has sufficient skill in the operation of motor vehicles to ensure their safe operation, a satisfactory knowledge of the motor vehicle laws and the ability to impart such skill and knowledge to others. If the applicant successfully completes the examinations and meets all other requirements of this section, the commissioner shall issue an instructor's license or a master instructor's license, as the case may be, to such applicant. The license shall be valid for use only in connection with a drivers' school or schools licensed pursuant to section 14-69. If the applicant fails the examination, such applicant may apply for reexamination after five days. The license and the license renewal shall be valid for two years. (e) The licensee shall be reexamined periodically in accordance with standards specified in regulations adopted under section 14-78. (f) The commissioner may establish, by regulations adopted in accordance with the provisions of chapter 54, standards and procedures for the training and licensing of master instructors who are qualified to train driving instructors. (g) The fee for an instructor's license, or for any renewal thereof, shall be one hundred dollars. The fee for a master instructor's license, or for any renewal thereof, shall be two hundred dollars. If the commissioner has not received a complete renewal application and fee on or before the expiration date of an applicant's license, such applicant shall be charged, in addition to the renewal fee, a late fee in an amount equal to the fee for such applicant's license. The commissioner shall not renew an instructor's license or a master instructor's license that has expired for more than sixty days and the holder of any such expired license may apply for a new license in accordance with the provisions of this section. (h) An instructor's licensee or a master instructor's licensee shall prominently display or wear an identification badge issued by the employing drivers' school at all times when providing classroom or behind-the-wheel instruction. Such identification badge shall include the licensee's name, photograph and license number, the expiration date of such license and the name of the employing drivers' school. The employing drivers' school shall be responsible for ensuring an instructor's licensee and master instructor's licensee wears such identification badge in accordance with the provisions of this subsection. (i) Any person who is not licensed in accordance with this section shall be guilty of a class B misdemeanor if such person: (1) Engages in the business of providing, for compensation, instruction in driving a motor vehicle; or (2) is employed by a drivers' school to give instruction in driving a motor vehicle. (1957, P.A. 507, S. 6; 1971, P.A. 456, S. 1; 1972, P.A. 127, S. 19; P.A. 73-252; P.A. 76-379; P.A. 78-355, S. 2; P.A. 83-587, S. 28, 96; P.A. 84-254, S. 46, 62; 84-429, S. 27; 84-546, S. 42, 173; P.A. 86-90, S. 2; P.A. 91-256, S. 65, 69; P.A. 02-70, S. 31; P.A. 04-182, S. 10; P.A. 08-150, S. 11; P.A.

10-110, S. 39; P.A. 11-213, S. 25; P.A. 12-81, S. 43; P.A. 13-271, S. 28; P.A. 14-130, S. 20; P.A. 16-39, S. 10; P.A. 21-196, S. 12; P.A. 22-44, S. 5; P.A. 24-20, S. 8.) History: 1971 act expanded requirements re qualifications and licensure of driving instructors adding to requirements that applicant never have been convicted of crime involving moral turpitude, have had recent medical exam, have high school diploma or its equivalent and have completed instructor training course and elaborating on examination, reexamination, annual course requirements etc.; 1972 act changed minimum age requirement from 21 to 18 reflecting change in age of majority; P.A. 73-252 replaced requirement that instructors take courses in traffic safety annually until 80 hours completed in first four years following licensure with requirement that they take advanced instructor course of at least 45 hours during three years following licensure; P.A. 76-379 amended Subsec. (a)(6) to allow courses approved by motor vehicle commissioner or state board of education rather than by both and added exception re approval by both for courses given by state college; P.A. 78-355 amended Subsec. (a)(6) to delete reference to state board of education approval except with regard to state college programs, amended Subsec. (c) to allow option of taking advanced course or attending annual seminars in traffic safety; P.A. 83-587 substituted reference to institution governed by Connecticut State University board of trustees for "state college" in Subsec. (a); P.A. 84-254 amended Subsec. (e) to increase periodically the fee from \$3 to \$10.75 as of July 1, 1993; P.A. 84-429 relettered Subsecs., rephrased provisions, deleted obsolete provisions re instructors issued licenses before January 1, 1972, and made other technical changes; P.A. 84-546 made technical changes to Subsec. (a) to clarify reference to "state board of education"; P.A. 86-90 amended Subsec. (b) to require applicant for instructor's license to hold operator's license for past four consecutive years, rather than past two years, and to eliminate reference to age of such applicant; P.A. 91-256 made a technical change in Subsec. (b); P.A. 02-70 amended Subsec. (e) to require that the licensee be reexamined periodically in accordance with standards specified in regulations adopted under Sec. 14-78, in lieu of reexamination prior to issuance of a renewal of license or at any time during the license period, and to delete "after January 1, 1972"; P.A. 04-182 amended Subsec. (f) to increase fee for instructor's license to \$50 and delete provision re past fee increases, effective July 1, 2004; P.A. 08-150 amended Subsec. (b)(1) to delete provision re evidence that applicant "has never been convicted of a crime involving moral turpitude" and add provision re person's "criminal record and record, if any, on the state child abuse and neglect registry established pursuant to section 17a-101k, as obtained and reviewed by the commissioner in accordance with the standards of section 14-44", amended Subsec. (b)(2) to add "including no record of a conviction for a drug or alcohol-related offense during such four-year period", amended Subsec. (d) to add "and meets all other requirements of this section" and made technical changes; P.A. 10-110 amended Subsec. (b) to require fingerprinting of applicant, to replace consideration of criminal record with consideration of state and national criminal history records checks and require decision re issuance or renewal to persons with criminal records or listed on abuse and neglect registry to be made in accordance with Sec. 14-44 and regulations in Subdiv. (1), to add administrative license suspension in Subdiv. (2) and to require instructor to notify commissioner of arrest or conviction for misdemeanor or felony, or arrest, conviction or administrative license suspension for drug or alcohol-related offense, amended Subsec. (d) to allow application for reexamination after 1 month, instead of 3 months, and to change licensure and validity from calendar year to 1 year, added new Subsec. (f) to authorize adoption of regulations re master instructors and to make Subsec. (b) and Sec. 14-74 applicable to such instructors, redesignated existing Subsec. (f) as Subsec. (g) and amended same to establish fee for issuance or renewal of master instructor's license and late fee, and made technical changes in Subsecs. (b) and (d); P.A. 11-213 added Subsec. (h) re penalty for provision of instruction without license, effective July 1, 2011; P.A. 12-81 amended Subsec. (d) to change term of license and license renewal from 1 year to 2 years and amended Subsec. (g) to change fee for instructor's license and renewal from \$50 to \$100 and for master instructor's license and renewal from \$100 to \$200; P.A. 13-271 amended Subsec. (d) to make license valid for use in connection with a drivers' school licensed pursuant to Sec. 14-69, rather than valid only with business of school listed on license, and to allow application for reexamination after 5 days instead of 1 month, effective July 1, 2013; P.A. 14-130 amended Subsec. (e) by deleting provisions re attendance at seminars or taking advanced instructor course, effective July 1, 2014; P.A. 16-39 amended Subsec. (b)(3) by adding references to advanced practice registered nurse; P.A. 21-196 amended Subsec. (b)(3) by adding references to physician assistant; P.A. 22-44 amended Subsec. (a) to add "or master instructor", amended Subsec. (b) to add references to master instructor, replace "four" with "five" and "four-year" with "five-year" in Subdiv. (2), replaced provision re medical examination with provision re physical examination administered not more than 90 days prior to application in Subdiv. (3) and add provision re suspension, revocation or withdrawal of license, amended Subsecs. (c) and (d) to add references to master instructor license, amended Subsec. (f) to delete provision re application of Sec. 14-74(b) to master instructors, amended Subsec. (g) to add provision re no renewal of license expired for more than 60 days and made technical changes, effective July 1, 2022; P.A. 24-20 amended Subsec. (a) to add Subdiv. (1) designator and add Subdiv. (2) re employing driver's school responsibility for ensuring compliance, amended Subsec. (b) to add provision re renewal, amended Subsec. (g) to add provision re holder of expired license may apply for new license, added new Subsec. (h) re identification badge, redesignated existing Subsec. (h) as Subsec. (i) and made technical changes.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-74. - Suspension, revocation or refusal to renew instructor's license or master instructor's license.

The commissioner may suspend, revoke or refuse to renew any instructor's license or master instructor's license if: (1) The licensee has made a material false statement or concealed a material fact in connection with the licensee's application for the license or any renewal thereof; (2) the licensee has failed to comply with any of the provisions of this part or any of the regulations adopted by the commissioner, in accordance with the provisions of chapter 54, pursuant to this part; or (3) the licensee has been guilty of fraud or fraudulent practices in relation to securing for the licensee or another person a license to drive a motor vehicle. (1957, P.A. 507, S.

7; P.A. 10-110, S. 40; P.A. 22-44, S. 6.) History: P.A. 10-110 authorized commissioner to revoke license, deleted provision re regulations establishing instructional standards of procedure, added provisions re regulations adopted in accordance with chapter 54, and redesignated Subdivs. (a), (b) and (c) as Subdivs. (1), (2) and (3), effective June 5, 2010; P.A. 22-44 added “or master instructor's license” and made technical changes, effective July 1, 2022.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-75. - Revocation or suspension of license after renewal.

Notwithstanding the renewal of a school or instructor's license, the commissioner may revoke or suspend such license for any violation of this part occurring during any prior license period. (1957, P.A. 507, S. 8.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-76. - Hearing for reinstatement or renewal. Appeal.

Any person whose license to conduct a drivers' school or any person whose license to give instruction in such schools has been suspended or revoked or the renewal thereof refused may request a hearing for reinstatement or renewal of the license. Such request shall be in writing addressed to the commissioner and shall be acted upon as soon as possible. The commissioner shall have the power to subpoena witnesses, administer oaths to witnesses and take testimony of any person or cause his deposition to be taken. If such request is denied, such person may appeal from the decision of the commissioner as provided by section 14-134. (1957, P.A. 507, S. 9.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-77. - Records of licensee.

Each licensee shall keep such records as the commissioner requires. The records of the licensee shall be open to the inspection of the commissioner at all times during reasonable business hours. (1957, P.A. 507, S. 10.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-78. - Regulations for conduct of drivers' schools and instructor license requirements. Limited license.

The commissioner may adopt regulations, in accordance with the provisions of chapter 54, regarding the conduct of drivers' schools and instructor license requirements. Such regulations shall (1) establish the conduct of drivers' schools, including, but not limited to, (A) requirements as to the inspection of the vehicles used by the drivers' schools in the conduct of their business, (B) instructional standards and procedures, including instruction of not less than fifteen minutes concerning the responsibilities of an operator of a motor vehicle under subsection (b) of section 14-223 and the penalty for a violation of the provisions of said subsection, instruction concerning highway work zone safety and the responsibilities of an operator of a motor vehicle under section 14-212d, and instruction concerning ways to reduce incidents of operators driving in the wrong direction and actions to take when an operator encounters a motor vehicle being operated in the wrong direction, (C) the administration of a test at the conclusion of each class, (D) the posting of rates charged for instruction, and (E) the general form in which records concerning persons under instruction and those who have completed their course of instruction shall be kept and, when required, the method of transmission to the commissioner, (2) except as required pursuant to section 14-36j, permit a class or classroom instruction to be offered in person in a congregate setting, through distance learning or through a combination of both in-person and distance learning, provided such distance learning has interactive components such as mandatory interactions, participation or testing, and (3) establish the requirements for a person to receive a license as an instructor in accordance with section 14-73. On and after October 1, 2010, the commissioner shall not issue a license that is limited to classroom instruction. Any person who was issued such limited license prior to October 1, 2010, may maintain and renew such license. (1957, P.A. 507, S. 11; P.A. 99-171, S. 3, 5; P.A. 02-70, S. 63; P.A. 10-110, S. 41; P.A. 13-92, S. 5; P.A. 21-106, S. 22; P.A. 23-51, S. 3.) History: P.A. 99-171 added requirement for instruction re operator responsibilities and penalties under Sec. 14-223(b), effective January 1, 2000; P.A. 02-70 made a technical change, specified that regulations be adopted in accordance with chapter 54, designated existing provisions re subject matter of regulations as Subdiv. (1) and added Subdiv. (2) authorizing regulations for the establishment of requirements for a person to receive an instructor's license in accordance with Sec. 14-73 and to require commissioner to issue a license to a person who meets requirements of Sec. 14-73 to act as a classroom-only instructor; P.A. 10-110 amended Subdiv. (2) to delete provisions re regulations requiring commissioner to issue license to act as instructor in classroom only and added provisions prohibiting commissioner from issuing license limited to classroom instruction on and after October 1, 2010, and authorizing maintenance and renewal of any such limited license issued prior to October 1, 2010, effective June 5, 2010; P.A. 13-92 added provision re regulations concerning instruction of highway work zone safety in Subdiv. (1); P.A. 21-106 added provision re administration of test at conclusion of each class and transmission of records to commissioner in Subdiv. (1), added new Subdiv. (2) re offering of instruction in-person, through distance learning or combination of in-person and distance learning, designated existing Subdiv. (2) as Subdiv. (3) and made technical changes, effective June 30, 2021; P.A. 23-51 amended Subdiv. (1) by designating existing provisions as Subparas. (A) to (E) and adding provision re instruction concerning driving in the wrong direction in Subpara. (B).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-79. - Penalty. Suspension, revocation or withdrawal of instructor's license or master instructor's license if

imminent threat to public safety or welfare exists.

(a) Except as provided in subsection (b) of this section, the Commissioner of Motor Vehicles may, after notice and an opportunity for a hearing, in accordance with the provisions of chapter 54, (1) suspend, revoke or withdraw the license or licenses of any licensee, or (2) impose a civil penalty of not more than one thousand dollars for each violation on any person or firm, that violates any provision of this part or any regulation adopted under section 14-78. In addition to, or in lieu of, the imposition of any penalty authorized by this section, the commissioner may order any such licensee, person or firm to make restitution to any aggrieved customer. (b) If the commissioner determines that an imminent threat to public safety or welfare exists by reason of a licensee's continued possession of an instructor's license or a master instructor's license, the commissioner shall suspend, revoke or withdraw such license and schedule a hearing, in accordance with the provisions of chapter 54, not later than twenty days after the date of such suspension, revocation or withdrawal. (1957, P.A. 507, S. 12; P.A. 06-130, S. 6; P.A. 22-44, S. 7; P.A. 24-20, S. 9.) History: P.A. 06-130 added provision re notice and hearing and changed penalty from a fine of \$100 to \$250 or imprisonment for 10 to 30 days for the first violation and a fine of \$250 to \$500 or imprisonment for 30 days to three months, or both, to license suspension or revocation or a civil penalty of up to \$1,000 for each violation, effective June 2, 2006; P.A. 22-44 designated existing provision as Subsec. (a) and amended same to add provision re except as provided in Subsec. (b) and provision re restitution and added Subsec. (b) re suspension, revocation or withdrawal of license if determination that imminent threat to public safety or welfare exists, effective July 1, 2022; P.A. 24-20 amended Subsec. (a) by adding Subdiv. (1) and (2) designators, amending Subdiv. (2) to add reference to any regulation adopted under Sec. 14-78, adding reference to person or firm re restitution and making a technical change.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-8. - Police authority of commissioner and inspectors.

(a) The commissioner, each deputy commissioner and any salaried inspector of motor vehicles designated by the commissioner, when engaged in the discharge of the duties of his office, shall have, in any part of the state, the same authority to make arrests or issue citations for violation of any statute or regulation relating to motor vehicles and to enforce said statutes and regulations as policemen or state policemen have in their respective jurisdictions. (b) The commissioner, each deputy commissioner and any salaried inspector of motor vehicles designated by the commissioner, when engaged in the discharge of the duties of his office, may issue a summons to any person to appear at any hearing before the commissioner which may result in the imposition of administrative sanctions. Any salaried inspector of motor vehicles designated by the commissioner, when engaged in the discharge of the duties of his office, shall have the same authority to declare a commercial motor vehicle and its driver out of service in accordance with the provisions of the Code of Federal Regulations Title 49, Sections 392.5 and 396.9, as from time to time amended, as policemen and state policemen have. (c) Said commissioner shall issue to each such deputy commissioner or inspector credentials showing his authority of arrest, which credentials shall be carried upon the person of such deputy commissioner or inspector while in the discharge of his duties. (1949 Rev., S. 2357; June, 1955, S. 1282d; P.A. 88-245, S. 4, 7; P.A. 89-199; P.A. 90-263, S. 57, 74; P.A. 93-341, S. 30, 38.) History: P.A. 88-245 made a technical change; P.A. 89-199 divided the section into Subsecs., authorizing commissioner, deputy commissioner and inspector to issue citations for violations of any motor vehicle statute or regulation, and to issue a summons to compel attendance at administrative hearings, also authorized inspectors to declare a commercial motor vehicle out of service and required commissioner to issue credentials showing arrest authority to each deputy commissioner; P.A. 90-263 amended Subsec. (b) to delete reference to "commercial" motor vehicle; P.A. 93-341 amended Subsec. (b) to limit inspectors' authority to declare motor vehicles out of service to "commercial" vehicles and extended authority to the drivers of such vehicles, effective July 1, 1993.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-80. - Mechanical equipment.

(a) Each motor vehicle and the devices on such vehicle shall be operated, equipped, constructed and adjusted to prevent unnecessary or unusual noise. (b) Each motor vehicle operated by an internal combustion engine shall be equipped, except as hereinafter provided, with a muffler or mufflers designed to prevent excessive, unusual or unnecessary exhaust noise. The muffler or mufflers shall be maintained by the owner in good working order and shall be in use whenever the motor vehicle is operated. No person, including a motor vehicle dealer or repairer or a motorcycle dealer, shall install, and no person shall use, on a motor vehicle, a muffler or mufflers lacking interior baffle plates or other effective muffling devices, a gutted muffler, a muffler cutout or a straight exhaust except when the motor vehicle is operated in a race, contest or demonstration of speed or skill as a public exhibition pursuant to subsection (a) of section 14-164a, or any mechanical device which will amplify the noise emitted by the vehicle. No person, including a motor vehicle dealer or repairer or a motorcycle dealer, shall remove all or part of any muffler on a motor vehicle except to repair or replace the muffler or part for the more effective prevention of noise. No person shall use on the exhaust system or tail pipe of a motor vehicle any extension or device which will cause excessive or unusual noise. (c) The engine of every motor vehicle shall be equipped and adjusted to prevent excessive fumes or exhaust smoke. (d) All pipes carrying exhaust gases from the motor shall be constructed of, and maintained with, leak-proof metal. Exhaust pipes shall be directed from the muffler or mufflers toward the rear of the vehicle and shall be approximately parallel with the longitudinal axis of the vehicle and approximately parallel to the surface of the roadway, or shall be directed from the muffler upward to a location above the cab or

body of the vehicle so that fumes, gases and smoke are directed away from the occupants of the vehicle. Exhaust pipes on a passenger vehicle shall extend to the extreme rear end of the vehicle's body, not including the bumper and its attachments to the body, or shall be attached to the vehicle in such a way that the exhaust pipes direct the exhaust gases to either side of the vehicle ensuring that fresh ambient air is located under the vehicle at all times. The Commissioner of Motor Vehicles may adopt regulations in accordance with the provisions of chapter 54 to establish safety standards for passenger vehicles equipped with exhaust pipes located in front of the rear axle. (e) Every motor vehicle shall, when operated on a highway, be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. (f) No vehicle shall be equipped with, nor shall any person use on a vehicle, any siren, whistle or bell as a warning signal device, except as otherwise permitted by this section. Any motor vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Any authorized emergency vehicle may be equipped with a siren, whistle or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the Department of Motor Vehicles. Such signal shall not be used unless the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which event the driver of the vehicle shall sound the signal when reasonably necessary to warn pedestrians and other drivers of the approach of the vehicle. (g) Any person who violates any provision of this section shall be fined one hundred fifty dollars for each offense. (1949 Rev., S. 2428; 1949, S. 1327d; 1953, S. 1329d; 1953, 1955, S. 1328d; March, 1958, P.A. 27, S. 8; 1959, P.A. 108; 129; February, 1965, P.A. 448, S. 6; 1967, P.A. 832, S. 5; 846; 1969, P.A. 17, S. 1; 1971, P.A. 463; P.A. 73-161, S. 1, 2; 73-193; P.A. 75-577, S. 26, 126; P.A. 84-429, S. 28; P.A. 92-102, S. 1, 2; P.A. 03-180, S. 1.) History: 1959 acts amended Subsec. (a) by requiring maintenance of brakes in working order, amplifying the holding requirement for a stationary vehicle and adding requirements re service brakes on motor vehicles, trailers and semitrailers and re maintenance and adjustment of brakes and amended Subsec. (c) to delete provision exhaust pipes of passenger vehicles extend to rear end of vehicle unless equipped with diffusing device; 1965 act amended Subsec. (c) by deleting provision for suitable exhaust systems other than mufflers, by requiring equipment to prevent excessive fumes or exhaust smoke and adding language re direction of fumes, gases and smoke and by requiring exhaust pipes to extend to extreme rear of vehicle unless equipped with diffuser as specified, deleted former Subsec. (d) and added new Subsec. (d); amended Subsec. (e) by adding references to the affixing or hanging of devices, stickers and ornaments distracting operator's attention, and amended Subsec. (f) by deleting reference to sidecar and adding requirement that windshield be free from snow, ice, condensation and dirt and that wiper be directly in front of operator; 1967 acts amended Subsec. (b) to add provision re height of handlebars and amended Subsec. (c) to clarify and strengthen provision re mufflers altered or designed to increase noise; 1969 act modified prohibition against noise-producing mufflers to allow their use on vehicles in races, contests, exhibitions etc.; 1971 act added Subsec. (h) re modifications to ball joint; P.A. 73-161 revised braking requirements in Subsec. (a) and required brake on front and rear wheels of motorcycle designated as 1974 or later model under Subsec. (b); P.A. 73-193 clarified provision re positioning of exhaust pipes in Subsec. (c) by deleting reference to diffusers and allowing pipes to direct fumes to side of car; P.A. 75-577 replaced provision for \$50 maximum fine in Subsec. (g) with statement that violation is an infraction; P.A. 84-429 transferred provisions re brake systems to Sec. 14-80h, motorcycle braking to Sec. 14-80i, obstruction of view to Sec. 14-99f(c), windshields to Sec. 14-99f(a) and ball joints and tie rods to Sec. 14-80b, rephrased remaining provisions, relettered remaining Subsecs. and made other technical changes; P.A. 92-102 amended Subsec. (d) to eliminate requirement that exhaust pipes be located behind the rear axle and to authorize adoption of regulations to establish safety standards for vehicles having exhaust pipes located in front of the rear axle; (Revisor's note: In 1997 references throughout the general statutes to "Motor Vehicle(s) Commissioner" and "Motor Vehicle(s) Department" were replaced editorially by the Revisors with "Commissioner of Motor Vehicles" or "Department of Motor Vehicles", as the case may be, for consistency with customary statutory usage); P.A. 03-180 amended Subsec. (g) to change penalty for violation of section from an infraction to a fine of \$150. See Sec. 14-107 re liability of owner, operator or lessee of vehicle in prosecutions for violation of this section. See Sec. 14-283(d) re duty of emergency vehicle drivers to drive with due regard to safety of persons and property. The lack of proper brakes is admissible to prove reckless driving. 106 C. 385. Violation of former statute as to brakes was not negligence per se. 109 C. 654; see 122 C. 212-214. Cited. 117 C. 174. Allegation that defendant "was operating his truck with improper brakes" is sufficient to invoke statute. 130 C. 358. Failure to have brakes in condition required by statute is negligence per se, whether or not defect is due to any negligence by owner or operator. Id., 359. Where rear axle broke but it was not found that axle was part of brakes, no violation of statute. Id., 359, 360. Jury could not reasonably conclude that operation of bus was not a violation of statute and did not constitute negligence. 135 C. 660. History and purpose of statute; violation constitutes negligence. 146 C. 149. Where plaintiff desires particular reference be made to statute, he must request specific charge. 148 C. 595. In absence of evidence that braking systems of any of vehicles involved failed to comply with relevant provisions of section, issue of inadequate or defective brakes should not have been committed to jury. 150 C. 158. Where no evidence of defective brakes, judge properly charged jury to disregard allegations of complaint re defective brakes. 154 C. 212. Having found unrestricted racing events on defendant's track constituted a nuisance, the court which prescribed limitations thereto properly modified its injunction to comply with amendments to statute. 158 C. 478. Cited. 162 C. 125. Cited. 30 CA 263; 35 CA 126; judgment reversed, see 235 C. 360. Cited. 24 CS 101. Summary judgment on issue of liability rendered for plaintiff on defendant's violation of statute. 25 CS 183. Cited. Id., 216. A violation of statute is negligence per se whether or not the defect in the braking system was due to the negligence of the operator. 31 CS 325. Illegal use of siren. 34 CS 551. Cited. 35 CS 659. Section is not so unconstitutionally vague that the circuit court will strike it down. 5 Conn. Cir. Ct. 472. The phrase "excessive fumes or exhaust smoke" is not unconstitutionally vague but of reasonable

certainty and understandability. 6 Conn. Cir. Ct. 108, 110, 111.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-80a. - Maximum noise levels. Regulations.

(a) No person shall operate a vehicle or combination of vehicles, nor shall the owner of any vehicle allow the vehicle to be operated, at any time or under any condition of grade, surface, speed, load, acceleration, deceleration or weather condition in such a manner as to exceed the decibel levels established under subsection (c) of this section. This subsection applies to the total noise generated by a vehicle and shall not be construed as limiting or precluding the enforcement of any other motor vehicle noise provisions of this title. (b) No person shall sell or offer for sale a new vehicle which produces a maximum decibel level which exceeds the decibel levels established under subsection (c) of this section. (c) The Commissioner of Motor Vehicles shall, with the advice of the Commissioner of Energy and Environmental Protection, adopt regulations, in accordance with the provisions of chapter 54, establishing (1) the maximum decibel levels permissible for motor vehicles, which shall not exceed the maximum decibel levels established for motor vehicles by federal law or regulation, and (2) the procedure for testing maximum decibel levels. The commissioner shall amend such regulations to reflect industry standards and advancements in technology and shall submit the amended regulations to the standing legislative regulation review committee under section 4-170 not later than October 1, 2024. (d) Violation of the provisions of this section shall be an infraction. (1971, P.A. 762, S. 1-3; 1972, P.A. 133, S. 1; 294, S. 41; P.A. 75-577, S. 67, 126; P.A. 77-80; P.A. 84-429, S. 29; P.A. 11-80, S. 1; P.A. 22-44, S. 18; P.A. 23-135, S. 36.) History: 1972 acts added definition of “dB(A)” in Subsec. (a) and replaced “(26)” with “(56)” of Sec. 14-1 in definition of “vehicle”, made provisions of Subsec. (b) applicable as of January 1, 1973, inserted new (c) re sales on or after January 1, 1975, redesignated former Subsec. (c) as Subsec. (d) and amplified provisions, also replacing health commissioner with commissioner of environmental protection and added Subsec. (e) incorporating penalty provision formerly found in Subsec. (b); P.A. 75-577 replaced provision re fine for violation with provision that violation is an infraction in Subsec. (e); P.A. 77-80 deleted definition of “dB(A)” in Subsec. (a) and replaced specific provisions re maximum decibel levels allowed in certain years in Subsec. (d) with reference to maximum levels “established for motor vehicles by federal law or regulation”; P.A. 84-429 deleted obsolete date provisions, rephrased provisions, relettered Subsecs. and made other technical changes; pursuant to P.A. 11-80, “Commissioner of Environmental Protection” was changed editorially by the Revisors to “Commissioner of Energy and Environmental Protection” in Subsec. (c), effective July 1, 2011; P.A. 22-44 amended Subsec. (c) to add Subdivs. designators (1) and (2), delete provisions re measuring decibel level and add provision re amend regulations and submit to regulation review committee not later than January 1, 2024, effective July 1, 2022; P.A. 23-135 amended Subsec. (c) to change date re submission of regulations from January 1, 2024 to October 1, 2024, effective July 1, 2023.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-80b. - Ball joints and tie rod ends. Prohibition on certain installations and attachments to.

(a) No person shall install or attach to the ball joints or tie rod ends of a motor vehicle any type of bushing, spring, shim or device which results in concealing the degree of play or motion in the ball joints or tie rod ends. (b) No person shall operate, or as owner cause or permit to be operated, any motor vehicle on which there has been installed or attached to the ball joints or tie rod ends any type of bushing, spring, shim or device which results in concealing the degree of play or motion in the ball joints or tie rod ends. (c) Any person who violates any provision of this section shall be deemed to have committed an infraction for each offense. (P.A. 84-429, S. 33.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-80h. - Brake equipment of motor vehicles. Compression brake device to be equipped with muffler. Penalties.

(a) Each motor vehicle, other than a motorcycle, shall be equipped, when operated on a highway, with at least two braking systems one of which shall be a service brake system and the other a parking brake system. Each braking system shall have a separate means of application by the operator. Each braking system, including any power assist devices used to reduce operator braking effort, shall be maintained in good working order at all times. (b) The service brake system, upon actuation by the operator, shall be effective in directly applying braking action on all wheels except as provided in the Code of Federal Regulations Title 49, Section 393.42, as amended. The service brake system employed on vehicles manufactured after January 1, 1968, shall be so designed and constructed that the wheel brakes on at least one axle operate separately from the wheel brakes on at least one other axle in a manner that will provide braking effort on at least two wheels in the event of a failure in any singular part or component of the service brake system, excluding the common actuation pedal or lever and excluding a structural failure of the brake distribution mechanism housing, effectiveness indicator body or other housing common to the divided brake actuation system. The service brakes, upon application by the operator, shall be capable of bringing the motor vehicle to a controlled stop within such distance and under such conditions as prescribed by the commissioner. (c) The parking brake system, upon actuation by the operator, shall be effective in applying braking action either directly or indirectly on at least two wheels. The parking brake system shall be capable of holding the motor vehicle or combination of vehicles attached thereto stationary under any condition of loading on any upgrade or downgrade on which it is operated. (d) If the service brake system or the parking brake system are functionally connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without braking ability on at least two wheels. (e) The commissioner shall not register a motor vehicle unless it is equipped with brakes which are adequate, in

his opinion, to safely control the movement of the motor vehicle. The commissioner may make, or cause to be made, regulations or tests in relation to any motor vehicle brakes. (f) No person may operate any vehicle with a gross vehicle weight or gross vehicle weight rating of ten thousand pounds or more with a braking system which fails to conform with the safety standards established under the provisions of Subpart C of 49 CFR 393, as amended from time to time. Any person who operates any such vehicle in violation of this subsection shall be fined not less than two hundred fifty dollars nor more than five hundred dollars. (g) The provisions of this section shall not apply to any pole trailer. (h) Any person who violates any provision of subsections (a) to (e), inclusive, of this section shall be deemed to have committed an infraction for each offense. (i) Each truck, tractor or truck tractor that is equipped with an engine compression brake device shall be equipped with a muffler, in good working condition, for such device. In addition to any penalty for violating the decibel level provisions of section 14-80a, any person who operates such a truck, tractor or truck tractor in violation of this subsection shall be fined not more than five hundred dollars. The Department of Motor Vehicles may adopt regulations, in accordance with the provisions of chapter 54, to implement this subsection. (P.A. 84-429, S. 30; P.A. 88-313, S. 1, 2; P.A. 05-218, S. 24; P.A. 14-187, S. 39.) History: P.A. 88-313 amended Subsec. (b) to eliminate provision that brakes need not be operative on single steering axle of tractor used with tractor-trailer combination and added exception as provided in code of federal regulations and inserted new Subsec. (f) to prohibit operation of any vehicle weighing 10,000 pounds or more with a braking system which fails to conform with safety standards established under this subsection, relettering remaining Subsecs. accordingly; P.A. 05-218 added Subsec. (i) requiring that each truck, tractor or truck tractor with a compression brake device be equipped with a muffler for such device and providing for a fine for violation and adoption of regulations; P.A. 14-187 amended Subsec. (f) to delete reference to January 1, 1989, add reference to gross vehicle weight rating, replace reference to Subsec. with reference to Subpart C of 49 CFR 393, delete provisions re adoption of regulations to establish safety standards for braking systems and replace "with any severe defect or combination of defects which in combination are deemed to be severe" with "in violation of this subsection", effective July 1, 2014. Cited. 30 CA 263; 41 CA 664. Statute does not establish cause of action for strict liability and does not expressly provide for excuse. 49 CS 278.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-80i. - Brake equipment and handlebars of motorcycles.

(a) Each motorcycle or motorcycle and sidecar shall be equipped with at least one brake adequate to stop it within a proper distance as defined under the provisions of section 14-80h. Any motorcycle designated as a 1974 or later model and operated on the highways of this state shall be equipped with brakes on both the front and rear wheels, except the wheel or wheels on a sidecar if the motorcycle is so equipped. Motorcycle brakes shall be maintained in good working order at all times and shall be capable of bringing the motorcycle to a controlled stop in such distance and under such conditions as are prescribed by the commissioner. (b) No person shall operate a motorcycle on a highway or in any parking area for ten or more motor vehicles if the motorcycle is equipped with handlebars that are more than the height of the operator's shoulders. (c) Any person who violates any provision of this section shall be deemed to have committed an infraction for each offense. (P.A. 84-429, S. 31; P.A. 07-167, S. 25.) History: P.A. 07-167 amended Subsec. (b) by replacing provision re handlebars more than 15 inches above uppermost portion of seat with provision re handlebars more than the height of operator's shoulders, effective July 1, 2007. Cited. 29 CA 791.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-81. - Brake equipment of trailers.

(a) Each trailer or semitrailer having a gross vehicle weight rating of three thousand pounds or more shall, when operated on any public highway, be equipped with a braking system operating on all wheels. The braking system shall be adequate to safely control the movement of the trailer or semitrailer and, when set, to safely hold the trailer or semitrailer stationary. The brakes shall, at all times, be maintained in good and sufficient working order and shall be capable of being controlled or operated from the driver's seat of the towing vehicle by either the hand or the foot, except that brakes on trailers having a gross vehicle weight rating of eight thousand pounds or less need not be capable of being controlled or operated from the driver's seat by either the hand or the foot. Except with respect to pole trailers and boat trailers, the commissioner may make regulations concerning the performance of such brakes when the trailer or semitrailer is operated in combination with a towing vehicle. The regulations shall designate the stopping distance, in feet, of the combination of trailer or semitrailer and shall include such other conditions as may be necessary to ensure brake performance adequate to safely control the movement of the vehicles. (b) Any person who violates any provision of this section shall be deemed to have committed an infraction and be fined fifty dollars for each offense. (1949 Rev., S. 2429; 1957, P.A. 422; February, 1965, P.A. 448, S. 7; P.A. 82-223, S. 11; P.A. 83-577, S. 17; P.A. 84-429, S. 32; P.A. 85-247, S. 1, 2; P.A. 09-187, S. 19; P.A. 10-3, S. 59.) History: 1965 act added the word "pole" in subsection (a) and deleted provisions re "dinkeys" in subsections (a) and (b); P.A. 82-223 amended Subsec. (c) by specifying that violation of the section constituted the commission of an infraction and establishing a minimum fine of \$25; P.A. 83-577 amended Subsec. (c) by increasing the minimum fine to \$35; P.A. 84-429 transferred provision re pole trailers in former Subsec. (a) to Sec. 14-80h(f), rephrased provisions, relettered Subsecs., made other technical changes and exempted boat trailers from provision authorizing commissioner to adopt regulations re performance of trailer brakes; P.A. 85-247 amended Subsec. (a), permitting the use of hydraulic surge brakes on trailers having a gross weight of 8,000 pounds or less; P.A. 09-187 amended Subsec. (a) by changing "gross weight" to "gross vehicle weight rating", effective July 1, 2009; P.A. 10-3 amended Subsec. (b) to replace fine of not less than \$35 nor more than \$50 with fine of \$50, effective April 14, 2010.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-81a. - Hydraulic brake fluid.

The term “hydraulic brake fluid” as used in this section means the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle. No person shall distribute, have for sale, offer for sale, sell or service any motor vehicle in this state with any hydraulic brake fluid unless the label on its container clearly indicates that it meets the standards established by regulations of the commissioner, which standards shall be in conformance with current standards of the Society of Automotive Engineers for heavy duty brake fluid. Violation of any provision of this section shall be an infraction. (1959, P.A. 123, S. 1; 1963, P.A. 102; P.A. 75-577, S. 120, 126.) History: 1963 act required statement on label that fluid meets standards and provided standards be in conformance with those of Society of Automotive Engineers rather than “nationally accepted specifications”; P.A. 75-577 made violation an infraction deleting provision for maximum fine of \$100.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-81b. - Restrictions on used brake drums and brake discs.

The term “brake drum”, as used in this section, means the individual cupped metal drums to which motor vehicle wheels are each attached and against whose interior surface, brake shoe pressure is applied to effect stopping, holding or control of forward or backward vehicle movement. The term “brake disc” as used in this section, means the parallel faced circular rotational member to which motor vehicle wheels are each attached and against whose exterior surface, brake lining pressure is applied to effect stopping, holding or control of forward or backward movement. No person, firm or corporation shall service, turn, grind, install, sell, give or offer for sale for passenger or commercial motor vehicle use any used brake drum or brake disc which exceeds wear limits established in accordance with regulations adopted by the commissioner. Any person, firm or corporation which performs or permits any violation of this section shall be subject to the penalties provided in subsection (b) of section 14-222. (1963, P.A. 624; P.A. 00-169, S. 5.) History: P.A. 00-169 defined “brake disc”, made provisions of section applicable to brake discs, and extended section to commercial motor vehicles.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-82. - Free-wheeling devices.

Section 14-82 is repealed, effective October 1, 1999. (1949 Rev., S. 2473; P.A. 99-268, S. 45.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-83 to 14-96. - Head and rear lights; spotlights; color of lights; reflectors; turn signals; minimum standards; single-beam, multibeam and alternate road-lighting equipment; number of driving lamps; flashing lights; emergency lighting equipment; etc.

Sections 14-83 to 14-96, inclusive, are repealed. (1949 Rev., S. 2430–2437; 2439–2443; 2504; 1951, S. 1331d; 1951, 1955, S. 1332d; 1955, S. 1330d; 1333d; 1957, P.A. 171; 431, S. 1; 434, S. 2; 1959, P.A. 62, S. 2–5; 283, S. 2; 1961, P.A. 106; 276; 1963, P.A. 413; 500; February, 1965, P.A. 172, S. 2; 448, S. 8, 9, 44; 562; 1967, P.A. 834, S. 30.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-9. - Oath of office.

The commissioner and each deputy commissioner shall take the oath provided by law for public officers. (1949 Rev., S. 2358; June, 1955, S. 1283d; P.A. 88-245, S. 5, 7.) History: P.A. 88-245 made a technical change. See Sec. 1-25 re forms of oaths. Cited. 240 C. 10.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-96a. - Lighted lamps and illuminating devices required, when.

(a) Every vehicle upon a highway within this state shall display such lighted lamps and illuminating devices as may be required under the provisions of sections 14-96a to 14-96aa, inclusive, (1) at any time from a half-hour after sunset to a half-hour before sunrise, (2) at any time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet ahead, and (3) at any time during periods of precipitation, including, but not limited to, periods of snow, rain or fog. (b) Whenever in said sections any requirement is declared as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, such requirement shall apply during the times stated in subsection (a) of this section in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated. (c) Whenever in said sections any requirement is declared as to the mounted height of lamps or devices, such requirement shall mean the height measured from the center of such lamps or devices to the level ground upon which the vehicle stands when such vehicle is without a load. (d) Failure to provide lighted lamps and illuminating devices at such time as required by this section shall be an infraction. (1967, P.A. 834, S. 1, 2; P.A. 75-577, S. 27, 126; P.A. 87-230; P.A. 90-4; P.A. 05-288, S. 58.) History: P.A. 75-577 added Subsec. (d); P.A. 87-230 amended Subsec. (a) to clarify that “unfavorable atmospheric conditions” include, but are not limited to, periods of snow, rain or fog; P.A. 90-4 rearranged Subsec. (a) dividing it into subdivisions, and added new language clarifying requirement re

display of headlights during periods of precipitation; P.A. 05-288 made a technical change in Subsec. (b), effective July 13, 2005. Cited. 216 C. 172. Cited. 30 CA 917; 45 CA 165; Id., 722.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-96aa. - Standards and specifications for lamps for snow-removal and highway maintenance equipment.

(a) The Commissioner of Motor Vehicles shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal and other highway maintenance and service equipment when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by sections 14-96a to 14-96z, inclusive. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal and other highway maintenance and service equipment when in service upon the highways. (b) No person shall operate any snow-removal or other highway maintenance and service equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section. (c) Violation of the provisions of subsection (b) of this section shall be an infraction. (1967, P.A. 834, S. 29; P.A. 75-577, S. 54, 126.) History: P.A. 75-577 added Subsec. (c).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-96b. - Head lamps.

(a) Every motor vehicle other than a motorcycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in sections 14-96a to 14-96aa, inclusive. (b) Every motorcycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of said sections. (c) Every head lamp upon every motor vehicle, including every motorcycle, shall be located at a mounted height of not more than fifty-four inches nor less than twenty-two inches. (d) Failure to have headlamps in accordance with the requirements of this section shall be an infraction. (1967, P.A. 834, S. 3; P.A. 75-577, S. 28, 126; P.A. 90-263, S. 20, 74.) History: P.A. 75-577 added Subsec. (d); P.A. 90-263 amended Subsec. (c) to substitute 22 for 24 inches as a minimum mounted height. See Secs. 14-96t to 14-96y, inclusive, re headlight requirements.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-96bb. - Operation of motor vehicles without required lighting devices.

Section 14-96bb is repealed, effective October 1, 1999. (1969, P.A. 409; P.A. 75-577, S. 70, 126; P.A. 99-268, S. 45.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-96c. - Tail lamps. Illumination of rear registration plate.

(a) After October 1, 1967, every motor vehicle, trailer, semitrailer and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, which, when lighted as required in subsection (a) of section 14-96a, shall emit a red light plainly visible from a distance of one thousand feet to the rear, except that passenger cars manufactured or assembled prior to October 1, 1957, and motorcycles shall have at least one such tail lamp. On a combination of vehicles, only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable. (b) Every tail lamp upon every vehicle shall be located at a mounted height of not more than seventy-two inches nor less than fifteen inches. (c) The rear registration plate shall be so illuminated with a white light as to render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted, except that any vehicle equipped by the manufacturer with daytime running lamps which meet federal requirements may have such daytime running lamps illuminated without illumination of the tail lamps or rear registration plate. (d) Failure to have tail lamps or failure to illuminate the rear registration plate as required in this section shall be an infraction. (1967, P.A. 834, S. 4; P.A. 75-577, S. 29, 126; P.A. 90-263, S. 21, 74; P.A. 96-167, S. 28.) History: P.A. 75-577 added Subsec. (d); P.A. 90-263 amended Subsec. (b) to substitute 15 for 20 inches as a minimum mounted height; P.A. 96-167 amended Subsec. (c) to add exception for any vehicle equipped with daytime running lamps meeting federal requirements. Cited. 11 CA 11; 30 CA 263.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-96cc. - Regulation of hazardous lighting equipment.

The Commissioner of Motor Vehicles may make regulations prohibiting the use on any motor vehicle operating on the highways of this state of any lighting equipment which he determines to be hazardous to either the operator of the vehicle equipped with such lighting devices or to the operators of other vehicles encountering a vehicle so equipped. The commissioner may make or cause to be made any tests of any lighting equipment intended for use on motor vehicles which he finds necessary in order to determine whether such lighting equipment is hazardous as provided by this section. The commissioner may, upon application, allow the installation upon one or more motor vehicles of any head lamp or other lighting device for the purpose of testing such head lamp or other lighting device upon such terms and conditions as he deems reasonable. (1969, P.A. 685.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor

VehiclesSection 14-96d. - Reflectors.

(a) Each motor vehicle, trailer, semitrailer and pole trailer shall carry on the rear, either as a part of the tail lamps or separately, two or more red reflectors meeting the requirements of this section. Each motorcycle shall carry at least one such reflector. (b) Each such reflector shall be mounted on the vehicle at a height of not less than fifteen inches nor more than sixty inches, and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred fifty feet to one hundred feet from such vehicle when directly in front of upper beams of head lamps. (c) Failure to carry and mount reflectors as required in this section shall be an infraction. (1967, P.A. 834, S. 5; P.A. 75-577, S. 30, 126; P.A. 90-263, S. 22, 74.) History: P.A. 75-577 added Subsec. (c); P.A. 90-263 amended Subsec. (b) to substitute 15 for 20 inches as a minimum mounted height.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 246 - Motor VehiclesSection 14-96e. - Stop lamps. Turn signals.

(a) Each motor vehicle, trailer, semitrailer and pole trailer shall be equipped with two or more stop lamps meeting the requirements of subsection (a) of section 14-96r, except that passenger motor vehicles manufactured or assembled prior to October 1, 1957, and motorcycles shall be equipped with at least one stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified. (b) Each motor vehicle in use on a highway shall be equipped with, and required signals shall be given by, a turn signal lamp or lamps complying with the requirements of the Code of Federal Regulations, Title 49, Section 571.108, as amended. (c) Failure to equip vehicles with stop lamps or a turn signal lamp or lamps or turn signal devices as required by this section shall be an infraction. (1967, P.A. 834, S. 6; P.A. 75-577, S. 31, 126; P.A. 84-429, S. 34; P.A. 99-268, S. 3; P.A. 00-169, S. 22.) History: P.A. 75-577 added Subsec. (c); P.A. 84-429 deleted obsolete date provision, rephrased provisions and made other technical changes; P.A. 99-268 amended Subsec. (b) to replace specific requirements requiring signal lamps or turn signal devices with a provision requiring signal lamps to comply with the requirements of the Code of Federal Regulations, Title 49, Section 571.108, as amended; P.A. 00-169 revised effective date of P.A. 99-268 but without affecting this section. See Sec. 14-96r(b) re color of turn signal lamps. Cited. 30 CA 263.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 246 - Motor VehiclesSection 14-96f. - Special requirements for buses, trucks, trailers, truck tractors.

The following vehicles shall be equipped in the following manner: (a) Buses and trucks eighty inches or more in overall width: (1) On the front, two clearance lamps, one at each side, and on vehicles manufactured or assembled after October 1, 1967, three identification lamps meeting the specifications of subdivision (f) of this section; (2) on the rear, two clearance lamps, one at each side, and after October 1, 1967, three identification lamps meeting the specifications of subdivision (f) of this section; (3) on each side, two side marker lamps, one at or near the front and one at or near the rear; (4) on each side, two reflectors, one at or near the front and one at or near the rear. (b) Trailers and semitrailers eighty inches or more in overall width: (1) On the front, two clearance lamps, one at each side; (2) on the rear, two clearance lamps, one at each side, and after October 1, 1967, three identification lamps meeting the specifications of subdivision (f) of this section; (3) on each side, two side marker lamps, one at or near the front and one at or near the rear; (4) on each side, two reflectors, one at or near the front and one at or near the rear. (c) Truck tractors: On the front, two cab clearance lamps, one at each side, and on vehicles manufactured or assembled after October 1, 1967, three identification lamps meeting the specifications of subdivision (f) of this section. (d) Trailers, semitrailers and pole trailers thirty feet or more in overall length: On each side, one amber side marker lamp and one amber reflector centrally located with respect to the length of the vehicle. (e) Pole trailers: (1) On each side, one amber side marker lamp at or near the front of the load; (2) one amber reflector at or near the front of the load; (3) on the rearmost support for the load, one combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer. (f) Whenever required or permitted by sections 14-96a to 14-96aa, inclusive, identification lamps shall be grouped in a horizontal row, with lamp centers spaced not less than six nor more than twelve inches apart, and mounted on the permanent structure of the vehicle as closely as practicable to the vertical centerline; provided, where the cab of a vehicle is not more than forty-two inches wide at the front roof line, a single identification lamp at the center of the cab shall be deemed to comply with the requirements for front identification lamps. (g) Failure to equip vehicles as required by this section shall be an infraction for each offense. (1967, P.A. 834, S. 7; P.A. 75-577, S. 32, 126.) History: P.A. 75-577 added Subsec. (g).

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 246 - Motor VehiclesSection 14-96g. - Colors of lamps and reflectors. Reflective sheeting on certain vehicles.

(a) Front clearance lamps, identification lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color. (b) Rear clearance lamps, identification lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color. Any motor vehicle or equipment owned by a governmental agency which is engaged in construction or maintenance work may display red or white reflective sheeting on the rear of such vehicle or equipment. (c) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except that the stop light or other signal device may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber. (d) Each school bus or student transportation vehicle may display retroreflective tape or reflective sheeting on the rear or on the sides of such

vehicle in accordance with regulations which shall be adopted by the commissioner pursuant to chapter 54. (e) Failure to have and mount lamps, reflectors or lighting devices as required by this section shall be an infraction. (1967, P.A. 834, S. 8; P.A. 75-577, S. 33, 126; P.A. 93-307, S. 3, 34; P.A. 97-236, S. 12, 27.) History: P.A. 75-577 added Subsec. (d); P.A. 93-307 amended Subsec. (b) to provide that any motor vehicles or equipment owned by governmental agencies engaged in construction or maintenance work may display red or white reflective sheeting on the rear of such vehicles or equipment, effective June 29, 1993; P.A. 97-236 inserted new Subsec. (d) allowing school buses and student transportation vehicles to display reflective tape or sheeting in accordance with regulations and relettered former Subsec. (d) as Subsec. (e), effective July 1, 1997.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-96h. - Mounting of reflectors and clearance lamps.

Section 14-96h is repealed, effective October 1, 1999. (1967, P.A. 834, S. 9; P.A. 75-577, S. 34, 126; P.A. 90-263, S. 23, 74; P.A. 99-268, S. 45.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-96i. - Visibility of reflectors and clearance, identification and side marker lamps.

(a) Each reflector upon any vehicle referred to in section 14-96f shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred feet to one hundred feet from the vehicle when directly in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear. (b) Front and rear clearance lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lighted lamps are required at all distances between five hundred and fifty feet from the front and rear, respectively, of the vehicle. (c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lighted lamps are required at all distances between five hundred and fifty feet from the side of the vehicle on which mounted. (d) Failure to comply with the requirements of this section shall be an infraction. (1967, P.A. 834, S. 10; P.A. 75-577, S. 35, 126.) History: P.A. 75-577 added Subsec. (d).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-96j. - Vehicles operated in combination.

Whenever motor and other vehicles are operated in combination during the time that lighted lamps are required, no lamp, except tail lamps, need be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps or that all lights required on the rear of the rearmost vehicle of any combination shall be lighted. Failure to provide lamps as required by this section shall be an infraction. (1967, P.A. 834, S. 11; P.A. 75-577, S. 36, 126.) History: P.A. 75-577 added provision that failure to provide lamps is an infraction.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-96k. - Projecting loads. Carrying of animals.

No person shall, during the period from one-half hour before sunrise to one-half hour after sunset, operate upon any highway any vehicle except fire apparatus, the load of which extends more than four feet beyond the rear of the body of such vehicle unless there is attached to the rear end of such load a red flag or cloth not less than twelve inches square so hung that the entire area is visible to the driver of a vehicle approaching from the rear, or, during the period of one-half hour after sunset to one-half hour before sunrise, and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet ahead, operate upon any highway any vehicle carrying a load which extends beyond the stationary floor of the body of such vehicle, unless a red light is attached to the rear end of such load, which light shall be plainly visible to the sides and rear for a distance of not less than five hundred feet. No motor vehicle with a commercial registration shall be permitted to remain stationary or be operated upon any highway when an animal not confined is carried or projects laterally outside of the body of such vehicle, or when any load or load-supporting device projects laterally beyond the edge of the body thereof. Violation of any provision of this section shall be an infraction. (1967, P.A. 834, S. 12; P.A. 75-577, S. 37, 126; P.A. 90-263, S. 63, 74.) History: P.A. 75-577 added provision that violation is an infraction; P.A. 90-263 substituted phrase motor vehicle with a commercial registration for commercial motor vehicle.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-96l. - Sufficiency of head and rear lights. Parked vehicles.

(a) Every vehicle, except a motorcycle, shall be equipped with one or more lamps which, when lighted, shall display a white or amber light visible from a distance of one thousand feet to the front of the vehicle, and a red light visible from a distance of one thousand feet to the rear of the vehicle. The location of such lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. (b) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour

after sunset and a half hour before sunrise and if there is sufficient light to reveal any person or object within a distance of one thousand feet upon such street or highway, no lights need be displayed upon such parked vehicle. (c) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is insufficient light to reveal any person or object within a distance of one thousand feet upon such highway, such vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of subsection (a) of this section. (d) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed. (e) Failure to have lamps as required by this section shall be an infraction. (1967, P.A. 834, S. 13; P.A. 75-577, S. 38, 126.) History: P.A. 75-577 added Subsec. (e). Cited. 30 CA 263.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-96m. - Farm tractors and equipment.

(a) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry shall at all times mentioned in subsection (a) of section 14-96a be equipped with two single-beam or multiple-beam head lamps meeting the requirements of section 14-96t, at least two red lamps visible when lighted from a distance of not less than one thousand feet to the rear and at least two red reflectors visible from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps. (b) Every combination of farm tractor and towed farm equipment or towed implement of husbandry shall at all times mentioned in subsection (a) of section 14-96a be equipped with lamps as follows: (1) The farm tractor element of every such combination shall be equipped as required in subsection (a) of this section. (2) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped on the rear with two red lamps visible when lighted from a distance of not less than one thousand feet to the rear, and two red reflectors visible to the rear from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps. (3) Such combinations shall also be equipped with a lamp displaying a white or amber light, or any shade of color between white and amber, visible when lighted from a distance of not less than one thousand feet to the front. This lamp shall be so positioned as to indicate, as nearly as practicable, the extreme left projection of the combination carrying it. (c) The two red lamps and the two red reflectors required in subsections (a) and (b) of this section on a self-propelled unit of farm equipment or implement of husbandry or combination of farm tractor and towed farm equipment shall be so positioned as to show from the rear as nearly as practicable the extreme width of the vehicle or combination carrying them. (d) Failure to have lamps as required of this section shall be an infraction. (1967, P.A. 834, S. 14; P.A. 75-577, S. 39, 126; P.A. 99-268, S. 8; P.A. 00-169, S. 22.) History: P.A. 75-577 added Subsec. (d); P.A. 99-268 amended Subsec. (a) by deleting reference to Sec. 14-96v, re specific requirements for single-beam road-lighting equipment; P.A. 00-169 revised effective date of P.A. 99-268 but without affecting this section.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-96n. - General lighting requirements.

(a) Every vehicle, including animal-drawn vehicles, not specifically required by the provisions of sections 14-96a to 14-96aa, inclusive, to be equipped with lamps or other lighting devices, shall, at all times specified in subsection (a) of section 14-96a, be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet to the front of such vehicle, and shall also be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of said vehicle, or, as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand feet to the rear and two red reflectors visible from all distances between six hundred and one hundred feet to the rear when illuminated by the upper beams of head lamps. (b) Each person driving or leading any animal on any public highway from one-half hour after sunset until one-half hour before sunrise shall carry a light, which shall be so displayed as to be visible a distance of two hundred feet both in front and at the rear of such animal. (c) Failure to carry lighting devices as required by this section shall be an infraction. (1967, P.A. 834, S. 15; P.A. 75-577, S. 40, 126.) History: P.A. 75-577 added Subsec. (c).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-96o. - Spot lamps. Fog lamps. Auxiliary passing lamps. Auxiliary driving lamps.

(a) Any motor vehicle may be equipped with not more than two spot lamps and every lighted spot lamp shall be so aimed and used that no part of the high-intensity portion of the beam will strike the windshield, or any windows, mirror or occupant of another vehicle in use. (b) Any motor vehicle may be equipped with not more than two fog lamps mounted on the front at a height not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that, when the vehicle is not loaded, none of the high intensity portion of the light to the left of the center of the vehicle shall, at a distance of twenty-five feet ahead, project higher than a level of four inches below the level of the center of the lamp from which it comes. (c) Any motor vehicle may be equipped with not more than two auxiliary passing lamps mounted on the front at a height not less than twenty-four inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of section 14-96t shall apply to any combination of head lamps and auxiliary passing lamps. (d) Any motor vehicle may be equipped with not more than two auxiliary driving lamps mounted on the front at a height not less than sixteen inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of section 14-96t shall apply to any combination of head lamps and auxiliary driving lamps. (e) Operating a motor vehicle with lamps which do not conform to the provisions of this section shall be an infraction. (1967, P.A. 834, S. 16; P.A. 75-577, S. 41, 126.) History: P.A. 75-577 added Subsec. (e).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-96p. - Color of lights. Flashing lights. Intensity of lights.

(a) Except as provided in section 14-96q, no person shall display upon any motor vehicle or equipment: (1) Any light visible from the front of such motor vehicle or equipment other than white, yellow or amber; (2) any light visible from the rear of such motor vehicle or equipment other than red, yellow, amber or white; or (3) any red light visible from directly in front of the center of such motor vehicle or equipment. Notwithstanding the provisions of this subsection, a taxicab shall display the dome light or lights required by regulations that have been adopted by the Commissioner of Transportation under the authority of section 13b-96. (b) Except as provided in section 14-96q, flashing lights are prohibited on motor vehicles, except: (1) Red and yellow lights when used for the purpose of receiving or discharging students on school buses; (2) white lights that are located on the top rear of school buses; (3) when such lights are used as a means for indicating a right or left turn; (4) when such lights are used in any manner to indicate (A) a disabled vehicle that is stopped in a hazardous location on the highway, or in close proximity thereto, (B) a motor vehicle that is unable to maintain the minimum speed of forty miles per hour on a limited access divided highway because of the grade of such highway, (C) a motor vehicle that is operating at such slow speed as to obstruct or endanger following traffic on any highway, or (D) a student transportation vehicle, as defined in section 14-212, accommodating fifteen or fewer students with disabilities that is receiving or discharging such students; or (5) red lights when used by a frozen dessert truck pursuant to section 14-283f. For the purposes of this subsection, "students with disabilities" means students who have intellectual disability, autism spectrum disorder, mental disability, visual impairment, blindness, deafness, speech impairment or orthopedic impairment, who are hard of hearing or who have another health impairment who, by reason thereof, require special education and related services, and "frozen dessert truck" has the same meaning as provided in section 14-283c. (c) Any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps or auxiliary driving lamps, that projects a beam of light of an intensity greater than three hundred candle power shall be so directed that no part of the beam strikes the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle. (d) Use of lights except as authorized by this section shall be an infraction. (1967, P.A. 834, S. 17, 18; 1969, P.A. 710; P.A. 73-544, S. 23; P.A. 74-99, S. 1, 3; P.A. 75-577, S. 42, 126; P.A. 78-156, S. 2; P.A. 80-466, S. 16, 25; P.A. 83-41; 83-412, S. 3, 5; P.A. 85-153; 85-217, S. 1; P.A. 87-41, S. 1; P.A. 93-307, S. 4, 34; P.A. 94-189, S. 7; P.A. 96-167, S. 29; P.A. 99-150, S. 1; P.A. 01-192, S. 1; P.A. 04-161, S. 1; P.A. 05-218, S. 9; 05-288, S. 234; P.A. 11-213, S. 26; P.A. 13-139, S. 18; June Sp. Sess. P.A. 15-5, S. 213; P.A. 17-202, S. 95; P.A. 21-20, S. 9.) History: 1969 act replaced "displayed" with "illuminated" and "display" with "use" for clarity; P.A. 73-544 replaced "civil defense" with "civil preparedness" in Subsec. (b); P.A. 74-99 added Subsec. (c) re flashing green lights; P.A. 75-577 added Subsec. (d); P.A. 78-156 amended Subsec. (a) re use of flashing red lights on vehicles accommodating nine or less handicapped students when vehicle stopped to pick up or discharge the students; P.A. 80-466 amended Subsecs. (b) and (c) to refer to single license plate; P.A. 83-41 amended Subsec. (a) re blanket permits for department of transportation motor vehicles; P.A. 83-412 amended Subsec. (a), permitting any motor vehicle accommodating fifteen or less handicapped students (increased from nine) to use flashing red lights while receiving or discharging passengers and defining "handicapped students" for the purposes of this subsection; P.A. 85-153 amended Subsec. (a) to specify that term "flashing white lights" shall not include simultaneous flashing of head lamps; P.A. 85-217 amended Subsec. (a), permitting the chief executive officer of an emergency medical service organization to use flashing red lights while responding to an emergency; P.A. 87-41 amended Subsec. (a), permitting the use of flashing white lights with flashing red lights on an ambulance responding to an emergency call; P.A. 93-307 amended Subsec. (a) to provide that an ambulance on the way to the scene of an emergency may use "flashing white head lamps", effective June 29, 1993; P.A. 94-189 amended Subsec. (a) by making minor grammatical changes and providing for the use of flashing white head lamps and a flashing amber light while on the way to the scene of an emergency; P.A. 96-167 amended Subsec. (a) to add exception to allow ambulances to use flashing lights of other colors specified by federal requirements for manufacture of such vehicles; P.A. 99-150 amended Subsec. (a) by specifying that local fire marshals, emergency management directors and school buses may use certain flashing lights and by making a technical change; P.A. 01-192 amended Subsec. (a) by dividing existing provisions into Subdivs. (1) to (4), changing "less" to "fewer" in Subdiv. (2), adding provision in Subdiv. (3) which allows a member of a volunteer fire department or company or a volunteer emergency medical technician to use flashing white lamps in certain circumstances, deleting "or" in Subdiv. (3) and redesignating existing Subdivs. (1) to (5) as Subparas. (A) to (E), in Subdiv. (4); P.A. 04-161 amended Subsec. (a)(4) to provide that both volunteer and paid fire chiefs, deputies and assistants may display flashing or revolving white lights in combination with flashing or revolving red lights up to four paid and four volunteer individuals per municipality, to move provisions re volunteers from Subpara. (B) to new Subpara. (C) and to redesignate existing Subparas. (C) to (E) as new Subparas. (D) to (F), respectively; P.A. 05-218 amended Subsec. (a) by changing "written" to "special" permit and inserting "in accordance with the provisions of subsection (c) of section 14-96q" in Subdiv. (1) and, in Subdiv. (3) by adding "the first or second deputies, or if there are no deputies, the first or second assistants, of such an organization that is a municipal or volunteer organization" and, in Subdiv. (4), by changing "four" to "five" and "municipality" to "department", effective July 6, 2005; P.A. 05-288 amended Subsec. (a)(3) by replacing "municipal or volunteer organization" with "municipal or volunteer or licensed organization", effective July 13, 2005; P.A. 11-213 amended Subsec. (a)(1) to delete provision re single permit for display of lights on more than one Department of Transportation vehicle and add exemption from permit requirements for government vehicles, effective July 13, 2011; P.A. 13-139 amended Subsec. (a) by substituting "students with disabilities" for "handicapped students" in Subdiv. (2) and by substituting term and definition of "students with disabilities" for term and definition of "handicapped students" in Subdiv. (4), and amended Subsecs. (b) and (c) by making technical changes; June Sp. Sess. P.A. 15-5 replaced former Subsecs. (a) to (d) with new Subsec. (a) re display of light on motor vehicle or equipment, new

Subsec. (b) re flashing lights on motor vehicles, new Subsec. (c) re lighted lamp or illuminating device on motor vehicle and new Subsec. (d) re penalty, effective June 30, 2015; P.A. 17-202 amended Subsec. (b) by replacing reference to hearing impairment with reference to hard of hearing and making technical changes; P.A. 21-20 amended Subsec. (b) by adding Subdiv. (5) re red lights when used by frozen dessert truck, defining “frozen dessert truck” and making technical changes, effective July 1, 2021.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-96q. - Permits for colored or flashing lights. Exceptions. Fee.

(a) A permit is required for the use of colored or flashing lights on all motor vehicles or equipment specified in this section except: (1) Motor vehicles not registered in this state used for transporting or escorting any vehicle or load, or combinations thereof, which is either oversize or overweight, or both, when operating under a permit issued by the Commissioner of Transportation pursuant to section 14-270; or (2) motor vehicles or equipment that are (A) equipped with lights in accordance with this section, (B) owned or leased by the federal government, the state of Connecticut, or any other state, commonwealth or local municipality, and (C) registered to such governmental entity. When used in this section, the term “flashing” shall be considered to include the term “revolving”. (b) The Commissioner of Motor Vehicles, or such other person specifically identified in this section, may issue permits for the use of colored or flashing lights on vehicles in accordance with this section, at the commissioner's or such person's discretion. Any person, firm or corporation other than the state or any metropolitan district, town, city or borough shall pay an annual permit fee of twenty dollars to the commissioner for each such vehicle. Such fee shall apply only to permits issued by the commissioner. (c) A flashing blue light or lights may be used on a motor vehicle operated by an active member of a volunteer fire department or company or an active member of an organized civil preparedness auxiliary fire company who has been issued a permit by the chief executive officer of such department or company to use a flashing blue light or lights while on the way to or at the scene of a fire or other emergency requiring such member's services. Such permit shall be on a form provided by the commissioner and may be revoked by such chief executive officer or successor. The chief executive officer of each volunteer fire department or company or organized civil preparedness auxiliary fire company shall keep on file, on forms provided by the commissioner, the names and addresses of members who have been authorized to use a flashing blue light or lights as provided in this subsection. Such listing shall also designate the registration number of the motor vehicle on which authorized a flashing blue light or lights are to be used. (d) A flashing green or blue light or lights may be used on a motor vehicle operated by an active member of a volunteer ambulance association or company who has been issued a permit by the chief executive officer of such association or company to use such a light or lights, while on the way to or at the scene of an emergency requiring such member's services. Such permit shall be on a form provided by the commissioner and may be revoked by such chief executive officer or successor. The chief executive officer of each volunteer ambulance association or company shall keep on file, on forms provided by the commissioner, the names and addresses of members who have been authorized to use a flashing green or blue light or lights as provided in this subsection. Such listing shall also designate the registration number of the motor vehicle on which the authorized flashing green or blue light or lights are to be used. (e) The commissioner may issue a permit for a flashing red light or lights which may be used on a motor vehicle or equipment (1) used by paid fire chiefs and their deputies and assistants, up to a total of five individuals per department, (2) used by volunteer fire chiefs and their deputies and assistants, up to a total of five individuals per department, (3) used by members of the fire police on a stationary vehicle as a warning signal during traffic directing operations at the scene of a fire or emergency, (4) used by chief executive officers of emergency medical service organizations, as defined in section 19a-175, the first or second deputies, or if there are no deputies, the first or second assistants, of such an organization that is a municipal or volunteer or licensed organization, (5) used by local fire marshals, (6) used by directors of emergency management, or (7) used by a constable, appointed pursuant to an ordinance authorized by section 9-185 or elected pursuant to section 9-200, on a stationary vehicle as a warning signal during traffic directing operations. (f) The commissioner may issue a permit for a yellow or amber light or lights, including a flashing yellow or amber light or lights, which may be used on motor vehicles or equipment that are (1) specified in subsection (e) of this section, (2) maintenance vehicles, or (3) vehicles transporting or escorting any vehicle or load or combinations thereof, which is or are either oversize or overweight, or both, and being operated or traveling under a permit issued by the Commissioner of Transportation pursuant to section 14-270. A yellow or amber light or lights, including a flashing yellow or amber light or lights, may be used without obtaining a permit from the Commissioner of Motor Vehicles on wreckers registered pursuant to section 14-66, on vehicles of carriers in rural mail delivery service or on vehicles operated by construction inspectors employed by the state of Connecticut, authorized by the Commissioner of Transportation, used during the performance of inspections on behalf of the state. The Commissioner of Transportation shall maintain a list of such authorized construction inspectors, including the name and address of each inspector and the registration number for each vehicle on which the light or lights are to be used. (g) The Commissioner of Motor Vehicles may issue a permit for a white light or lights, including a flashing white light or lights, which may be used on a motor vehicle or equipment as specified in subdivision (1), (2), (4), (5) or (6) of subsection (e) of this section. A vehicle being operated by a member of a volunteer fire department or company or a volunteer emergency medical technician may use flashing white head lamps, provided such member or emergency medical technician is on the way to the scene of a fire or medical emergency and has received written authorization from the chief law enforcement officer of the municipality to use such head lamps. Such head lamps shall only be used within the municipality granting such authorization or from a personal residence or place of employment, if located in an adjoining municipality. Such authorization may be revoked for use of such head lamps in violation of this subdivision. For the purposes of this subsection, the term “flashing white lights” shall not include the simultaneous flashing of head lamps. (h) The commissioner may issue a permit for emergency vehicles, as defined in subsection (a) of section 14-283, to

use a blue, red, yellow, or white light or lights, including a flashing light or lights or any combination thereof, except as provided in subsection (k) of this section. (i) The commissioner may issue a permit for ambulances, as defined in section 19a-175, which may, in addition to the flashing light or lights allowed in subsection (h) of this section, use flashing lights of other colors specified by federal requirements for the manufacture of an ambulance. If the commissioner issues a permit for any ambulance, such permit shall be issued at the time of registration and upon each renewal of such registration. (j) A green, yellow or amber light or lights, including a flashing green, yellow or amber light or lights or any combination thereof, may be used on a maintenance vehicle owned and operated by the Department of Transportation. (k) No person, other than a police officer or inspector of the Department of Motor Vehicles operating a state or local police vehicle, shall operate a motor vehicle displaying a steady blue or steady red illuminated light or both steady blue and steady red illuminated lights that are visible externally from the front of the vehicle. (l) Use of colored and flashing lights except as authorized by this section shall be an infraction. (1967, P.A. 834, S. 19; 1969, P.A. 759, S. 12; 1971, P.A. 459, S. 1; P.A. 73-544, S. 24; P.A. 74-99, S. 2, 3; P.A. 75-577, S. 43, 126; P.A. 78-156, S. 3; P.A. 79-4; P.A. 84-254, S. 47, 62; 84-377, S. 3, 4; P.A. 85-217, S. 2; P.A. 87-41, S. 2; P.A. 93-307, S. 5, 34; P.A. 94-189, S. 8; P.A. 96-167, S. 30; P.A. 99-150, S. 2; 99-268, S. 23; P.A. 00-169, S. 22; P.A. 04-182, S. 11; P.A. 05-218, S. 10; June Sp. Sess. P.A. 15-5, S. 214; P.A. 16-55, S. 22; P.A. 17-230, S. 8; P.A. 19-161, S. 10; P.A. 21-40, S. 15, 16; 21-106, S. 33; P.A. 23-135, S. 40.) History: 1969 act increased fee in Subsec. (c) from \$1 to \$2 per vehicle; 1971 act amended Subsec. (c)(4) to add “revolving” yellow lights and to allow their use on oversize or overweight loads, allowed use of flashing lights to indicate slow speed of vehicle, included escort vehicles in permit provisions and added proviso re required permit for vehicles not registered in this state; P.A. 73-544 replaced “civil defense” with “civil preparedness” in Subsec. (c); P.A. 74-99 amended Subsec. (c) to allow use of flashing green lights by members of volunteer ambulance associations or companies; P.A. 75-577 added Subsec. (d); P.A. 78-156 amended Subsec. (c) to allow use of flashing red lights on vehicles used to pick up or discharge not more than nine handicapped students when stopped to do so; P.A. 79-4 amended Subsec. (c) to allow use of flashing red lights on rescue vehicles; P.A. 84-254 amended Subsec. (c) to increase periodically the permit fee from \$2 to \$7 as of July 1, 1993; P.A. 84-377 amended Subsec. (c), permitting motor vehicles accommodating fifteen or less handicapped students to use flashing red lights when receiving or discharging such students; P.A. 85-217 amended Subsec. (c), permitting the chief executive officers of emergency medical service organizations to use flashing red lights as provided in Subsec. (a) of Sec. 14-96p and deleting references to the flashing of red lights by motor vehicles used as buses by handicapped students and by stationary vehicles used by fire police as warning signals; P.A. 87-41 amended Subsec. (c), permitting use of flashing white lights in conjunction with flashing red lights on an ambulance responding to an emergency call; P.A. 93-307 amended Subsec. (c) to permit flashing red lights on ambulances and to permit flashing white lights used in conjunction with “flashing head lamps” on ambulances responding to emergency calls, effective June 29, 1993; P.A. 94-189 amended Subsec. (c)(7) by adding “and a flashing amber light” after “flashing head lamps”; P.A. 96-167 amended Subsec. (c)(7) to authorize use of flashing lights of colors other than white specified by federal requirements for manufacture of ambulances; P.A. 99-150 amended Subsec. (c) by adding local fire marshals and directors of emergency management to the list of those authorized to use flashing red lights; P.A. 99-268 amended Subsec. (c) by allowing wreckers, registered pursuant to Sec. 14-66, to have flashing or revolving yellow lights and by making technical changes re gender neutrality; P.A. 00-169 revised effective date of P.A. 99-268 but without affecting this section; P.A. 04-182 amended Subsec. (c) to increase annual permit fee to \$20 and to delete provision re past fee increases, effective July 1, 2004; P.A. 05-218 amended Subsec. (c) by changing “written” to “special” permit, adding “and on other vehicles that display lights for which a permit is required, in accordance with the provisions of subsection (a) of section 14-96p”, deleting “of two dollars” re annual permit fee and adding provision requiring special permits for ambulances to be issued at time of registration or renewal, effective July 6, 2005; June Sp. Sess. P.A. 15-5 replaced former Subsecs. (a) to (d) with new Subsec. (a) re permit for use of colored or flashing lights on motor vehicles or equipment, new Subsec. (b) re issuance of permits for use of colored or flashing lights, new Subsec. (c) re use of blue lights on motor vehicles and new Subsec. (d) re use of green lights on motor vehicles, added Subsec. (e) re issuance of permits for use of red lights on motor vehicles or equipment, added Subsec. (f) re issuance of permits for use of yellow or amber lights on motor vehicles or equipment, added Subsec. (g) re issuance of permits for use of white lights on motor vehicles or equipment, added Subsec. (h) re issuance of permit for use of certain colored lights on emergency vehicles, added Subsec. (i) re issuance of permit for use of flashing lights of other colors specified by federal requirements on ambulances, and added Subsec. (j) re penalty, effective June 30, 2015; P.A. 16-55 amended Subsecs. (c) and (d) by making technical changes, effective May 31, 2016; P.A. 17-230 amended Subsec. (f) to add provision re use of yellow or amber lights for vehicles operated by construction inspectors employed by the state; P.A. 19-161 amended Subsec. (h) by adding exception re provisions of Subsec. (j), added new Subsec. (j) re use of green, yellow or amber lights on maintenance vehicles, added Subsec. (k) re prohibition re display of steady blue or red light or both blue and red lights on motor vehicles, redesignated existing Subsec. (j) as Subsec. (l) and made conforming and technical changes; P.A. 21-40 made technical changes in Subsecs. (f) and (h); P.A. 21-106 amended Subsec. (h) to replace reference to Subsec. (j) with reference to Subsec. (k), effective June 30, 2021; P.A. 23-135 amended Subsec. (b) to replace “is authorized to” with “may”, amended Subsec. (d) to delete reference to green light and add references to flashing blue light, amended Subsec. (e) to add Subdiv. (7) re constable on stationary vehicle during traffic directing operations and made technical changes.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-96r. - Color of stop lamps. Turn signal lamps.

(a) Any vehicle, when required under sections 14-96a to 14-96aa, inclusive, shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not

less than three hundred feet to the rear in normal sunlight, and which shall be activated upon application of the service or foot brake. (b) Any vehicle, when required under subsection (b) of section 14-96e, shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signalling, shall emit white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signalling, shall emit a red or amber light, or any shade of color between red and amber. Turn signal lamps on vehicles eighty inches or more in overall width shall be visible from a distance of not less than five hundred feet in normal sunlight. Turn signal lamps on vehicles less than eighty inches wide shall be visible at a distance of not less than three hundred feet in normal sunlight. (c) Failure to have stop lamps and turn signals as required by any provision of this section shall be an infraction. (1967, P.A. 834, S. 20; P.A. 75-577, S. 44, 126.) History: P.A. 75-577 added Subsec. (c).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-96s. - Fender, backup and identification lamps. Penalties.

(a) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare. (b) Any motor vehicle may be equipped with one or more backup lamps either separately or in combination with other lamps, but any such backup lamp or lamps shall not be lighted when the motor vehicle is in forward motion. (c) Any vehicle eighty inches or more in overall width, if not otherwise required by section 14-96f, may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in subdivision (f) of said section. (d) Operating a motor vehicle with fenders, running boards, backup and identification lamps, except as authorized by this section shall be an infraction. (1967, P.A. 834, S. 21; P.A. 75-577, S. 45, 126; P.A. 00-169, S. 15.) History: P.A. 75-577 added Subsec. (e); P.A. 00-169 deleted Subsec. (b) re running-board courtesy lamps and relettered Subsecs. (c) to (e), inclusive, as Subsecs. (b) to (d), inclusive.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-96t. - Multiple-beam road-lighting equipment.

Except as hereinafter provided, the head lamps or the auxiliary driving lamps or combinations thereof on motor vehicles, other than motorcycles, shall be so arranged that the driver may control the selection between distributions of light projected to different elevations, subject to the following requirements and limitations: (a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles ahead at a distance of at least five hundred feet for all conditions of loading. (b) There shall be a lowermost distribution of light so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead, and, on a straight level road under any condition of loading, none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver. (c) Each new motor vehicle registered in this state which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost or upper distribution of light from the head lamps is in use. Such indicator shall be so designed and located that, when lighted, it will be readily visible without glare to the driver of the vehicle so equipped. (d) Operation of a motor vehicle without the equipment required by this section shall be an infraction. (1967, P.A. 834, S. 22; P.A. 75-577, S. 46, 126.) History: P.A. 75-577 added Subsec. (d).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-96u. - Use of multiple-beam road-lighting equipment.

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in subsection (a) of section 14-96a, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations: (1) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in subsection (b) of section 14-96t shall be dimmed to avoid glare at all times, regardless of road contour and loading. (2) Whenever the driver of a vehicle approaches another vehicle from the rear, within three hundred feet, such driver shall use a distribution of light permissible under sections 14-96a to 14-96aa, inclusive, other than the uppermost distribution of light specified in subsection (a) of section 14-96t. Violation of any provision of this section shall be an infraction. (1967, P.A. 834, S. 23; P.A. 75-577, S. 47, 126.) History: P.A. 75-577 added Subsec. (c).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-96v and 14-96w. - Single-beam road-lighting equipment. Distance forward lights to illuminate.

Sections 14-96v and 14-96w are repealed, effective October 1, 1999. (1967, P.A. 834, S. 24, 25; P.A. 75-577, S. 48, 49, 126; P.A. 99-268, S. 45.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor

VehiclesSection 14-96x. - Head lamp of motorcycle.

The head lamp or head lamps upon every motorcycle may be of the single-beam or multiple-beam type but, in either event, shall comply with the requirements and limitations as follows: (1) Every such head lamp on a motorcycle shall be of sufficient intensity to reveal a person or vehicle at a distance of not less than one hundred feet when the motorcycle is operated at any speed less than twenty-five miles per hour and at a distance of not less than two hundred feet when the motorcycle is operated at a speed of twenty-five or more miles per hour, and at a distance of not less than three hundred feet when the motorcycle is operated at a speed of thirty-five or more miles per hour. (2) If the motorcycle is equipped with a multiple-beam head lamp or head lamps, the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in subsection (a) of section 14-96t and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in subsection (b) of said section. (3) If the motorcycle is equipped with a single-beam lamp or lamps, such lamp or lamps shall be so aimed that, when the vehicle is loaded, none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes. Failure to have lamps as required by this section shall be an infraction. (1967, P.A. 834, S. 26; P.A. 75-577, S. 50, 126.) History: P.A. 75-577 added provision that violation of requirements is an infraction. Cited. 29 CA 791.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 246 - Motor VehiclesSection 14-96y. - Number of head lamps. Number in combination with other lamps.

(a) At all times specified in subsection (a) of section 14-96a, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a motorcycle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles. (b) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway. (c) Failure to have lamps as required by this section shall be an infraction. (1967, P.A. 834, S. 27; P.A. 75-577, S. 51, 126.) History: P.A. 75-577 added Subsec. (c).

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 246 - Motor VehiclesSection 14-96z. - Intensity of certain lamps. Location of red light.

(a) During the times specified in subsection (a) of section 14-96a, any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle. (b) Except as required in section 14-96q no person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof. (c) Having lamps which do not conform to the provisions of this section shall be an infraction for each offense. (1967, P.A. 834, S. 28; P.A. 75-577, S. 52, 126.) History: P.A. 75-577 added Subsec. (c).

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 246 - Motor VehiclesSection 14-97. - Defrosting devices on school buses and motor vehicles used to transport passengers for hire.

(a) Each school bus, as defined in subsection (a) of section 14-275, used for the transportation of school children and each motor vehicle used to transport passengers for hire shall be equipped with a defrosting device, in good working order and adequate to prevent the accumulation of snow, ice, frost or condensation on the windshield. (b) Operation of a motor vehicle or, as owner, permitting the operation of a motor vehicle, in violation of any provision of this section, shall be an infraction. (1949 Rev., S. 2444; February, 1965, P.A. 448, S. 10; P.A. 75-577, S. 53, 126; P.A. 90-263, S. 47, 74.) History: 1965 act substituted "school bus" for "motor vehicle for hire," deleted provision making defroster requirement applicable only during winter storms and added reference to frost and condensation in Subsec. (a); P.A. 75-577 replaced provision for \$50 maximum fine in Subsec. (b) with statement that violation is an infraction; P.A. 90-263 amended Subsec. (a) to substitute "motor vehicle used to transport passengers for hire" for "public service motor vehicle".

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 246 - Motor VehiclesSection 14-97a. - Emergency lighting or reflecting devices on motor vehicles used to transport passengers for hire and motor vehicles with commercial registration.

(a) There shall be carried on each motor vehicle used to transport passengers for hire whose capacity is in excess of seven passengers, each motor vehicle with a commercial registration and a manufacturer's rated capacity in excess of two thousand pounds and each combination of tractor and trailer, when it is operated on any highway during the period from one-half hour after sunset to one-half hour before sunrise, flares, flaring candles, torches, lanterns or other lighting or light reflecting devices designed for emergency use, which shall be ready for immediate use. The operator of any such motor vehicle shall cause such emergency equipment to be kept lighted or in the case of light reflecting devices to be situated in such manner as to be visible for at least two hundred feet in front and in the rear of such motor vehicle, during any period between one-half hour after sunset and one-half hour

before sunrise when such motor vehicle has become stalled or is in such condition that it cannot be operated on the highway. (b) Any person who violates any provision of this section shall be fined not more than fifty dollars and the commissioner may suspend, for not more than sixty days, the registration of any such motor vehicle not equipped as provided in this section. (1969, P.A. 639, S. 1; P.A. 90-263, S. 48, 74.) History: P.A. 90-263 amended Subsec. (a) to substitute “motor vehicle used to transport passengers for hire” for “public service motor vehicle”, and to substitute “motor vehicle with a commercial registration” for “commercial motor vehicle”.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-97b. - Lift equipment on motor buses.

On and after April 18, 1988, any motor bus purchased for use in providing fixed route bus service by the state or any transit district or other entity which receives state subsidies for such services shall be equipped with a mechanical lift or similar device which provides persons with disabilities with sufficient access to the bus. On or before September 30, 1996, all motor buses used by the state or any such transit district or other entity to provide fixed route bus service shall be so equipped. (P.A. 88-62, S. 1, 2.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-98. - Tires.

Each vehicle operated upon any highway or bridge shall be equipped with tires of rubber, or other elastic substance, approved by the commissioner, and the wheels shall be so constructed that no metal part of the wheel or tire may be in contact with the surface of the road at any time when such vehicle is in motion upon the highway, except such vehicle may be equipped with tires incorporating a metal nonskid device during the period from November fifteenth to April thirtieth, inclusive. Nothing in this section shall apply to authorized emergency vehicles, to road-making machinery in use in the repair or construction of highways or to a tractor used in agricultural pursuits when necessarily traversing a highway or bridge for the purpose of access to agricultural lands, or to a truck, tractor, trailer or semitrailer for which a permit has been granted by the Commissioner of Transportation. Any person who violates any provision of this section shall, for a first offense, be deemed to have committed an infraction, and for a subsequent offense shall be fined not more than two hundred dollars. (1949 Rev., S. 2445; 1969, P.A. 446, S. 1; 768, S. 139; 1971, P.A. 496, S. 1; P.A. 76-145, S. 1, 2; P.A. 78-161; P.A. 82-223, S. 12; P.A. 83-577, S. 18; P.A. 84-197, S. 4; 84-429, S. 60.) History: 1969 acts deleted provisions limiting weight on wheels and setting forth tire specifications, excluded from provisions road-making machinery, agricultural tractors and trucks, tractors, trailers and semitrailers operating under permit issued by highway commissioner and later replaced highway commissioner with commissioner of transportation; 1971 act excluded from provisions emergency vehicles defined by Sec. 14-1a and limited use of studded tires to period from October fifteenth to April fifteenth; P.A. 76-145 added provisions further restricting use of studded tires and prohibited their sale after February 1, 1977; P.A. 78-161 deleted previous provisions re studded tires and allowed their use during period between November fifteenth and April first; P.A. 82-223 specified that the commission of a first offense constituted an infraction, and established a minimum fine of \$25 and lowered the maximum fine from \$100 to \$90 for such first offense; P.A. 83-577 deleted the provision specifying the fine for an infraction is not less than \$25 nor more than \$90; P.A. 84-197 extended the ending date of the period of use of studded tires from April first to the thirtieth; P.A. 84-429 made technical changes for statutory consistency.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-98a. - Tires to be in safe operating condition.

No person shall operate a motor vehicle or trailer upon the public highways unless such motor vehicle or trailer is equipped with tires, in safe operating condition, that conform to the standards set forth in 49 CFR 571.109, as amended from time to time, and if applicable, to section 14-163c. Any law enforcement officer, at any time, upon reasonable cause to believe that the tires of a vehicle are unsafe or it is equipped with tires in violation of the provision of this section, may require the operator of such vehicle to stop and submit the tires of such vehicle to an inspection. If the inspection discloses the vehicle to be in violation, the officer may issue a summons for such violation. Operation of a motor vehicle or, as owner permitting the operation of a motor vehicle in violation of any provision of this section shall be an infraction. (1967, P.A. 881; P.A. 75-577, S. 55, 126; P.A. 98-182, S. 2, 22; P.A. 14-187, S. 40.) History: P.A. 75-577 replaced provision for \$50 maximum fine with statement that violation is an infraction; P.A. 98-182 deleted motor vehicles used exclusively for farming purposes from exemption, effective July 1, 1998; P.A. 14-187 deleted provisions re commissioner to approve requirements, re commissioner to establish safety standards for tires and re exemption for certain agricultural machines and tractors, and added provision re requirements to conform to standards in 49 CFR 571.09 and Sec. 14-163c, effective July 1, 2014. Cited. 41 CA 664; 46 CA 633.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-99. - Mirror. Motor vehicles with commercial registration to allow others to pass.

Each motor vehicle shall be equipped with a mirror attached to and so located and adjusted on such vehicle as to give the operator thereof a clear reflected view of the highway directly to the rear of or on a line parallel to the left side of the body of such motor vehicle. Any person operating a motor vehicle with a commercial registration so constructed or which may be so loaded that the operator is prevented from having a free and unobstructed view of the highway immediately to the rear and at the left side of the

same shall, by means of such mirror, make frequent observations of the approach of vehicles from the rear. When operating at below the posted speed limits and when so approached or overtaken, the operator of such motor vehicle shall drive to the extreme right of the traveled way as promptly as safety will permit, giving the vehicle approaching from the rear opportunity to pass. Violation of any provision of this section shall be an infraction. (1949 Rev., S. 2446; February, 1965, P.A. 448, S. 11; P.A. 75-577, S. 56, 126; P.A. 90-263, S. 64, 74.) History: 1965 act added the word "left" in the first and second sentences, changed the duty of constant observation to one of frequent observations, removed the words "in safety" from the end of the last sentence and deleted a penalty provision; P.A. 75-577 provided that violation of section is an infraction; P.A. 90-263 substituted "motor vehicle with a commercial registration" for "commercial motor vehicle". See Sec. 14-230 re driving in right-hand lane. See Sec. 14-285 re use of mirrors by vehicles other than motor vehicles. Allegation that driver did not keep a constant observation of approach of vehicles from rear is sufficient to raise issue of compliance with statute. 119 C. 595, 596. Requires driver to keep such a regularly recurring observation of mirror as will make him aware of vehicles approaching in rear. 122 C. 216. Cited. 129 C. 13; 134 C. 644. Cited. 30 CA 263.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-99f. - Windshield. Obstruction of view.

(a) Each motor vehicle shall be equipped with a windshield of a type prescribed by section 14-100 and a windshield cleaner or wiper in effective working order located directly in front of the operator while in use on the highway. The windshield shall be reasonably free of defects and accumulations, inside and out, of snow, ice, condensation and dirt. The provisions of this subsection shall not apply to a motorcycle or a vehicle designed by the manufacturer for nonhighway operation without a windshield. (b) No person shall operate a motor vehicle required to be equipped with such a windshield if the windshield is in a condition to interfere with an unobstructed view of the highway. (c) No article, device, sticker or ornament shall be attached or affixed to or hung on or in any motor vehicle in such a manner or location as to interfere with the operator's unobstructed view of the highway or to distract the attention of the operator. (d) Violation of any provision of this section shall be an infraction. (P.A. 84-429, S. 36; P.A. 99-268, S. 4; P.A. 00-169, S. 22.) History: P.A. 99-268 amended Subsec. (a) to delete exemption for certain farm vehicles; P.A. 00-169 revised effective date of P.A. 99-268 but without affecting this section. See Sec. 14-99g re use of tinted or reflectorized windows and obstruction of view. See Sec. 14-100 re safety glass requirement. Cited. 30 CA 263. Subsec. (c): To constitute a violation of Subsec., there must be more than a hypothetical possibility that driver's vision would be obstructed or that driver would be distracted, and police officer did not articulate any reasonable belief that Subsec. was being violated. 297 C. 829. The hanging of an object from a rearview mirror is not a per se infraction under Subsec., and Subsec. requires proof of interference with an operator's unobstructed view or the operator's distraction. 111 CA 482.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-99g. - Definitions. Tinted or reflectorized windows. Obstruction of view prohibited. Exceptions. Sale or delivery of motor vehicles having tinted or reflectorized windows prohibited. Stickers required. Penalty. Window tinting businesses. Regulations.

(a) As used in this section, unless the context otherwise requires: (1) "Light transmission" means the ratio of the amount of total light, expressed in percentages, which is allowed to pass through a product or material including the glazing to the amount of total light falling on the product or material and the glazing. (2) "Luminous reflectance" means the ratio of the amount of total light, expressed in percentages, which is reflected outward by a product or material to the amount of total light falling on the product or material. (3) "Manufacturer" means (A) a person who engages in the manufacturing or assembling of sun screening products or materials designed to be used in conjunction with vehicle glazing materials, or (B) a person who fabricates, laminates or tempers the glazing material incorporating the capacity to reflect or to reduce the transmittance of light during the manufacturing process. (b) No person may operate any motor vehicle which has any object or material placed, displayed, installed, affixed or applied in or on such vehicle in a manner so as to obstruct or reduce the operator's clear and full view of the road through the front windshield or the side or rear windows, except as provided in subsection (c) of this section. No person may place, install, affix or apply any transparent material on the front windshield or the side or rear windows of any motor vehicle if such material alters the color or reduces the light transmittance of such windshield or side or rear windows, except as provided in subsection (c) of this section. Any person required for medical reasons to be shielded from direct rays of the sun or any person operating a motor vehicle belonging to such person or in which such person is a usual passenger shall be exempt from the provisions of this subsection. Applications for such exemption based upon such medical reason shall be made in writing to the commissioner and shall be supported by the written documentation of a physician or optometrist licensed to practice in this state. (c) The provisions of subsection (b) of this section shall not apply to: (1) Front side wing vents and windows which are not mirror-like in appearance and have a substance or material in conjunction with glazing material that has a total light transmission of not less than thirty-five per cent plus or minus three per cent and a luminous reflectance of twenty-seven per cent plus or minus three per cent; (2) Rearview mirrors; (3) Adjustable nontransparent sun visors which are mounted forward of the side windows and are not attached to the glass; (4) Signs, stickers or other materials which are displayed in a seven-inch square in the lower corner of the windshield farthest removed from the driver or signs, stickers or other materials which are displayed in a five-inch square in the lower corner of the windshield nearest the driver; (5) The right and left side windows behind the driver and the rearmost window which shall not be mirror-like in appearance, having a substance or material in conjunction with glazing material that has a total light transmission of not less than thirty-five per cent plus or minus three per cent and a luminous reflectance of twenty-one per cent to plus or minus three per cent; (6) The windows behind the driver

on any truck, motor bus, trailer, mobile manufactured home, or multipurpose passenger vehicle, as defined in the Code of Federal Regulations, Title 49, Section 571.3, as amended from time to time, provided said vehicle is equipped with outside mirrors on the left and right-hand sides which are so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such motor vehicle; (7) Direction, destination or termination signs upon a passenger common carrier motor vehicle, provided the signs do not interfere with the driver's clear view of approaching traffic; (8) Rear window wiper motors; (9) Rear trunk lid handle or hinges; (10) The rearmost window or windows, provided the motor vehicle is equipped with outside mirrors on the left and right-hand sides of the vehicle which are so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such motor vehicle; (11) Transparent material which is installed, affixed or applied to the topmost portion of the windshield, provided: (A) The bottom edge of the material is at least twenty-nine inches above the undepressed driver's seat when measured from a point five inches in front of the bottom of the backrest with the driver's seat in its rearmost and lowermost position with the vehicle on a level surface and (B) the material is not red or amber in color; or (12) Any sticker or certificate required to be affixed or applied to any window pursuant to federal or state statute or any municipal ordinance. (d) On and after July 1, 1996, no person shall sell, offer for sale or deliver in the state any motor vehicle having a windshield or any window which exceeds the standards relative to light transmission and luminous reflectance specified in this section. (e) Each motor vehicle manufactured and sold on and after January 1, 1994, having a window which has been tinted or darkened with any tinted material after factory delivery shall have affixed to the lower left corner of each such window a sticker legible from outside the vehicle which indicates the sticker registration number, a certification of compliance with the provisions of this section, and such other information as the Commissioner of Motor Vehicles deems appropriate. The sticker shall be of a type which is pressure-sensitive, self-destructive upon removal, and shall not exceed one square inch in size. Prior to shipping or making any such material available in this state, for installation in a motor vehicle, the manufacturer shall apply to the Commissioner of Motor Vehicles for approval and registration of its tinted material and the sticker which is to be used in the identification and certification of compliance with the light transmission and reflectance standards established under this section. The commissioner shall not approve any tinted material or sticker unless the manufacturer demonstrates that the material and sticker comply with the provisions of this section. The manufacturer shall include with each delivery of tinted material in this state for installation in a motor vehicle a sticker, approved by the commissioner, with written instructions indicating the proper location for placement of such sticker. The presence of such sticker upon the window of a motor vehicle indicates that the person who affixed the sticker certifies that the window conforms to the standards relative to light transmission and luminous reflectance specified in this section. (f) Any person who violates any provision of subsections (b) to (e), inclusive, of this section shall be deemed to have committed an infraction for each offense. Any person who violates any provision of subsection (b) of this section shall remove such object or material which obstructs his clear and full view of the road and report within sixty days to the police department which issued the infractions complaint to present his vehicle for inspection and to demonstrate compliance with the provisions of this section. If such person fails to report to such police department and is cited for a subsequent violation of this section, his vehicle shall be impounded after notice and opportunity for hearing. (g) Any person owning a vehicle having a window which has been tinted or darkened with any tinted material after factory delivery, shall present such vehicle to the Department of Motor Vehicles, by July 1, 1996, to receive a sticker for any tinted or darkened window to indicate such tinting or darkening is in compliance with this section. Any person operating a motor vehicle, on or after July 1, 1996, in violation of this subsection shall be deemed to have committed an infraction. (h) The provisions of subsections (b) to (g), inclusive, of this section shall not apply to any motor vehicle in livery service, as defined in section 13b-101. (i) On or after October 1, 1993, each person, firm or corporation which engages in the business of tinting windows of motor vehicles or in the retail sale or installation of tinted material for such windows shall post conspicuously and at all times display at each service counter in its establishment a sign which shall (1) state the permissible standards relative to light transmission and luminous reflectance specified in this section in block letters not less than three inches in height, (2) specify penalties for a violation of this section and (3) include actual tinted materials as examples. (j) Each person, firm or corporation which engages in the business of tinting windows of motor vehicles and which performs such work from a mobile facility shall provide a written statement to the purchaser which shall state the permissible standards relative to light transmission and luminous reflectance specified in this section and the penalties for a violation of this section. (k) The Commissioner of Motor Vehicles shall adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section. (P.A. 84-277; P.A. 90-210, S. 1; May Sp. Sess. P.A. 92-9, S. 3, 4; P.A. 93-135, S. 1, 2; P.A. 96-167, S. 31; P.A. 07-217, S. 50.) History: P.A. 90-210 added Subsecs. (d) to (i), inclusive, re tinted glass; May Sp. Sess. P.A. 92-9 amended Subsec. (g) to postpone implementation of sticker requirement from July 1, 1992, to July 1, 1993; P.A. 93-135 amended Subsec. (c)(1) and (5) to modify the exceptions relative to light transmittance, added new Subdiv. (6) and renumbered remaining Subdivs., extended the cutoff dates in Subsec. (d) from July 1, 1992, to July 1, 1996, in Subsec. (e) from January 1, 1991, to January 1, 1994, in Subsec. (g) from July 1, 1993, to July 1, 1996, and inserted new Subsecs. (i) and (j) re notice to consumers of standards re light transmission and reflectance and relettering former Subsec. (i) as (k), effective July 1, 1993; P.A. 96-167 amended Subsec. (c)(6) to delete reference to vehicles "registered other than as a passenger motor vehicle"; P.A. 07-217 made a technical change, effective July 12, 2007. See Sec. 14-99f re windshield and view requirements. See Sec. 14-100 re safety glass requirement. Cited. 40 CA 495.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-99h. - Etching of vehicle identification numbers. Marking of component parts. Penalty. Regulations.

(a) Each new car dealer or used car dealer, as defined in section 14-51, or lessor licensed under the provisions of section 14-15 may

offer the purchaser or lessee of a new or used motor vehicle, at the time of sale or lease, the optional service of etching the complete vehicle identification number on a lower corner of the windshield and on each side or rear window in such vehicle. Prior to July 1, 2022, each such dealer or lessor may etch the complete vehicle identification number on any such vehicle in its inventory prior to its sale or lease provided it specifies the charge for such service separately on the order for the sale of the motor vehicle as prescribed by the provisions of section 14-62. On and after July 1, 2022, no such dealer or lessor shall etch the complete vehicle identification number on any vehicle prior to the sale of or lease of such vehicle without the written consent of the purchaser or lessee of such vehicle. (b) If a new car dealer or used car dealer, as defined in section 14-51, offers the purchaser of a new or used motor vehicle, at the time of sale, the optional service of marking vehicle component parts with the complete vehicle identification number, the dealer shall specify the charge for such service separately on the order for the sale of the motor vehicle as prescribed by the provisions of section 14-62. Each new or used dealer that sells a motorcycle shall offer to the purchaser to mark the complete vehicle identification number on the component parts of said motorcycle. Such service shall be subject to the regulations and standards adopted by the commissioner in accordance with this section. (c) Each new car dealer, used car dealer or lessor shall charge reasonable rates for etching services and component parts marking services rendered within the state pursuant to subsections (a) and (b) of this section and shall file a schedule of such rates with the Commissioner of Motor Vehicles. Each such dealer or lessor may from time to time file an amended schedule of such rates with the commissioner. No such dealer or lessor may charge any rate for such etching services or parts marking services which is greater than the rates contained in the most recent schedule filed with the commissioner. (d) A motor vehicle dealer, licensed in accordance with section 14-52, and meeting qualifications established by the commissioner, may verify a manufacturer's vehicle identification number to satisfy any provision requiring such verification in this chapter, or chapter 246a or 247. Such verification shall be provided in a written affidavit signed by such a motor vehicle dealer, or such dealer's designee, and submitted to the commissioner. Such affidavit shall contain a statement that the manufacturer's vehicle identification number corresponds to such number (1) on the manufacturer's or importer's certificate of origin, if the motor vehicle is new, (2) on a current certificate of title, or (3) on a current motor vehicle registration document. Such affidavit shall also contain a statement that the vehicle identification number has not been mutilated, altered or removed. (e) Any person violating the provisions of subsection (c) of this section shall be subject to the penalties of false statement, provided for in sections 14-110 and 53a-157b. (f) The commissioner shall adopt regulations, in accordance with chapter 54, to implement the provisions of this section. Such regulations may provide standards for (1) the marking of component parts in a secure manner, (2) telephone or online access to a secure database of vehicles including motorcycles and parts that have been marked and registered in such database, and (3) the marking of parts used to replace parts that have been marked by repairers licensed in accordance with section 14-52. (P.A. 89-313, S. 1, 5; P.A. 97-236, S. 13, 27; P.A. 98-182, S. 16, 22; P.A. 02-70, S. 32; P.A. 04-199, S. 36; P.A. 06-130, S. 23; P.A. 11-213, S. 27; P.A. 13-271, S. 55; P.A. 21-175, S. 53; P.A. 22-44, S. 14.) History: P.A. 97-236 amended Subsec. (a) to make a technical change, to require used car dealers and lessors to offer purchaser or lessee of a new or used motor vehicle, at the time of sale or lease, optional service of etching vehicle identification number on windshield and each side or rear window, to delete references to "passenger" motor vehicle and "truck having a gross weight of ten thousand pounds or less" and to allow each dealer or lessor to etch the vehicle identification number of a vehicle on any vehicle in its inventory prior to its sale or lease, provided it specifies the charge for such service, and amended Subsec. (b) to apply provisions of Subsec. to used car dealers and lessors; P.A. 98-182 added Subsecs. (c) to (e), inclusive, allowing a licensed motor vehicle dealer to verify a vehicle identification number for certain purposes, establishing penalties for violating the provisions of verification and authorizing the commissioner to adopt regulations, effective July 1, 1998; P.A. 02-70 amended Subsec. (a) to require dealers or lessors to specify charges for etching on the sale order as prescribed by Sec. 14-62 in lieu of the label required by the federal Automobile Information Disclosure Act, effective June 3, 2002; P.A. 04-199 added new Subsec. (b) re marking of vehicle components, redesignating existing Subsecs. (b) to (e) as new Subsecs. (c) to (f), respectively, and added references to parts marking services in new Subsec. (c), effective July 1, 2004; P.A. 06-130 amended Subsec. (b) to include motorcycles and motorcycle dealers; P.A. 11-213 amended Subsec. (c) to delete annual September first filing deadline, effective July 1, 2011; P.A. 13-271 amended Subsec. (d) to delete "for all other vehicles" in Subdiv. (2) and add Subdiv. (3) re manufacturer's vehicle identification number corresponding to current motor vehicle registration document, effective July 1, 2013; P.A. 21-175 moved provision re regulations to provide standards for marking component parts, access to database of vehicles, and marking replacement parts from Subsec. (b) to Subsec. (f), further amended Subsec. (f) to define "component part" and "covert application", and made technical and conforming changes, effective July 1, 2022; P.A. 22-44 amended Subsec. (a) to replace "shall" with "may" re optional service of etching vehicle identification number, add "Prior to July 1, 2022, each" and add provision re written consent to etch vehicle identification number on and after July 1, 2022, and amended Subsec. (f) to replace "may" with "shall" re regulations, delete "including the use of a covert application," in Subdiv. (1), delete definitions of "component part" and "covert application" and make a technical change, effective July 1, 2022.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246 - Motor Vehicles Section 14-9a. - Criminal background checks for applicants for employment with department and certain department employees. Reassignment of employee with disqualifying criminal offense or condition.

(a) The Departments of Motor Vehicles and Administrative Services shall, subject to the provisions of section 31-51i, require each external applicant for a position of employment with the Department of Motor Vehicles (1) to state whether the applicant has ever been convicted of a crime, to state whether criminal charges are pending against the applicant at the time of the application and, if so, to identify the charges and court in which they are pending, and (2) if offered employment with the Department of Motor

Vehicles, to be fingerprinted and to submit to state and national criminal history records checks. The criminal history records checks required by this section shall be in accordance with section 29-17a. (b) The Department of Motor Vehicles, subject to the provisions of section 31-51i and the standards set forth in 6 CFR Section 37.45, shall require each employee who is involved in the manufacture or production of drivers' licenses or identity cards or who has the ability to affect the identity information that appears on a driver's license or an identity card to submit to a background check that includes name-based and fingerprint-based criminal history records checks of federal and state repository records. Upon receipt of the criminal history record of any such employee, the department shall evaluate such record by applying the criteria set forth in 6 CFR Section 37.45(b)(1). The department shall not employ any such employee with a disqualifying criminal offense, as set forth in 6 CFR Section 37.45(b)(1)(i) or 37.45(b)(1)(ii), in a position described in this subsection, and shall not employ any such employee with a disqualifying condition, as set forth in 6 CFR Section 37.45(b)(1)(iii) or 37.45(b)(1)(iv), in such a position, until such condition is no longer applicable. The department shall reassign any such person to a different position in the department. (c) In accordance with 49 CFR 384.228 and subject to the provisions of section 31-51i, the Department of Motor Vehicles shall require any person who is to be employed as a knowledge or skills test examiner for commercial driver's license applicants to submit to a nation-wide criminal background check prior to the department certifying such person to administer any such test. Each such background check shall include name-based and fingerprint-based criminal history records checks of federal and state repository records. The department shall maintain a record of the results of such criminal background checks and shall not certify any examiner to administer commercial driver's license tests who: (1) Was convicted of a felony within the past ten years; or (2) was convicted of any crime involving fraudulent activities. (P.A. 07-167, S. 13; P.A. 10-110, S. 26; P.A. 13-271, S. 6; P.A. 23-204, S. 102.) History: P.A. 10-110 designated existing provisions as Subsec. (a) and added Subsec. (b) re background check of employees involved in manufacture or production of licenses or identity cards and reassignment of employee with disqualifying criminal offense or condition; P.A. 13-271 added Subsec. (c) re background check of persons to be employed as knowledge or skills test examiners for commercial driver's license applicants; P.A. 23-204 amended Subsec. (a) to add reference to Department of Administrative Services and changed existing references from "department" to "Department of Motor Vehicles", effective June 12, 2023.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246a - Motor Vehicle Emissions Section 14-164b. - Definitions.

For the purposes of this chapter, the following words and terms shall be construed as follows, unless another meaning is clearly apparent from the language or context: (1) "Commissioner" means the Commissioner of Motor Vehicles. (2) "Fleet" means a group of owned or leased motor vehicles subject to emissions inspection pursuant to subsection (c) of section 14-164c owned or leased by one person, firm, corporation, or governmental entity. (3) "Fleet emissions inspection station" means an inspection station owned or leased by the owner or operator of a fleet and licensed by the commissioner for conducting emission inspections of fleet vehicles. (4) "Independent contractor" means any person, business, firm, partnership, limited liability company or corporation with whom the commissioner may enter into an agreement providing for the leasing, construction, equipping, maintaining, staffing, management or operation of official emissions inspection stations pursuant to this chapter. (5) "Official emissions inspection station" means an emissions inspection facility approved by the commissioner, whether placed in a permanent structure or in a mobile unit for conveyance among various locations within this state, including any such facility located on the premises of a licensed dealer or repairer, for the purpose of conducting exhaust emissions inspections of all vehicles required to be inspected pursuant to this chapter. (6) "Open recall" has the same meaning as provided in section 14-65n. (7) "Twenty-five or more years old", when used with respect to the age of a motor vehicle, means that the difference between the model year of such motor vehicle and the current calendar year is twenty-five or more. (P.A. 78-335, S. 1, 6; P.A. 79-238, S. 1, 4; P.A. 80-458, S. 1, 4; P.A. 95-79, S. 40, 189; P.A. 96-167, S. 34; P.A. 02-70, S. 80; P.A. 11-213, S. 30; P.A. 23-40, S. 25.) History: P.A. 79-238 made no change; P.A. 80-458 included leasing agreements in Subdiv. (4) defining "independent contractor" and deleted exception re vehicles inspected at fleet emissions inspections stations; P.A. 95-79 redefined "independent contractor" to include a limited liability company, effective May 31, 1995; P.A. 96-167 redefined "fleet" to delete minimum requirement of twenty-five vehicles; P.A. 02-70 redefined "official emissions inspection station" in Subdiv. (5) to provide that an emissions inspection facility be approved by the commissioner and to include any facility located on the premises of a licensed dealer or repairer, effective June 3, 2002; P.A. 11-213 added Subdiv. (6) defining "twenty-five or more years old", effective July 1, 2011; P.A. 23-40 added new Subdiv. (6) defining "open recall" and redesignated existing Subdiv. (6) as Subdiv. (7).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246a - Motor Vehicle Emissions Section 14-164c. (Formerly Sec. 14-100c). - Motor vehicle emissions systems. Emissions standards and inspections. Notice re motor vehicle inspected is subject to an open recall. Inspection facilities. Fees. Penalty.

(a)(1) No person shall fail to maintain in good working order or remove, dismantle or otherwise cause to be inoperative any equipment or feature constituting an operational element of the air pollution control system or mechanism of a motor vehicle required by regulations of the Commissioner of Energy and Environmental Protection to be maintained or on the vehicle. Any such failure to maintain in good working order or removal, dismantling or causing of inoperability shall subject the owner thereof to revocation of registration for such vehicle by the Commissioner of Motor Vehicles unless all parts and equipment constituting elements of air pollution control have been made operable and in good working order within sixty days of notice by said commissioner of such violation. Any such failure shall be considered a failure to comply with the periodic inspection requirements

established under subsection (c) of this section. As used in this section, "motor vehicle" has the same meaning as provided in section 14-1. (2) The Commissioner of Motor Vehicles shall not revoke the registration of a motor vehicle pursuant to subdivision (1) of this subsection if such vehicle is subject to any consent decree approved by the United States District Court for the Northern District of California on October 25, 2016, in settlement of Case Number 15-MD-2672-CRB (JSC) entitled "In Re: Volkswagen 'Clean Diesel' Marketing, Sales Practices, and Products Liability Litigation". (b) (1) The Commissioner of Energy and Environmental Protection shall consult with the Commissioner of Motor Vehicles and furnish the commissioner with technical information, including testing techniques, standards and instructions for emission control features and equipment. The Commissioner of Energy and Environmental Protection shall furnish the Commissioner of Motor Vehicles with emission standards for all motor vehicles subject to the inspection and maintenance requirements. Such standards shall be consistent with provisions of federal law, if any, relating to control of emissions from the vehicles concerned or any regulations adopted by the Commissioner of Energy and Environmental Protection which implement the low-emission vehicle and clean fuels regulations adopted by the state of California, as amended. Such standards shall be periodically reviewed by the Commissioner of Energy and Environmental Protection and revised, if necessary, to achieve the objectives of the vehicle emission inspection program. (2) During the performance of an emissions inspection, an independent contractor retained by the state in accordance with the provisions of subsection (e) of this section, or a licensed dealer or repairer authorized to perform inspections in accordance with the provisions of subsection (f) of this section, shall determine whether the motor vehicle being inspected is subject to an open recall by checking information provided by the manufacturer of the motor vehicle or other known and readily available sources, such as the National Highway Traffic Safety Administration. If the motor vehicle is subject to one or more open recalls, the independent contractor, dealer or repairer shall provide the owner of the motor vehicle with written notice of each such open recall at the time of inspection. The notice shall include a description of each open recall and a statement that a motor vehicle dealer approved by the manufacturer of the motor vehicle may repair or modify the motor vehicle at no cost to the owner, except as provided in 49 USC 30120, as amended from time to time. Nothing in this subdivision shall alter the liability under common law of any motor vehicle manufacturer or motor vehicle dealer approved by the manufacturer to repair or modify a motor vehicle subject to an open recall. Notwithstanding the provisions of section 22a-6a, an independent contractor, licensed dealer or repairer and any employee of such independent contractor or licensed dealer or repairer shall not be liable to any person for any act or omission related to the provision of a written notice regarding an open recall required pursuant to this subdivision. (c) The commissioner shall adopt regulations, in accordance with chapter 54, to implement the provisions of this section. Such regulations shall include provision for a periodic inspection of air pollution control equipment and compliance with or waiver of exhaust emission standards or compliance with or waiver of on-board diagnostic standards or other standards defined by the Commissioner of Energy and Environmental Protection and approved by the Administrator of the United States Environmental Protection Agency, compliance with or waiver of, air pollution control system integrity standards defined by the Commissioner of Energy and Environmental Protection and compliance with or waiver of purge system standards defined by the Commissioner of Energy and Environmental Protection. Such regulations may provide for an inspection procedure using an on-board diagnostic information system for all 1996 model year and newer motor vehicles. Such regulations shall apply to all motor vehicles registered or which will be registered in this state, and to all motor vehicles sold by a dealer licensed in this state as required by subsection (n) of this section, except: (1) Vehicles having a gross weight of more than ten thousand pounds; (2) vehicles powered by electricity; (3) bicycles with motors attached; (4) motorcycles; (5) vehicles operating with a temporary registration; (6) vehicles manufactured twenty-five or more years ago; (7) new vehicles at the time of initial registration; (8) vehicles registered but not designed primarily for highway use; (9) farm vehicles, as defined in subsection (q) of section 14-49; (10) diesel-powered type II school buses; (11) a vehicle operated by a licensed dealer or repairer either to or from a location of the purchase or sale of such vehicle or for the purpose of obtaining an official emissions or safety inspection; (12) vehicles that have met the inspection requirements of section 14-103a and are registered by the commissioner as composite vehicles; (13) electric bicycles, as defined in section 14-1; or (14) electric foot scooters, as defined in section 14-1. On and after July 1, 2002, such regulations shall exempt from the periodic inspection requirement any vehicle four or less model years of age, beginning with model year 2003 and the previous three model years, provided that such exemption shall lapse upon a finding by the Administrator of the United States Environmental Protection Agency or by the Secretary of the United States Department of Transportation that such exemption causes the state to violate applicable federal environmental or transportation planning requirements. Notwithstanding any provisions of this subsection, the commissioner may require an initial emissions inspection and compliance or waiver prior to registration of a new motor vehicle. If the Commissioner of Energy and Environmental Protection finds that it is necessary to inspect motor vehicles which are exempt under subdivision (1) or (4) of this subsection, or motor vehicles that are four or less model years of age in order to achieve compliance with federal law concerning emission reduction requirements, the Commissioner of Motor Vehicles may adopt regulations, in accordance with the provisions of chapter 54, to require the inspection of motorcycles, designated motor vehicles having a gross weight of more than ten thousand pounds or motor vehicles four or less model years of age. (d) (1) No motor vehicle subject to the inspection requirements of this section shall be operated upon the highways of this state unless such vehicle has been presented for inspection in accordance with a schedule for inspection and compliance as established by the commissioner. The commissioner shall grant waivers from compliance with standards for vehicles which fail any required inspection and require an unreasonable cost of repair to bring the vehicle into compliance. The commissioner may determine compliance of a vehicle that has failed an emissions retest by means of a complete physical and functional diagnosis and inspection of the vehicle, in accordance with the provisions of 40 CFR Part 51.360, showing that no additional emissions-related repairs are needed. An extension of time, not to exceed the period of inspection frequency, may be

granted to obtain needed repairs on a vehicle in the case of economic hardship of the owner. Only one such extension may be granted for any vehicle. (2) On and after July 1, 2022, until July 1, 2024, inclusive, the commissioner shall grant an extension of time for a vehicle which fails any required inspection to obtain needed repairs, provided any motor vehicle dealer or repairer licensed under the provisions of section 14-52, certifies, in writing, that the part needed to fix a problem associated with the vehicle's engine is delayed due to market conditions. Any extension of time granted pursuant to the provisions of this subdivision shall be valid for a period of one hundred eighty days from the date of the certification provided by such dealer or repairer. (3) The commissioner may design a sticker to be affixed to the windshield of each vehicle which shall bear the date of expiration of the assigned inspection period on both sides. The commissioner may also design a sticker to be affixed to the windshield of each vehicle that is exempt from the requirements of this chapter, which sticker shall bear the date, if any, on which such vehicle is no longer exempt and is required to be presented for inspection. As used in this section, "unreasonable cost of repair" means cost of repair in excess of the amounts required to be expended by Title 40, Part 51.360 of the Code of Federal Regulations, as amended. (e) In order to provide for emissions inspection facilities, the commissioner may enter into a negotiated inspection agreement or agreements, notwithstanding chapters 50, 58, 59 and 60, with an independent contractor or contractors, to provide for the leasing, construction, equipping, maintenance or operation of a system of official emissions inspection stations in such numbers and locations as may be required to provide vehicle owners reasonably convenient access to inspection facilities. The commissioner may employ such system and the services of such contractor or contractors to conduct safety inspections as provided by section 14-16a, subsection (g) of section 14-12 and section 14-103a. Such contractor or contractors, with the approval of the commissioner, may operate inspection stations at suitable locations owned or operated by other persons, firms or corporations, including retail business establishments with adequate facilities to accommodate and to perform inspections on motor vehicles. The commissioner is prohibited from entering into an inspection agreement with any independent contractor who: (1) Is engaged in the business of maintaining or repairing vehicles in this state, except that the independent contractor shall not be precluded from maintaining or repairing any vehicle owned or operated by the independent contractor; or (2) does not have the capability, resources or technical and management skill to adequately conduct, equip, operate and maintain a sufficient number of official emissions inspection stations. All persons employed by the independent contractor in the performance of an inspection agreement are deemed to be employees of the independent contractor and not of this state. The inspection agreement or agreements authorized by this section shall be subject to other provisions as follows: (A) Minimum requirements for staff, equipment, management and hours and place of operation of official emissions inspection stations including such additional testing facilities as may be established and operated in accordance with subsection (g) of this section; (B) reports and documentation concerning the operation of official emissions inspection stations and additional testing facilities as the commissioner may require; (C) surveillance privileges for the commissioner to ensure compliance with standards, procedures, rules, regulations and laws; and (D) any other provision deemed necessary by the commissioner for the administration of the inspection agreement. Nothing in the inspection agreement shall require the state to purchase any asset or assume any liability if such agreement is not renewed. (f) (1) The commissioner may authorize and appoint any motor vehicle dealer or repairer that is licensed in accordance with the provisions of subpart (D) of part III of chapter 246 and that has the qualifications established by the commissioner to conduct emissions inspections in a designated area of its licensed premises and to report the results thereof to the Department of Motor Vehicles, provided such licensee signs a statement that such licensee understands the provisions of this section and regulations adopted under authority of this section, understands the necessity to comply with administrative and technical directives and advisories that the commissioner issues and understands that any failure by such licensee to comply with this section, the regulations or the directives or advisories constitutes grounds for the commissioner to suspend or revoke the authority for such licensee to conduct inspections. (2) Each such licensee shall conduct an emissions inspection of any registered motor vehicle requiring such an inspection at any time during its normal and posted hours of operation or, at the discretion of the commissioner, at a predetermined or appointed time, when such motor vehicle is presented for inspection. No such licensee shall charge any fee for the inspection except the fee authorized by subsection (k) of this section. The results of each emissions inspection performed in accordance with this subsection shall be evidenced by a written vehicle inspection report, containing such information and certification by the inspecting licensee as the commissioner shall prescribe. The licensee shall furnish a copy of such inspection report to the operator of the motor vehicle at the time of completion of the inspection. (3) No such licensee may be appointed by the commissioner nor may any such licensee conduct any inspection unless the licensee has in its employ one or more certified emissions inspectors and repair technicians. Such inspectors and technicians shall conduct all inspections and related emissions repair work and shall meet the training and certification requirements in 40 CFR Part 51.367 and of the regulations adopted by the commissioner in accordance with this subsection. (4) The commissioner may suspend or revoke the authority to conduct emissions inspections by any such licensee that is authorized to conduct emissions inspections if the licensee fails to comply with the provisions of this section, regulations adopted under authority of this section, or administrative or technical directives or advisories that the commissioner issues. (5) The commissioner shall adopt regulations, in accordance with chapter 54, to establish the qualifications for such licensees to be authorized and appointed to conduct emissions inspections, and to establish standards and procedures for such inspections, reporting requirements by such licensees and training and certification requirements for inspectors and repair technicians. (g) The independent contractor or contractors retained by the state in accordance with the provisions of subsection (e) of this section may conduct emissions inspections at one or more facilities owned or operated by a motor vehicle dealer or dealers, licensed in accordance with section 14-52. No such inspection facility located on the premises of a licensed dealer shall be operated without the prior approval of the commissioner. The operation of each such facility shall be subject to such procedures and requirements, to be followed by the contractor and the licensee, as may be prescribed by the terms

and conditions of the contract entered into in accordance with the provisions of subsection (e) of this section, and in regulations as may be adopted by the commissioner in accordance with chapter 54. The state shall not be a party to, or assume or incur any liability of any kind under, any agreement entered into between the independent contractor and any dealer in furtherance of the provisions of this subsection. The contract or contracts entered into by the state in accordance with the provisions of subsection (e) of this section shall provide for indemnification of the state with respect to the operation of any such inspection facility located at a motor vehicle dealership, in the same manner and to the same extent as the operation of an official emissions inspection station. (h) In order to provide for management and oversight of emissions inspection facilities established in accordance with subsection (e) of this section and to establish and maintain necessary electronic data capture and reporting systems for such facilities and for licensed dealers and repairers who may be authorized to perform inspections in accordance with the provisions of subsection (f) of this section, the commissioner may enter into a negotiated personal service agreement or agreements, in accordance with the provisions of chapter 55a, with any qualified person, firm or corporation. The responsibilities of any such contractor retained by the commissioner shall include, but need not be limited to, the following: (1) Review and analysis of data from all official emissions inspections performed, and provision to the commissioner of recommendations to improve the quality and integrity of such data, (2) provision of program information and standards to inspection facilities and locations, (3) provision to the commissioner of regular reports, assessments and recommendations to maintain or improve the effectiveness, efficiency, quality and integrity of such inspection operations, and (4) identification of measures to enhance public convenience, and compliance with the inspection requirements. No such contractor retained in accordance with the provisions of this subsection may be licensed as, or have any financial interest in any firm engaged in the business of selling or repairing motor vehicles, or may be a provider of emissions inspection equipment or facilities to the state. (i) The commissioner may license an owner or operator of a fleet of motor vehicles which are subject to emissions inspection pursuant to subsection (c) of this section or section 14-164i, to establish a fleet emissions inspection station, provided that the fleet owner or operator conforms with regulations for fleet emissions inspection stations adopted by the commissioner which shall specify the classes or other characteristics of vehicles eligible for inspection at such stations. (j) The commissioner may establish a program for the on-road testing of motor vehicles subject to this chapter. The program shall test not less than one-half of one per cent of the subject fleet state-wide or twenty thousand vehicles, whichever is less, per inspection cycle under conditions of highway operation in order to provide information concerning the emission performance of such in-use vehicles. Testing may be performed by means of remote sensing devices, or roadside pullovers followed by tailpipe emissions testing using a suitable, portable device and recording system. Owners of vehicles that have previously been through scheduled periodic inspection and passed, and are found by on-road testing to be high emitters, in accordance with the standards established under subsection (b) of this section and the regulations adopted under subsection (c) of this section, may be notified that their vehicles are required to pass an out-of-cycle follow-up inspection at an inspection station. Notification may be made by mailing in the case of remote sensing on-road testing or through immediate notification if roadside pullovers are used. The commissioner may use the services of the independent contractor or contractors to implement the on-road testing program. If a method of roadside pullovers is used in the program, such method shall be employed with due regard to traffic safety considerations and performed with the assistance of inspectors of the Department of Motor Vehicles or members of state or municipal police forces. (k) (1) The commissioner, with approval of the Secretary of the Office of Policy and Management, shall establish, and from time to time modify, the inspection fees, not to exceed twenty dollars for each biennial inspection or reinspection required pursuant to this chapter for inspections performed at official emissions inspection stations. Such fees shall be paid in a manner prescribed by the commissioner. If the costs to the state of the emissions inspection program, including administrative costs and payments to any independent contractor, exceed the income from such fees, such excess costs shall be borne by the state. Any person whose vehicle has been inspected at an official emissions inspection station shall, if such vehicle is found not to comply with any required standards, have the vehicle repaired and have the right within sixty consecutive calendar days to return such vehicle to the same official emissions inspection station for one reinspection without charge, provided, where the sixtieth day falls on a Sunday, legal holiday or a day on which the commissioner has established that special circumstances or conditions exist that have caused emissions inspection to be impracticable, such person may return such vehicle for reinspection on the next day. The commissioner shall assess a late fee of twenty dollars against the owner of a motor vehicle that has not presented such motor vehicle for an emissions inspection within thirty days following the expiration date of the assigned inspection period, or that has not presented such motor vehicle for a reinspection within sixty days following a test failure, or both. The commissioner may waive such late fee when it is proven to the commissioner's satisfaction that the failure to have the vehicle inspected within thirty days of the assigned inspection period or during the sixty-day reinspection period was due to exigent circumstances. If ownership of the motor vehicle has been transferred, the new owner shall have such motor vehicle inspected within thirty days of the registration of such motor vehicle. The commissioner may specify a longer period for all new owners to achieve compliance after a transfer of ownership if circumstances require closure or limited operations of the Department of Motor Vehicles or emissions inspection stations. After the expiration of such thirty-day period, or the period specified by the commissioner, the commissioner shall require the payment of the late fee specified in this subdivision. If the thirtieth day falls on a Sunday, legal holiday or a day on which the commissioner has established that special circumstances or conditions exist that have caused emissions inspection to be impracticable, such vehicle may be inspected on the next day and no late fee shall be assessed. (2) If the commissioner authorizes a licensed dealer or repairer to conduct emissions inspections of 1996 model year and newer vehicles required by this chapter, the commissioner may authorize such licensee to charge a fee, not to exceed twenty dollars for each biennial inspection or reinspection. (3) Upon the registration of each new motor vehicle subject to the inspection requirements of this chapter, or of each motor vehicle that is four or less model years of age that has not been registered previously in this state, the

commissioner may issue a sticker indicating the exempt status of such motor vehicle and the date on which the motor vehicle is scheduled to be presented for inspection. Any such sticker that may be issued shall be displayed on the motor vehicle in accordance with subsection (d) of this section. On and after July 1, 2002, the commissioner shall charge a fee of forty dollars in addition to any other fees required for such registration. All receipts from the payment of such fee shall be deposited in the Special Transportation Fund. (l) The commissioner may acquire in the name of the state by purchase, lease, gift, devise or otherwise any special equipment, tools, materials or facilities needed to adequately administer, investigate or enforce the provisions of this chapter. (m) A person shall not in any manner represent any place to be an official emissions inspection station unless such station has been established and is operated in accordance with the provisions of this section. (n) No motor vehicle dealer licensed under section 14-52 shall sell any motor vehicle unless such motor vehicle (1) is in compliance with subsections (c) and (d) of this section and the regulations adopted by the commissioner, and (2) has passed an emissions inspection conducted in accordance with said subsections and regulations. No person, firm or corporation shall operate or allow to be operated any motor vehicle that has not been inspected and found to be in compliance with the provisions of subsections (c), (d) and (i) of this section and the regulations adopted by the commissioner. Operation in violation of said subsections or the regulations adopted by the commissioner shall be an infraction for each violation, except that the fine for a first violation shall be fifty dollars. The commissioner may deny the issuance of registration to the owner of a motor vehicle, or the renewal of registration to any such owner, or suspend or revoke any registration that has been issued, if such motor vehicle is not in compliance with the inspection requirements of this chapter, or such owner has failed to pay any fee required by the provisions of this chapter. (1969, P.A. 758, S. 25; 1971, P.A. 872, S. 30; P.A. 75-577, S. 57, 126; P.A. 78-335, S. 2, 6; P.A. 79-238, S. 2, 4; P.A. 80-458, S. 2, 4; P.A. 83-561, S. 3-5; P.A. 84-11, S. 1, 2; P.A. 85-484, S. 2-4; P.A. 90-299, S. 3; P.A. 91-123, S. 2, 3; 91-142, S. 2; June Sp. Sess. P.A. 91-13, S. 14, 21; P.A. 92-156, S. 3, 4, 6, 7; P.A. 93-312, S. 1, 7; P.A. 94-189, S. 11; P.A. 96-167, S. 35, 36, 49; P.A. 97-82, S. 1, 2; 97-236, S. 15, 27; P.A. 98-182, S. 4, 5, 17, 22; P.A. 99-268, S. 18, 22; P.A. 00-169, S. 22, 29-32, 36; 00-180, S. 1, 2; June Sp. Sess. P.A. 01-9, S. 42, 131; P.A. 02-70, S. 81; P.A. 03-19, S. 27, 28; P.A. 04-182, S. 15; 04-199, S. 4, 27; P.A. 05-218, S. 44; P.A. 07-167, S. 35; P.A. 09-187, S. 16; P.A. 10-3, S. 61; 10-110, S. 16; P.A. 11-80, S. 1; 11-213, S. 31-33; P.A. 12-81, S. 45; P.A. 14-122, S. 107; P.A. 17-79, S. 11; P.A. 18-165, S. 4; P.A. 19-162, S. 2; P.A. 21-106, S. 24, 25; P.A. 22-44, S. 37; P.A. 23-40, S. 26, 42.) History: 1971 act replaced clean air commission with commissioner of environmental protection; P.A. 75-577 added Subsec. (d); P.A. 78-335 included deadline for minimum exhaust emission standards in Subsec. (b), replaced Subsecs. (c) and (d) with new provisions re compliance with standards and added Subsecs. (e) to (k) further detailing emissions inspection program; Sec. 14-100c transferred to Sec. 14-164c in 1979; P.A. 79-238 changed deadline for required repairs in Subsec. (a) from 10 to 30 days after notice, changed deadline for standards definition in Subsec. (b) from January 1, 1980, to November 1, 1979, and added provision re periodic review and revision, required adoption of regulations in Subsec. (c) by November 1, 1979, revised exception to provisions by deleting vehicles with dealers or repairers plates, deleting provisions re inspection of new vehicles before delivery and exemption of new vehicles for one year and adding to exception new vehicles at time of initial registration, vehicles not designed primarily for highway use and farm vehicles, revised dates in Subsec. (d) and cost of repair provisions, deleted provisions re inspections by state employees and by private service stations in Subsec. (e), deleted reference to inspection of nonfleet vehicles in Subsec. (f), increased inspection fee from \$5 to \$10 in Subsec. (g), deleted Subsec. (h) re inspection fund, relettering remaining Subsecs. accordingly and added provision in Subsec. (j) (formerly (k)) re inspections after January 1, 1982; P.A. 80-458 amended Subsec. (d) to postpone commencement of inspection and to delete provision re voluntary inspections on limited basis, amended Subsec. (g) to require that state absorb excess costs and revised dates in Subsec. (j); P.A. 83-561 amended Subsec. (d) to make commissioner's authority to grant waivers from compliance for vehicles which fail and require an unreasonable cost of repair to bring into compliance mandatory rather than discretionary and to reduce the cost of minimum repair requirements from a maximum of \$70 to a maximum of \$40 and amended Subsec. (g), providing where the thirtieth day of the period of free reinspection falls on a day when the inspection station is closed, the motorist may return for reinspection on the next day the station is open; P.A. 84-11 amended Subsec. (j) by replacing provision which had imposed a fine of not more than \$100 with provision designating violation of Subsecs. (c) and (d) as an infraction; P.A. 85-484 amended Subsec. (d), requiring commissioner to design a windshield sticker bearing expiration date of assigned inspection period on both sides and amended Subsec. (j), requiring a fine of \$35 for a first violation of Subsecs. (c) and (d) or regulations adopted thereunder; P.A. 90-299 amended Subsec. (g) to require commissioner to assess \$10 fee for late emissions inspection; P.A. 91-123 amended Subsec. (g) to permit commissioner to waive late fee when it is proven that failure to have inspection was due to exigent circumstances; P.A. 91-142 amended Subsec. (b) to allow emission standards to be consistent with any regulations adopted by the commissioner of environmental protection which implement the California emission standards; June Sp. Sess. P.A. 91-13 amended Subsec. (g) to require that income from the emissions inspections program which exceeds the administrative costs of the program be deposited in the general fund; P.A. 92-156 amended Subsecs. (c) and (d) to provide for periodic emissions inspection, eliminating references to "annual" inspection, and to delete obsolete provisions, amended Subsec. (g) to require \$10 fee to terminate at expiration of negotiated agreement in effect on June 1, 1992, and establishment of temporary inspection fee to be effective until general assembly establishes a new fee and amended Subsec. (j) to eliminate reference to annual inspections and to delete obsolete phrase; P.A. 93-312 amended Subsec. (a) to specify that failure to maintain motor vehicle air pollution control equipment shall be considered a violation of the periodic inspection requirements under Subsec. (c), amended Subsec. (b) by replacing requirement that the commissioner of environmental protection furnish the commissioner of motor vehicles with "a definition of minimum exhaust emission standards for all gasoline-powered vehicles" with requirement that he furnish "emission standards for all motor vehicles designated as a 1968 or later model", amended Subsec. (c) to expand regulations to include "air pollution control system integrity

standards and purge systems standards”, to make Subdiv. (2) of the exemptions applicable to “vehicles powered by electricity” rather than “vehicles powered by a fuel other than gasoline”, and to authorize regulations re motorcycles and vehicles in excess of 10,000 pounds, amended Subsec. (d) to authorize the commissioner of motor vehicles to grant certain waivers from compliance for vehicles which fail “any required” inspection rather than “emissions inspection”, by deleting provision that commissioner shall prescribe minimum repair requirements, not to exceed \$40, as condition of waiver of compliance for vehicle which would require an unreasonable cost of repair to bring it into compliance, to authorize commissioner to determine compliance of a vehicle that has failed a transient emissions retest, to provide additional authority re certain retesting and extensions and to modify the definition of “unreasonable cost of repair”, amended Subsec. (e) to authorize emissions inspection contractors to perform safety inspections, amended Subsec. (f) to modify the reference to fleet vehicles by adding the words “having a gross weight of more than ten thousand pounds” to authorize a program of on-road testing, amended Subsec. (g) to delete provisions re generation of excess fees and amended Subsec. (j) to modify the authority of the commissioner of motor vehicles to suspend motor vehicle registrations for violations of this section, effective July 1, 1993; P.A. 94-189 amended Subsec. (e) by replacing references to chapters 51 and 51a with references to chapters 59 and 60 and inserting “or” between Subdivs. (1) and (2); P.A. 96-167 amended Subsec. (f) to delete references to “twenty-five or more” motor vehicles “having a gross weight of more than ten thousand pounds” in description of fleet and to require regulations re fleet emissions inspection stations to specify classes or other characteristics of vehicles eligible for inspection at such stations, effective October 1, 1996, and amended Subsec. (g) to increase the late fee from \$10 to \$20 and to require that 50% of late fees be deposited in General Fund and remainder be deposited in Emissions Enterprise Fund instead of all late fees deposited in General Fund, effective July 1, 1996; P.A. 97-82 amended Subsec. (c) to add to exception antique, rare or special interest motor vehicles, effective May 29, 1997; P.A. 97-236 amended Subsec. (c) to add to exception diesel-powered type II school buses, effective June 24, 1997; P.A. 98-182 amended Subsec. (c)(6) by replacing “vehicles manufactured before the 1968 model year” with “vehicles manufactured twenty-five or more years ago”, added Subsec. (c)(12) exempting a vehicle from emissions inspection and compliance or waivers which is operated by a dealer or repairer either to or from a location of purchase or sale, or obtaining an emissions or safety inspection, and added Subsec. (g)(12) re the waiver of late fee for a motor vehicle which has been transferred to a new owner subsequent to the expiration date of the assigned inspection period and has been tested within 30 days of the transfer of ownership, effective July 1, 1998; P.A. 99-268 amended Subsec. (f) by allowing the commissioner to license an owner or operator of a fleet of motor vehicles, which are subject to emissions inspection pursuant to Sec. 14-164i, to establish a fleet emissions inspection station, and amended Subsec. (g) to require the commissioner to waive a late fee if a motor vehicle has been inspected within 30 days of registration in lieu of within 30 days of transfer of ownership, and to make a technical change re gender neutrality; P.A. 00-169 amended Subsec. (d) by deleting references to and the definition of a transient emissions test or retest and Subsec. (e) by adding Ch. 58 to the list of chapters at the beginning of the Subsec., by deleting Subdiv. (A) re contracts for performance of inspections for a minimum term of five years and relettering Subdivs. (B) to (E), inclusive, as (A) to (D), inclusive, effective October 1, 2000, amended Subsec. (g) by restating inspection fees, by deleting a provision that required the deposit of 50% of late fees to the General Fund and 50% to the Emissions Enterprise Fund and by changing the reference to the negotiated agreement from the agreement in effect on June 1, 1992, to the agreement in effect on June 1, 2000, effective June 1, 2000, amended Subsec. (j) by adding authority for the commissioner to deny issuance of a registration or renewal of a registration to the owner of a motor vehicle if such vehicle is not in compliance with the inspection requirements of this chapter, effective October 1, 2000, and revised effective date of P.A. 99-268 but without affecting this section; P.A. 00-180 amended Subsec. (c) by replacing the term “emissions inspection” with “inspection of air pollution control equipment” and requiring, not later than October 1, 2002, that regulations exempt any vehicle manufactured four or less years ago and amended Subsec. (g) to require fees to be paid in a manner prescribed by the commissioner; June Sp. Sess. P.A. 01-9 amended Subsec. (b) to make a technical change for purposes of gender neutrality, amended Subsec. (c) to make technical changes, to allow the commissioner to adopt regulations providing for an inspection procedure using an on-board diagnostic information system for all motor vehicles starting from model year 1996 and to provide that the regulations re emissions testing shall exempt from the periodic inspection requirement any vehicles of four or less model years of age, beginning with model year 2003 and the previous three model years, rather than exempting vehicles that were manufactured four or less years ago as of October 1, 2002, amended Subsec. (d) to prohibit any motor vehicle subject to inspection from being operated unless such vehicle has been presented for inspection, rather than requiring such vehicle to have evidence of inspection and compliance with Subsec. (c) of the section, to allow the commissioner to design a windshield sticker that bears the date of expiration of the assigned inspection, rather than require the commissioner to do so, and to allow the commissioner to design a windshield sticker for vehicles that are exempt from the chapter, amended Subsec. (e) to allow the commissioner to enter into a negotiated inspection agreement or agreements, rather than require the commissioner to do so, to allow independent contractors, with the commissioner's approval, to operate inspection stations at locations with adequate facilities that are owned by other persons, and to add a reference to new Subsec. (g), added new Subsec. (f) to allow the commissioner to authorize and appoint any licensed and qualified motor vehicle dealer or repairer to conduct emissions inspections, establish requirements for such dealers or repairers, establish guidelines for conducting such inspections, provide the commissioner with the authority to suspend or revoke the authority of such dealers or repairers, and require the commissioner to adopt regulations to establish the qualifications for such dealers or repairers, added new Subsec. (g) to allow independent contractors to conduct emissions inspections at licensed motor vehicle dealer facilities with the approval of the commissioner and in accordance with contract conditions and regulations, to provide that the state shall not incur liability under any agreement between an independent contractor and the dealer and to provide that the contract pursuant to Subsec. (e) shall provide for indemnification of the state, added new Subsec. (h) to allow the commissioner to enter into

a negotiated personal service agreement with an entity to provide for management and oversight of emissions inspection facilities established under Subsec. (e) and to prohibit such entity from being licensed as, or having a financial interest in, a seller or repairer of motor vehicles or from being a provider of emissions inspection equipment or facilities, redesignated existing Subsecs. (f) to (j) as Subsecs. (i) to (m), amended Subsec. (j) to designate existing language as Subdiv. (1), make a technical change and delete language re termination of \$10 fee and establishment of temporary inspection fee, added Subsec. (j)(2) to allow authorized licensed dealers or repairers that conduct inspections of 1996 model year and newer vehicles to charge a fee for biennial inspections, added Subsec. (j)(3) to require the commissioner to issue a sticker to indicate the status of exempt motor vehicles, to require the commissioner to charge a fee for such sticker on and after July 1, 2002, which receipts are to be deposited in the Special Transportation Fund, and to allow a person whose motor vehicle fails an inspection by a licensed dealer or repairer to repair the vehicle and have it reinspected no later than the thirtieth day following the date of the inspection, and amended Subsec. (m) to make technical changes, effective July 1, 2001; P.A. 02-70 amended Subsec. (b) to substitute “subject to the inspection and maintenance requirements” for “designated as a 1968 or later model”, amended Subsec. (c) to make technical changes, amended Subsec.(f) to substitute “the provisions of subpart (D) of part III of chapter 246” for “section 14-52” in Subdiv. (1), to allow emissions inspection at a predetermined or appointed time at the discretion of the commissioner, make a technical change and replace reference to Subsec. (i) with reference to Subsec. (k) in Subdiv. (2), and to require the adoption of regulations re repair technicians in Subdiv. (5), amended Subsec. (g) to make a technical change, designated provisions, formerly part of Subsec. (i), re program for on-road testing as Subsec. (j) and amended same to require that program test not less than 0.5% of the subject fleet state-wide or 20,000 vehicles, whichever is less, per inspection cycle and that owners of vehicles that are found by on-road testing to be high emitters may, in lieu of shall, be notified that vehicles are required to pass an out-of-cycle follow-up inspection, redesignated existing Subsec. (j) as Subsec. (k) and, in Subdiv. (1), provided that any person whose vehicle has failed inspection may return such vehicle to the same official emissions inspection station for one free reinspection and if the thirtieth day falls on a Sunday, legal holiday or a day on which the commissioner has established that special circumstances or conditions exist that have caused emissions inspection to be impracticable, in lieu of any day when the inspection station is closed for business, such person may return such vehicle for reinspection on the next day, deleting “on which such station is open for business”, and, in Subdiv. (3), deleted provision re free reinspection for any person whose vehicle is inspected by a licensed dealer or repairer, redesignated existing Subsecs. (k) to (m) as Subsecs. (l) to (n), amended Subsec. (m) to substitute “in accordance with the provisions of this section” for “under a valid inspection agreement with the commissioner” and amended Subsec. (n) to replace reference to Subsec. (h) with reference to Subsec. (i), effective June 3, 2002; P.A. 03-19 made technical changes in Subsecs. (f)(3) and (g), effective May 12, 2003; P.A. 04-182 and P.A. 04-199 both amended Subsec. (n) to include revocation of registration as permissible action by commissioner against vehicle owner and to permit commissioner to take specified actions against owner who has failed to pay any required fee, effective July 1, 2004; P.A. 04-199 additionally amended Subsec. (a)(3) to change from mandatory to permissive issuance of sticker indicating exempt status of motor vehicle, effective June 3, 2004; P.A. 05-218 amended Subsec. (c) by deleting former Subdiv. (10) re antique, rare or special interest motor vehicles and redesignating existing Subdivs. (11) and (12) as Subdivs. (10) and (11), effective July 1, 2005; P.A. 07-167 added Subsec. (c)(12) re composite vehicles meeting inspection requirements of Sec. 14-103a, effective July 1, 2007; P.A. 09-187 amended Subsec. (k)(1) to delete reference to annual inspection fee and increase time for reinspection without charge from 30 days to 60 days, effective July 1, 2009; P.A. 10-3 amended Subsec. (n) to increase fine for first violation from \$35 to \$50, effective April 14, 2010; P.A. 10-110 amended Subsec. (k)(1) to add references to reinspection period, effective June 5, 2010; pursuant to P.A. 11-80, “Commissioner of Environmental Protection” was changed editorially by the Revisors to “Commissioner of Energy and Environmental Protection” in Subsecs. (a), (b) and (c), effective July 1, 2011; P.A. 11-213 amended Subsec. (a) to extend time limit for compliance from 30 to 60 days, amended Subsec. (k)(1) to revise provisions re assessment of late fee against owner and waiver and to make late fee applicable to reinspection, and amended Subsec. (n) to prohibit sale of noncompliant vehicles by licensed dealer; P.A. 12-81 amended Subsec. (k)(1) to replace provision requiring commissioner to waive late fee if ownership of vehicle has been transferred subsequent to expiration date of assigned inspection or reinspection period and new owner has vehicle inspected within 30 days of registration with provision re if ownership of motor vehicle has been transferred, new owner shall have such motor vehicle inspected within 30 days of registration and, after expiration of such 30-day period, commissioner shall require payment of late fee; P.A. 14-122 made technical changes in Subsec. (a); P.A. 17-79 amended Subsec. (a) by designating existing provisions re owner subject to revocation of registration as Subdiv. (1) and adding Subdiv. (2) re exception for motor vehicles subject to consent decree, effective July 1, 2017; P.A. 18-165 added Subsec. (c)(13) re electric bicycles and made a conforming change; P.A. 19-162 added Subsec. (c)(14) re electric foot scooters; P.A. 21-106 amended Subsec. (c) to add provision re motor vehicles sold by dealer licensed in this state and amended Subsec. (k)(1) to add provision re longer period specified by commissioner to achieve compliance, effective July 1, 2021; P.A. 22-44 amended Subsec. (d) by designating existing provision re compliance with inspection requirements of section as Subdiv. (1), adding Subdiv. (2) re extension of time for vehicle to obtain needed repairs and designating existing provision re sticker as Subdiv. (3), effective July 1, 2022; P.A. 23-40 amended Subsec. (b) by designating existing provision as Subdiv. (1) and adding Subdiv. (2) re notice of inspected motor vehicle subject to open recall, effective October 1, 2023, and amended Subsec. (d)(2) to replace “waiver” with “extension of time”, effective July 1, 2023.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246a - Motor Vehicle Emissions Section 14-164d and 14-164e. - Failure to pass emissions test during inspection system's first year of operation. Maximum expenditure required to pass emission test.

Sections 14-164d and 14-164e are repealed. (P.A. 78-335, S. 3, 4, 6; P.A. 79-238, S. 3, 4; P.A. 82-460, S. 10.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246a - Motor Vehicle Emissions Section 14-164f. - Severable provisions.

The provisions of this chapter are severable. If any part of this chapter is declared invalid or unconstitutional, such declaration shall not affect the part which remains. (P.A. 78-335, S. 5, 6.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246a - Motor Vehicle Emissions Section 14-164g. - Review of inspection agreement by legislative committee.

Section 14-164g is repealed, effective October 1, 2002. (P.A. 80-458, S. 3, 4; S.A. 02-12, S. 1.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246a - Motor Vehicle Emissions Section 14-164h. - Report re operation of emissions inspection program.

The Commissioner of Motor Vehicles shall report to the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Motor Vehicles, concerning the operation of the motor vehicle emissions inspection program, not later than the fifteenth business day of each month. The report shall include, but not be limited to, the following information: Compliance records, the number of vehicles passing and failing emissions inspections, the number of vehicles receiving waivers from compliance with emission standards, the number of vehicles inspected at each station, any information provided by the independent contractor to the Department of Motor Vehicles, enforcement proceedings employed against those who fail to comply with exhaust emission standards, and any problems concerning the operation of the program. (P.A. 83-561, S. 1, 5; P.A. 11-80, S. 1; P.A. 13-205, S. 8.) History: Pursuant to P.A. 11-80, "Commissioner of Environmental Protection" was changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection" in Subsec. (b), effective July 1, 2011; P.A. 13-205 deleted former Subsec. (b) re Commissioner of Energy and Environmental Protection report on emissions reductions and air quality and made a conforming change, effective July 1, 2013.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246a - Motor Vehicle Emissions Section 14-164i. - Diesel-powered commercial motor vehicles emissions systems. Inspections. Regulations. Penalties. Definitions.

(a) The Commissioner of Energy and Environmental Protection, in consultation with the Commissioner of Motor Vehicles, shall review the technical information concerning testing techniques, standards and instructions for emission control features and equipment relative to diesel-powered commercial motor vehicles, including such information available from the United States Environmental Protection Agency and information regarding standards issued by the Society of Automotive Engineers and shall, not later than January 1, 1997, establish a standard of minimum exhaust emission for all diesel-powered commercial motor vehicles operated on the highways of this state. In establishing such standard, the commissioner shall also review standards in effect in other states and in regions subject to federal air quality requirements and shall endeavor to maintain consistency with such standards. The standard shall be reviewed by the commissioner periodically and may be revised as the commissioner deems appropriate. Not later than July 1, 1997, the Commissioner of Motor Vehicles, in consultation with the Commissioner of Energy and Environmental Protection, shall select a method or methods for testing the exhaust emissions of diesel-powered commercial motor vehicles. (b) The Commissioner of Motor Vehicles shall provide for the conduct of emissions inspections of diesel-powered commercial motor vehicles operated on the highways of this state using the method or methods selected by the commissioner under subsection (a) of this section. Such inspections may be performed in conjunction with any safety or weight inspection at any official weighing area or other location designated by the commissioner. In lieu of any such inspection performed by the commissioner, the commissioner may accept the results of an inspection performed (1) by agreement with an owner or operator of a fleet of diesel-powered commercial motor vehicles licensed by the commissioner pursuant to subsection (h) of section 14-164c, or (2) by any licensed motor vehicle dealer or repairer authorized by the commissioner, pursuant to this section, to establish a diesel-powered commercial motor vehicle inspection station. The Commissioner of Motor Vehicles shall design a sticker to be affixed to the windshield of a diesel-powered commercial motor vehicle inspected in accordance with the provisions of this section, which shall bear the date of inspection. (c) Any person, as defined in subsection (g) of this section, whose vehicle fails to pass an inspection under subsection (b) of this section shall have the vehicle repaired and, within forty-five consecutive calendar days, present proof of emissions-related repairs of such vehicle in such form as the commissioner shall require. The commissioner shall issue a two-year intrastate waiver from compliance with emissions standards to any such vehicle failing to meet such standards but complying with the minimum repair requirements. For purposes of this section, the minimum repair requirements for diesel-powered commercial motor vehicles shall be the expenditure of one thousand dollars towards emissions-related repairs of such vehicle. The Commissioner of Motor Vehicles shall suspend the commercial registration, issued pursuant to the provisions of this chapter, of any vehicle for which no proof of emissions-related repairs has been submitted within such forty-five-day period. (d) When a diesel-powered commercial motor vehicle fails to submit to an emissions inspection requested in conjunction with any safety or weight inspection at any official weighing area or other location designated by the commissioner, or fails to comply with any provision of this section, the commissioner shall (1) suspend the registration privilege to operate the vehicle on the highways of the state, and (2) notify the

jurisdiction in which the vehicle is registered and request said jurisdiction to suspend the registration of the vehicle. (e) The Commissioner of Motor Vehicles shall adopt regulations in accordance with the provisions of chapter 54 to implement the provisions of this section. (f) No diesel-powered commercial motor vehicle shall be operated on the highways of this state unless such vehicle complies with the provisions of this section and the regulations adopted by the commissioner. Any person who operates or permits the operation of any such vehicle in violation of the provisions of this section or the regulations adopted by the commissioner shall be fined not more than two hundred dollars for a first violation and not more than five hundred dollars for a second or subsequent violation committed within one year after a previous violation. (g) For the purposes of this section, (1) "commercial motor vehicle" shall not be construed to include a school bus, and (2) "person" means the person holding title to the vehicle or having legal right to register the same, including a purchaser under a conditional bill of sale and a lessee for a term of more than thirty days. (P.A. 91-384; P.A. 93-341, S. 35, 38; P.A. 95-260, S. 20, 24; P.A. 96-167, S. 41; P.A. 97-236, S. 16, 27; P.A. 99-268, S. 21, 46; P.A. 00-169, S. 13, 14, 22; June Sp. Sess. P.A. 01-9, S. 45, 131; P.A. 06-196, S. 95; P.A. 08-150, S. 13; P.A. 11-80, S. 1; P.A. 14-122, S. 108.) History: P.A. 93-341 amended Subsec. (a) to delete obsolete July 1, 1992, deadline for the commissioner's review of technical information and obsolete provision re environmental protection commissioner's report of his findings and recommendations, amended Subsec. (b) to change July 1, 1993, deadline for commencement of inspections to January 1, 1995, deleting language which limited the inspections to diesel-powered commercial vehicles required to be weighed pursuant to Sec. 14-267a and making the section applicable to any diesel-powered commercial vehicle registered in the state or having a base registration in the state pursuant to the provisions of Sec. 14-34a and adding new language regarding inspection stations, stickers and a fee, amended Subsec. (c) by deleting language regarding the commissioner's option of notifying the jurisdiction in which a vehicle is registered regarding any failure to return a vehicle for reinspection, amended Subsec. (d) to require adoption of regulations by January 1, 1995, rather than July 1, 1993, deleted Subsec. (e) re reports to general assembly concerning commercial vehicle emission inspections program and submitted new language regarding a program for on-road tests of diesel-powered commercial vehicles not registered in this state, effective July 1, 1993; P.A. 95-260 amended Subsec. (b) to postpone commencement of emissions inspections from January 1, 1995, to October 1, 1996, effective July 1, 1995; P.A. 96-167 amended Subsec. (a) to require review of information available from U.S. Environmental Protection Agency and information re standards issued by Society of Automotive Engineers and to require Environmental Protection Commissioner, not later than January 1, 1997, to establish standard of minimum exhaust emission for all vehicles operated on the highways of this state, to review standards in effect in other states and maintain consistency with such standards and to review standard periodically and revise as he deems appropriate, to require that Commissioner of Motor Vehicles select a method for testing exhaust emissions of diesel-powered commercial motor vehicles by July 1, 1997, and to delete reference to vehicles "designated as a 1985 or later model", amended Subsec. (b) to make a technical change, to substitute October 1, 1997, for October 1, 1996, to require Commissioner of Motor Vehicles to provide for commencement of inspections of vehicles operated on highways of this state using method selected by commissioner, to require inspections to be performed in conjunction with any safety or weight inspection at any official weighing area or other location designated by commissioner and to delete requirements that vehicles be registered in the state or have a base registration in state pursuant to Sec. 14-34a, that commissioner establish a schedule and fees for periodic inspection amended Subsec. (c) to delete definition of "person" for purposes of subsection and insert said definition in Subsec. (g), deleted former Subsec. (d) re regulations, inserting said provisions in Subsec. (e) and inserting in Subsec. (d) provisions of former Subsec. (e) eliminating authority of commissioner to establish a program for conducting on-road tests of vehicles not registered in this state and making technical changes, added Subsec. (f), prohibiting operation on highways of this state unless vehicle complies with provisions of this section and regulations and imposing penalties for operation in violation of said provisions or regulations and added Subsec. (g), defining "person" for purposes of section; P.A. 97-236 amended Subsec. (g) to divide the subsection into two subdivisions, inserting in Subdiv. (1) language providing that "commercial motor vehicle" shall not be construed to include a school bus, effective June 24, 1997; P.A. 99-268 amended Subsec. (b) by allowing the commissioner to accept results of inspections performed by an owner or operator of a fleet of diesel-powered commercial motor vehicles or an authorized dealer or repairer and requiring a windshield sticker with the date of the inspection, amended Subsec. (c) by requiring an owner of a vehicle which fails to pass an inspection under Subsec. (b) to have the vehicle repaired and to present proof of emissions-related repairs, by allowing the commissioner to issue a two-year intrastate waiver from compliance with emissions standards to a vehicle failing to meet such standards but complying with minimum repair requirements, by defining minimum repair requirements as the expenditure of \$1,000 and by requiring the commissioner to suspend the registration of a vehicle for which proof of emission-related repairs is not submitted, amended Subsec. (d) by deleting provisions re use of independent contractor and repair and reinspection requirements and by requiring the commissioner to suspend registration privileges when a diesel-powered commercial motor vehicle fails to stop and submit to an emissions inspection performed with a safety or weight inspection, and amended Subsec. (f) by limiting the fine of \$500 to apply only to a second or subsequent offense "committed within one year after a previous violation", effective dates of both July 1, 1999, and October 1, 1999, are stated in the public act (Revisor's note: It appears that since section 46, the effective date section, of P.A. 99-268 contains a specific reference to section 21 taking effect on July 1, 1999, that is the effective date of this section, notwithstanding the subsequent general reference to sections "15 to 30, inclusive" taking effect on October 1, 1999); P.A. 00-169 revised effective date of P.A. 99-268, S. 21 to July 1, 1999, amended Subsec. (c) to replace "the owner" with "any person, as defined in subsection (g) of section 14-164i" and amended Subsec. (g) by replacing "purchasers under conditional bills of sale" with "a purchaser under a conditional bill of sale and a lessee for a term of more than thirty days."; June Sp. Sess. P.A. 01-9 changed reference in Subsec. (b) from "subsection (f)" to "subsection (h)" of Sec. 14-164c, effective July 1, 2001; P.A. 06-196 made a

technical change in Subsec. (c), effective June 7, 2006; P.A. 08-150 amended Subsec. (b) to make a technical change, to require commissioner to provide for “conduct” of inspections rather than “commencement”, to provide that inspections “may” rather than “shall” be performed in conjunction with any safety or weight inspection, and to require sticker bearing date of inspection to be affixed to windshield of vehicle “inspected in accordance with the provisions of this section”, and amended Subsec. (d) to replace provision re diesel-powered commercial motor vehicle which fails to “stop and submit” to emissions inspection “performed” in conjunction with any safety or weight inspection with provision re such vehicle which fails to “submit” to emissions inspection “requested” in conjunction with any safety or weight inspection; pursuant to P.A. 11-80, “Commissioner of Environmental Protection” was changed editorially by the Revisors to “Commissioner of Energy and Environmental Protection” in Subsec. (a), effective July 1, 2011; P.A. 14-122 made a technical change in Subsec. (g).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246a - Motor Vehicle Emissions Section 14-164j. - Safety inspection account within Emissions Inspection Fund.

Section 14-164j is repealed, effective July 1, 1999. (P.A. 91-355, S. 4; P.A. 94-189, S. 12; P.A. 99-287, S. 8, 9.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246a - Motor Vehicle Emissions Section 14-164k. - Feasibility study re implementation of variable fee structure for inspection determined by mileage and extent of pollutants. Negotiated inspection agreement not to prevent implementation of variable fee structure.

(a) The Commissioner of Motor Vehicles, in conjunction with the Commissioner of Energy and Environmental Protection, shall conduct a study on the feasibility of implementing a variable fee structure for the emission inspection of a motor vehicle determined by the mileage and the extent of pollutants in the exhaust emissions of the vehicle. On or before February 1, 1993, the Commissioner of Motor Vehicles shall report his findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to transportation. (b) The Commissioner of Motor Vehicles shall not enter into a negotiated inspection agreement or agreements to provide for the emission inspection of a motor vehicle which would prevent the implementation of a variable fee structure determined by the mileage and the extent of pollutants in the exhaust emissions of the vehicle. (P.A. 92-156, S. 5, 7; P.A. 11-80, S. 1.) History: Pursuant to P.A. 11-80, “Commissioner of Environmental Protection” was changed editorially by the Revisors to “Commissioner of Energy and Environmental Protection” in Subsec. (a), effective July 1, 2011.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246a - Motor Vehicle Emissions Section 14-164l. - Agreement with nonprofit associations or organizations representing the interests of motor vehicle dealers or repairers.

Notwithstanding the provisions of chapters 50, 58, 59 and 60, the Commissioner of Motor Vehicles may enter into one or more agreements with one or more nonprofit associations or organizations representing the interests of motor vehicle dealers or repairers conducting business in this state for any one or more of the following purposes: (1) To facilitate the designation by the Commissioner of Motor Vehicles of licensed dealers and repairers qualified to conduct emissions inspections in accordance with subsection (f) of section 14-164c, (2) to establish and maintain necessary electronic data capture and reporting systems for all emissions inspection activities, (3) to assist in the provision of technical training, education and certification of inspectors and repair technicians, (4) to enhance communications with licensees who are authorized to conduct emissions inspections and with the owners of motor vehicles subject to inspection requirements, and (5) to provide such additional services or administrative assistance as may be requested by the commissioner. No such agreement shall require the state to purchase any asset or to assume any unfunded liability. (June Sp. Sess. P.A. 01-9, S. 43, 131.) History: June Sp. Sess. P.A. 01-9 effective July 1, 2001.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246a - Motor Vehicle Emissions Section 14-164m. - Emissions Enterprise Fund.

Notwithstanding the provisions of section 13b-61, commencing on October 1, 2017, and on the first day of each October, January, April and July thereafter, the State Comptroller shall transfer from the Special Transportation Fund into the Emissions Enterprise Fund, one million three hundred seventy-five thousand dollars of the funds received by the state pursuant to the fees imposed under sections 14-49b and 14-164c. (June Sp. Sess. P.A. 01-9, S. 44, 131; June Sp. Sess. P.A. 05-3, S. 27; June Sp. Sess. P.A. 17-2, S. 671.) History: June Sp. Sess. P.A. 01-9 effective July 1, 2001; June Sp. Sess. P.A. 05-3 changed “July 1, 2002” to “July 1, 2007” and added provisions re transfer of \$400,000 on July 1, 2005, October 1, 2005, January 1, 2006, and April 1, 2006, and re transfer of \$1,000,000 on July 1, 2006, October 1, 2006, January 1, 2007, and April 1, 2007, effective July 1, 2005; June Sp. Sess. P.A. 17-2 changed “July 1, 2007” to “October 1, 2017” and transfer amount from \$1,625,000 to \$1,375,000 each quarter, and deleted provisions re transfers occurring in fiscal years ending June 30, 2006, June 30, 2007, effective October 31, 2017.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246a - Motor Vehicle Emissions Section 14-164n. - Emissions control devices. Definitions.

(a) As used in this section and sections 14-164o, 22a-21j and 22a-21k: (1) “Closed crankcase filtration system” means a system that

separates oil and other contaminants from the blow-by gases and routes the blow-by gases into a diesel engine's intake system downstream of the air filter; (2) "Emergency contingency vehicle" means a bus placed in an inactive contingency fleet for local emergencies, after the bus has reached the end of its normal minimum useful life; (3) "Full-sized school bus" means a school bus, as defined in section 14-275, which is a Type I diesel school bus, including spare buses operated by or under contract to a school district, but not including emergency contingency vehicles or low usage vehicles; (4) "Low usage vehicle" means a bus that operates for not more than one thousand miles per year; (5) "Model year 2007 emission standards" means engine emission standards promulgated by the federal Environmental Protection Agency in 40 CFR Parts 69, 80 and 86; (6) "Ultra-low sulfur diesel fuel" means diesel fuel used by an on-road engine that meets the requirements for sulfur content set forth in 40 CFR 80; (7) "Verified emissions control device" means a device that has been verified by the federal Environmental Protection Agency or the California Air Resources Board to reduce particulate matter emissions by a given amount; (8) "Level 1 device" means a verified emissions control device that achieves greater than or equal to twenty-five per cent, but less than fifty per cent, particulate matter reduction; (9) "Level 2 device" means a verified emissions control device that achieves greater than or equal to fifty per cent, but less than eighty-five per cent, particulate matter reduction; and (10) "Level 3 device" means a verified emissions control device that achieves greater than or equal to eighty-five per cent particulate matter reduction or a particulate matter emission standard of 0.01 grams per brake horsepower-hour. (June Sp. Sess. P.A. 07-4, S. 16.) History: June Sp. Sess. P.A. 07-4 effective July 1, 2007.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246a - Motor Vehicle Emissions Section 14-164o. - Emissions control devices required in school buses. Exception. Procurement contracts.

(a) Except as provided in subsection (b) of this section, not later than September 1, 2010, each full-sized school bus with an engine model year of 1994 or later transporting children in the state shall either: (1) Be equipped with a closed crankcase filtration system and either a level 1 device, level 2 device or level 3 device, or, if the bus has an engine model year of 2003 to 2006, inclusive, has not been retrofitted with a level 1 device or level 2 device prior to July 1, 2007, and is capable of operating normally with a level 3 device that can be installed along with a closed crankcase filtration system for five thousand dollars or less in accordance with a procurement contract developed pursuant to subsection (c) of this section, be equipped with a closed crankcase filtration system and a level 3 device, (2) be equipped with an engine certified by the federal Environmental Protection Agency to meet model year 2007 emission standards, or (3) use compressed natural gas or other alternative fuel certified by the federal Environmental Protection Agency or the California Air Resources Board to reduce particulate matter emissions by not less than eighty-five per cent compared to ultra-low sulfur diesel fuel. (b) The provisions of subsection (a) of this section shall not apply if the procurement contracts developed pursuant to subsection (c) of this section fail to establish a price level for the purchase, installation and warranty of a closed crankcase filtration system, and either a level 1 device, level 2 device or level 3 device in each type of full-sized school bus that is equivalent to or less than the grant amount for such emissions control device specified in subsection (a) of section 22a-21j. (c) The Commissioner of Administrative Services, in consultation with the Commissioner of Energy and Environmental Protection, shall develop procurement contracts, in accordance with chapter 58 for (1) level 1, level 2 and level 3 devices, and (2) closed crankcase filtration systems, including the installation and warranty of such devices and such systems. Said procurement contracts shall be made available to state agencies and political subdivisions of the state through the contracting portal section of the Department of Administrative Services' Internet web site. (June Sp. Sess. P.A. 07-4, S. 17; P.A. 11-80, S. 1.) History: June Sp. Sess. P.A. 07-4 effective July 1, 2007; pursuant to P.A. 11-80, "Commissioner of Environmental Protection" was changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection" in Subsec. (c), effective July 1, 2011. See Secs. 22a-21j, 22a-21k re school bus emissions reduction program.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 246b - Motor Vehicle Event Data Recorders Section 14-164aa. - Event data recorders: Knowingly altering or deleting data, or destroying event data recorder after crash event prohibited, when.

(a) As used in this section: (1) "Event data recorder" means a device or function in a passenger motor vehicle that records the vehicle's dynamic, time-series data during the time period just prior to a crash event, including, but not limited to, vehicle speed versus time data, or during a crash event, including, but not limited to, delta-V versus time data, intended for retrieval after the crash event; (2) "event data" does not include audio or video data; and (3) "lessee" means an individual who leases or rents a passenger motor vehicle for such individual's personal use pursuant to a written agreement for a term of more than one year. (b) (1) Except as provided in subsection (c) of this section, no person, except the registered owner of the motor vehicle that contains the event data recorder, or the registered owner's representative, may retrieve, obtain or use data stored on or transmitted from the event data recorder unless: (A) The individual who is the registered owner or lessee of the motor vehicle at the time the data is retrieved, obtained or used, or the individual's representative, consents in writing; (B) The data is retrieved or obtained by a peace officer, as defined in section 53a-3, pursuant to a search warrant issued by a judge of the Superior Court or a judge trial referee under the provisions of section 54-33a, or by any court of competent jurisdiction; (C) The data is used for the purpose of improving motor vehicle safety, security or traffic management, including the purpose of medical research on physical reaction to motor vehicle accidents, provided the identity of the registered owner, lessee, operator or other occupant of the motor vehicle is not disclosed with respect to the data, except that the disclosure of a vehicle identification number with the last six numbers deleted for such purposes shall not constitute disclosure of the identity of the registered owner, lessee, operator or other occupant; (D) The data is retrieved or obtained by a licensed new car dealer, as defined in section 14-51, a repairer, as defined in section 14-51, or the manufacturer, as

defined in section 14-1, that manufactured the motor vehicle, and used for the purpose of diagnosing, servicing or repairing the motor vehicle; or (E) The data is retrieved or obtained pursuant to a legally proper discovery request or order in a civil action. (2) Any person who retrieves or obtains such data, except a peace officer who retrieves or obtains such data pursuant to subparagraph (B) of subdivision (1) of this subsection, shall not further disclose such data, except that such person may further disclose such data as provided in subparagraph (C) or (D) of subdivision (1) of this subsection if the identity of the registered owner, lessee, operator or other occupant is not disclosed. (c) Data from an event data recorder may be retrieved, obtained and used by a subscription service provider pursuant to a subscription agreement if the subscription agreement discloses that the data may be stored and transmitted. (d) No person may knowingly alter or delete data on an event data recorder, or knowingly destroy an event data recorder, after a crash event that resulted in a death or a serious physical injury, as defined in section 53a-3, within a reasonable amount of time sufficient for a peace officer to obtain a search warrant. (P.A. 07-235, S. 1.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-165. - Definitions.

Except when the context otherwise requires, as used in this chapter: (1) “Dealer” means a person engaged in the business of buying, selling or exchanging vehicles who is licensed under the provisions of chapter 246; (2) “Commissioner” means the Commissioner of Motor Vehicles; (3) “Identification number” means the vehicle identification number of a motor vehicle, as defined in section 14-1; (4) “Implement of husbandry” means a vehicle registered as a farm vehicle or a vehicle designated and adapted exclusively for agricultural, horticultural or livestock-raising operations or for lifting or carrying an implement of husbandry; (5) “Lienholder” means a person holding a security interest in a vehicle; (6) “Owner” means a person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security; (7) “Security agreement” means a “security agreement” as defined in subdivision (74) of subsection (a) of section 42a-9-102; (8) “Security interest” means a “security interest” as defined in subdivision (35) of subsection (b) of section 42a-1-201; (9) “Special mobile equipment” means a vehicle not designed for the transportation of persons or property upon a highway and only incidentally operated or moved over a highway, including, but not limited to, ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, street sweepers, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached; (10) “State” means a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada; (11) “Vehicle” means a motor vehicle as defined by section 14-1; (12) “Manufacturer's or importer's certificate of origin” means the original written instrument or document required to be executed and delivered by the manufacturer to the manufacturer's agent or dealer, or a person purchasing direct from the manufacturer, certifying the origin of the vehicle; (13) “Electronic title file” means the file maintained by the commissioner in an electronic media format for the purpose of recording and storage of the evidence of a lienholder's security interest in a vehicle; and (14) “Special mobile agriculture vehicle” means a vehicle with an operator and agriculture support materials, operated upon or across any public highway, incidentally, in conjunction with the commercial operation of agriculture support. Commercial operation of agriculture support is limited to those services provided by a commercial entity to the agriculture industry and shall be limited to the spreading or spraying of materials to promote the growth of crops. (1957, P.A. 607, S. 1; 1961, P.A. 573, S. 1; P.A. 77-604, S. 45, 84; P.A. 84-429, S. 64; P.A. 94-189, S. 32, 34; P.A. 96-162, S. 2; P.A. 01-132, S. 163; P.A. 02-70, S. 3; P.A. 04-199, S. 12; 04-217, S. 26; P.A. 05-109, S. 47; P.A. 08-150, S. 26; P.A. 11-108, S. 27.) History: 1961 act redefined security agreement and security interest (Subsecs. (g), (h)) to conform to Uniform Commercial Code; P.A. 77-604 replaced reference to (h) of Sec. 42a-9-105(1) with reference to (l) of said section; P.A. 84-429 made technical changes for statutory consistency; P.A. 94-189 redefined “special mobile equipment” to include street sweepers, effective July 1, 1994; P.A. 96-162 applied provisions to Sec. 14-167a but specific reference not added since said Sec. already included in existing reference to “this chapter”; P.A. 01-132 replaced Sec. 42a-9-105(1)(l) with Sec. 42a-9-102(a)(78) as the statutory reference for the definition of “security agreement” and made technical changes, including a technical change for purposes of gender neutrality; P.A. 02-70 redesignated Subsecs. (a) to (l) as Subdivs. (1) to (12), amended Subdiv. (3) to redefine “identification number” as the vehicle identification number of a motor vehicle, as defined in Sec. 14-1, added Subdiv. (13) defining “electronic title file” and made technical changes throughout, effective July 1, 2002; P.A. 04-199, effective July 1, 2004, and P.A. 04-217, effective January 1, 2005, both amended Subdiv. (3) to eliminate reference to Sec. 14-1(a)(91); P.A. 05-109 amended Subdiv. (8) by replacing reference to Sec. 42a-1-201(37) with reference to Sec. 42a-1-201(b)(35); P.A. 08-150 added Subdiv. (14) defining “special mobile agriculture vehicle”, effective June 12, 2008; P.A. 11-108 amended Subdiv. (7) re definition of “security agreement” to replace reference to Sec. 42a-9-102(a)(78) with reference to Sec. 42a-9-102(a)(74), effective July 1, 2013. Cited. 215 C. 55. Cited. 10 CA 22; 30 CA 263. A payload is the same type of equipment as a bucket loader and therefore not a motor vehicle under Sec. 14-1 or Sec. 31-293a. 156 CA 727. Cited. 41 CS 326.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-166. - Exempted vehicles.

(a) The acquisition of a certificate of title shall not be required and the issuance of a certificate of title by the Commissioner of

Motor Vehicles shall not be required for the following: (1) A vehicle owned by the United States, unless it is registered in this state; (2) a vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration; or a vehicle used by a manufacturer solely for testing; (3) a vehicle owned by a nonresident of this state and not required by law to be registered in this state; (4) a vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state; (5) a vehicle moved solely by animal power; (6) an implement of husbandry; (7) special mobile equipment; (8) a self-propelled wheel chair or invalid tricycle; (9) any trailer having a gross weight not in excess of three thousand pounds; (10) any vehicle for which a temporary registration has been issued pursuant to section 14-12 for the purpose of permitting a nonresident owner who purchases a vehicle in Connecticut to transport such vehicle to such owner's home state; (11) a motor vehicle owned by the state or any town, city or borough within the state; (12) a motor vehicle registered temporarily for inspection purposes pursuant to section 14-12. (b) The acquisition of a certificate of title for any motor vehicle older than twenty model years old shall not be required. The commissioner shall issue a certificate of title for a motor vehicle older than twenty model years old at the request of the owner and charge such owner any fees required by section 14-192. (c) Part III of this chapter does not apply to: (1) A vehicle moved solely by animal power; (2) an implement of husbandry; (3) special mobile equipment; (4) a self-propelled wheel chair or invalid tricycle; (5) any trailer having a gross weight not in excess of three thousand pounds. (1957, P.A. 607, S. 2; 1963, P.A. 379; 1967, P.A. 86; 1971, P.A. 511; P.A. 73-102; 73-125; P.A. 75-258, S. 1, 2; P.A. 80-444, S. 1, 6; P.A. 98-182, S. 6, 22; P.A. 14-130, S. 24; P.A. 16-55, S. 15.) History: 1963 act added Subdivs. (a)(9) and (b)(5); 1967 act deleted "homemade" with reference to trailers in Subsecs. (a)(9) and (b)(5); 1971 act added Subsec. (a)(10) re vehicles 10 or more years old; P.A. 73-102 added Subsec. (a)(11) re vehicles with temporary registration permitting nonresident to transport vehicle to home state; P.A. 73-125 added Subsec. (a)(12) re vehicles owned by state, town, city or borough; P.A. 75-258 added Subsec. (a)(13) re vehicle temporarily registered for inspection purposes; P.A. 80-444 replaced vehicle "ten or more years old" with vehicle "manufactured prior to 1970" in Subsec. (a)(10); P.A. 98-182 amended Subsec. (a) by replacing the provision that "no certificate of title need be obtained for" with a provision stating that the acquisition of a certificate of title shall not be required and the issuance of a certificate of title by the commission shall not be required, by deleting former Subdiv. (10) exclusion for "vehicles, manufactured prior to 1970, excluding commercial tractors and including, but not limited to, commercial vehicles having a gross weight not in excess of eighteen thousand pounds" and renumbering remaining Subdivs. and by adding provision allowing the commissioner to issue a certificate of title to a vehicle manufactured prior to 1981 at his discretion, effective July 1, 1998; P.A. 14-130 added Subdiv. (13) re motor vehicle older than 20 model years old and deleted provisions re certificate of title for vehicle manufactured prior to 1981; P.A. 16-55 amended Subsec. (a) to delete former Subdiv. (13) re motor vehicle older than 20 model years old, added new Subsec. (b) re issuance of certificate of title for motor vehicle older than 20 model years old by commissioner at request of owner and redesignated existing Subsec. (b) re application of part III of chapter as Subsec. (c).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-167. - Certain liens and security interests not affected.

This chapter does not apply to or affect: (1) A lien given by statute or rule of law to a supplier of services or materials for the vehicle; (2) a lien given by statute to the United States, this state or any political subdivision of this state; (3) a security interest in a vehicle created by a manufacturer or dealer who holds the vehicle for sale, but a buyer in ordinary course of business, as defined in subdivision (9) of subsection (b) of section 42a-1-201, takes free of the security interest, as stated in section 42a-9-320; or (4) a security interest in a vehicle that is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling vehicles, as provided in subsection (d) of section 42a-9-311. (1957, P.A. 607, S. 3; 1961, P.A. 573, S. 2; P.A. 01-132, S. 164; P.A. 03-62, S. 18; P.A. 05-109, S. 48.) History: 1961 act defined buyer in the ordinary course of business and security interest in conformity with Uniform Commercial Code; P.A. 01-132 made a technical change in a statutory reference and replaced reference to Sec. 42a-9-307(1) with Sec. 42a-9-320; P.A. 03-62 replaced alphabetic Subdiv. indicators with numeric Subdiv. indicators and added Subdiv. (4) re a security interest in a vehicle that is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling vehicles as provided in Sec. 42a-9-311(d); P.A. 05-109 amended Subdiv. (3) by making a technical change and adding reference to "subsection (b)" of Sec. 42a-1-201.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-167a. - Vehicle lease with terminal rental adjustment clause; not sale or security interest.

Notwithstanding any provision of the general statutes, in the case of motor vehicles or trailers, a transaction does not create a sale or security interest merely because it provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the amount realized upon sale or other disposition of the motor vehicle or trailer. (P.A. 96-162, S. 1.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-168. - Certificate of origin.

When a new vehicle is delivered in this state by the manufacturer to his agent or his franchised dealer, the manufacturer shall

execute and deliver to his agent or his franchised dealer a certificate of origin in the form prescribed by the commissioner, and no person shall bring into this state any new vehicle unless he has in his possession the certificate of origin as prescribed by the commissioner. The certificate of origin shall be printed on such safety paper as the commissioner shall prescribe and shall contain the year of manufacture or the model year, the manufacturer's vehicle identification number of the motor vehicle, the name of the manufacturer, number of cylinders, a general description of the body, if any, and the type of model. When a new vehicle is sold in this state, the manufacturer, his agent or his franchised dealer shall execute and deliver to the purchaser, in case of an absolute sale, assignment of the certificate of origin or, if other than absolute sale, assignment of the certificate of origin subject to contract, signed or executed by the manufacturer, his agent or his dealer, with the genuine names and business or residence addresses of both stated thereon, and certified to have been executed with full knowledge of the contents and with the consent of both purchaser and seller. (1957, P.A. 607, S. 4; 1967, P.A. 292; P.A. 83-204.) History: 1967 act required certificate of origin to contain year of manufacture or model year; P.A. 83-204 required that the certificate of origin be printed on safety paper.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-168a. - Sale of assembled wreckers or other motor vehicles by used car dealers.

(a) Notwithstanding the provisions of any section of the general statutes, a used car dealer licensed in accordance with the provisions of section 14-52 who enters into a contract with a manufacturer of equipment or parts used in the assembly of a wrecker, including a flatbed wrecker, as defined in section 14-1, or used in the assembly of a special purpose body to a cab and chassis, including a body for a refuse compactor, transit mixer, dump truck, tank truck or other vehicle designed for the transportation of bulk materials or to which machinery is attached, and who purchases from a new car dealer licensed in accordance with the provisions of section 14-52 any new chassis, cab or other portion of an incomplete motor vehicle for such purpose, may sell or offer for sale such wrecker or other motor vehicle as a new motor vehicle provided all parts of any such wrecker or other motor vehicle are new. (b) Nothing in this section shall be construed to allow any such used car dealer to act as a licensed manufacturer of a motor vehicle. (P.A. 85-322; P.A. 99-268, S. 30; P.A. 00-169, S. 22; P.A. 04-199, S. 13; 04-217, S. 27.) History: P.A. 99-268 amended Subsec. (a) by expanding the list of vehicles a used car dealer may sell as new motor vehicles; P.A. 00-169 revised effective date of P.A. 99-268 but without affecting this section; P.A. 04-199, effective July 1, 2004, and P.A. 04-217, effective January 1, 2005, both amended Subsec. (a) to eliminate reference to Sec. 14-1(65).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-169. - When certificate required.

(a) Except as provided in section 14-166, the provisions of this chapter shall apply to all motor vehicles at the time of initial registration or when a change of registration is required under the provisions of section 14-16 by reason of a sale for consideration. (b) The commissioner shall not require an application for a certificate of title upon the renewal of the registration of a vehicle. (c) The commissioner shall note on the face of the registration of each vehicle for which a certificate of title has been issued a statement to that effect. (1957, P.A. 607, S. 5; P.A. 99-268, S. 11; P.A. 00-169, S. 22.) History: P.A. 99-268 amended Subsec. (a) to provide that provisions of this chapter shall apply to motor vehicles at the time of initial registration in addition to when a change of registration is required; P.A. 00-169 revised effective date of P.A. 99-268 but without affecting this section.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-170. - Implement of husbandry or special mobile equipment.

The owner of an implement of husbandry or special mobile equipment may apply for and obtain a certificate of title on it. All of the provisions of this part are applicable to a certificate of title so issued, except that a person who receives a transfer of an interest in the vehicle without knowledge of the certificate of title is not prejudiced by reason of the existence of the certificate, and the perfection of a security interest under this chapter is not effective until the lienholder has complied with the provisions of applicable law which otherwise relate to the perfection of security interests in personal property. (1957, P.A. 607, S. 6.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-171. - Application for certificate.

(a) The application for a certificate of title of a vehicle in this state shall be on a form prescribed by the commissioner and contain information provided by the owner or acquired through one or more databases used by the commissioner. Such application shall include: (1) The name, residence and mail address of the owner; (2) a description of the vehicle including, so far as the following data exists, its make, model, identification number, type of body, the number of cylinders and whether new or used; (3) the mileage reading at the time of application; (4) the date of purchase by the applicant, the name and address of the person from whom the vehicle was acquired and the names and addresses of any lienholders in the order of their priority and the dates of their security agreements and, if a new vehicle, the application shall be accompanied by a manufacturer's or importer's certificate of origin; and (5) any further information the commissioner reasonably requires to identify the vehicle and to enable the commissioner to determine whether the owner is entitled to a certificate of title and the existence or nonexistence of security interests in the vehicle. Such

application shall be accompanied by the most recent Connecticut certificate of title for such vehicle, if any, unless the owner submits a statement on a form prescribed by the commissioner, that the title is lost or destroyed or, despite reasonable efforts cannot be located or obtained from the person or firm last known to have possession of such certificate of title. (b) If the application refers to a vehicle purchased from a dealer, it shall contain the name and address of any lienholder holding a security interest created or reserved at the time of the sale and the date of such security agreement and be signed by the dealer as well as the owner, and the dealer shall promptly mail or deliver the application to the commissioner. (c) If the application refers to a vehicle last previously registered in another state or country, or by an Indian tribe recognized by the United States Bureau of Indian Affairs, the application shall contain or be accompanied by: (1) Any certificate of title issued by such other state, country or Indian tribe; (2) any other information and documents the commissioner reasonably requires to establish the ownership of the vehicle and the existence or nonexistence of security interests in it; and (3) evidence that the manufacturer's identification number of the vehicle was verified, by a means acceptable to the commissioner, or inspected by a licensed dealer in accordance with subsection (d) of section 14-99h. (1957, P.A. 607, S. 7; 1967, P.A. 92; P.A. 86-114, S. 3; P.A. 00-169, S. 16; P.A. 02-70, S. 53; P.A. 04-199, S. 3, 38; P.A. 08-150, S. 14; P.A. 17-79, S. 12.) History: 1967 act made provisions of Subsec. (a) applicable to any certificate of title rather than the first and required that application be accompanied by most recent Connecticut certificate of title; P.A. 86-114 added requirement that mileage reading be shown on application; P.A. 00-169 amended Subsec. (a) to allow an owner to submit a statement that the title is lost, destroyed or, despite best efforts, cannot be located or obtained, in lieu of the title, amended Subsec. (c) by replacing the provision requiring a certificate that the identification number of the vehicle has been inspected and found to conform to the description given in the application or any other proof of identity of the vehicle the commissioner reasonably requires with a provision requiring evidence that such number was inspected at the time of registration, or by a licensed dealer in accordance with Sec. 14-99h(c) and made technical changes for the purpose of gender neutrality; P.A. 02-70 amended Subsec. (b) to make a technical change for purposes of gender neutrality, effective July 1, 2002; P.A. 04-199 amended Subsec. (c) to replace requirement that application for certificate of title for vehicle previously registered in another state or country contain evidence that manufacturer's identification number had been inspected at time of registration with requirement that such number be verified by means acceptable to commissioner and to change reference to Sec. 14-99h(c) to Sec. 14-99h(d), effective July 1, 2004; P.A. 08-150 amended Subsec. (c) to include vehicle previously registered "by an Indian tribe recognized by the United States Bureau of Indian Affairs" and add reference to "Indian tribe"; P.A. 17-79 amended Subsec. (a) by adding provision re application to contain information provided by owner or acquired through databases and making a technical change, effective July 1, 2017. Failure of dealer to insert information concerning the lien of an installment contract when he filled out application for a purchaser, made him liable for the loss suffered by bank to whom the dealer assigned the contract when the buyer defrauded the bank lienor. 5 Conn. Cir. Ct. 491.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-172. - Check of identification number. Participation in National Motor Vehicle Title Information System.

(a) The commissioner, upon receiving application for a first certificate of title, shall check the identification number of the vehicle shown in the application against the records of vehicles required to be maintained by section 14-173 and against the record of stolen and converted vehicles required to be maintained by section 14-197. (b) The commissioner may participate in the National Motor Vehicle Title Information System, established in accordance with the provisions of Sections 30501 to 30503, inclusive, Title 49, United States Code, and may rely on the information contained in such system as prima facie evidence of the facts upon which the commissioner grants or denies such application for a certificate of title that may be issued, in accordance with the provisions of section 14-174. (1957, P.A. 607, S. 8; P.A. 02-70, S. 4.) History: P.A. 02-70 designated existing provisions as Subsec. (a) and added Subsec. (b) allowing commissioner to participate in the National Motor Vehicle Title Information System and rely on information contained in such system as prima facie evidence of the facts upon which the commissioner grants or denies an application for a title certificate, effective July 1, 2002.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-173. - Issuance of certificate. Records.

(a) The commissioner shall file each application received and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title of the vehicle. Notwithstanding any other provisions of this chapter, the commissioner may accept, in lieu of an outstanding certificate of title, evidence of vehicle ownership acceptable to him. The certificate of title issued may contain the legend "This vehicle may be subject to an undisclosed lien." (b) The commissioner shall maintain at his central office a record of all certificates of title issued by him: (1) Under a distinctive title number assigned to the vehicle; (2) under the identification number of the vehicle; (3) alphabetically, under the name of the owner; and, in the discretion of the commissioner, by any other method he determines. (c) Records pertaining to certificates of title over four years old may be destroyed in the discretion of the commissioner. (1957, P.A. 607, S. 9; 1969, P.A. 261.) History: 1969 act allowed evidence of ownership other than title and stated that title may contain legend re undisclosed lien in Subsec. (a) and added Subsec. (c) re destruction of records. Cited. 5 Conn. Cir. Ct. 496.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-174. - Information in certificate. Prima facie

evidence.

(a) Each certificate of title issued by the commissioner shall contain: (1) The date issued; (2) the name and address of the owner; (3) the names and addresses of any lienholders, in the order of priority as shown on the application or, if the application is based on a certificate of title, as shown on the certificate; (4) the title number assigned to the vehicle; (5) a description of the vehicle including, so far as the following data exists, its make, model, identification number, type of body, number of cylinders, whether new or used, and, if a new vehicle, the date of the first sale of the vehicle for use; (6) the mileage reading as shown on the application; and (7) any other data the commissioner prescribes. (b) Unless a bond is filed as provided in section 14-176, a distinctive certificate of title shall be issued for a vehicle last previously registered in another state or country the laws of which do not require that lienholders be named on a certificate of title to perfect their security interests. The certificate shall contain the legend "This vehicle may be subject to an undisclosed lien" and may contain any other information the commissioner prescribes. If no notice of a security interest in the vehicle is received by the commissioner within four months from the issuance of the distinctive certificate of title, the commissioner shall, upon application and surrender of the distinctive certificate, issue a certificate of title in ordinary form. (c) The certificate of title shall contain forms for assignment and warranty of title by the owner and for assignment and warranty of title by a dealer, and may contain forms for applications for a certificate of title by a transferee, the naming of a lienholder and the assignment or release of the security interest of a lienholder. (d) A certificate of title issued by the commissioner is prima facie evidence of the facts appearing on it. In any criminal proceeding, a certified copy of a certificate of title shall be prima facie evidence as to the ownership of a motor vehicle. (e) A certificate of title for a vehicle is not subject to garnishment, attachment, execution or other judicial process, but this subsection does not prevent a lawful levy upon the vehicle. (f) The commissioner shall place a legend on any new or replacement certificate of title in accordance with the requirements of section 14-16c, 14-172, 14-178, 14-179 or 42-179. The commissioner shall place a legend on any new or replacement certificate of title that the commissioner issues concerning the mileage on a motor vehicle in accordance with the requirements of the Federal Odometer Act, Sections 32701 to 32711, inclusive, Title 49, United States Code, and any federal regulation adopted under the authority of said act. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to provide for the placement of additional legends on any certificate of title, concerning the condition of any motor vehicle or the status of the title to any motor vehicle, including legends to indicate that a motor vehicle has been rebuilt or damaged by flood, or that a bond has been posted to obtain the title, as provided in section 14-176. Such regulations, as may be adopted by the commissioner, shall provide for an opportunity for a hearing, in accordance with the provisions of chapter 54 and section 14-194, for any person aggrieved by any action, omission or decision of the commissioner made pursuant to this subsection. (1957, P.A. 607, S. 10; P.A. 82-460, S. 8; P.A. 86-114, S. 4; P.A. 02-70, S. 5; P.A. 12-81, S. 15; P.A. 14-122, S. 30.) History: P.A. 82-460 amended Subsec. (d) by making a certificate of title prima facie evidence of the ownership of a vehicle in any criminal proceeding; P.A. 86-114 added requirement that mileage reading as shown on application be shown on certificate of title; P.A. 02-70 amended Subsec. (b) to make a technical change for purposes of gender neutrality and added Subsec. (f) requiring commissioner to place legends on any new or duplicate certificate of title, authorizing commissioner to adopt regulations for the placement of additional legends on any certificate of title and providing for an opportunity for a hearing for any person aggrieved by any action, omission or decision of the commissioner made pursuant to subsection, effective July 1, 2002; P.A. 12-81 amended Subsec. (f) to substitute "replacement" for "duplicate" re certificate of title, effective January 1, 2013; P.A. 14-122 amended Subsec. (b) to delete "subdivision (b) of" re reference to Sec. 14-176. Dealer filling out application for a buyer held liable for loss to bank lienholder for failure to enter the information concerning the sales contract dealer made with buyer and assigned to bank. 5 Conn. Cir. Ct. 491. Subsec. (d): Purpose of Subsec. is part of legislature's effort to combat trafficking of stolen automobiles, not to protect used automobile dealers from possibility that they will unwittingly sell a salvaged vehicle. 87 CA 687.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-175. - Presentation or mailing of certificate. Maintenance of electronic title record and title file.

(a) Except as provided in subsection (b) of this section, the certificate of title may be presented or mailed to the first lienholder named in it or, if none, to the owner. In lieu of the presentation or mailing of the title, the commissioner may maintain a title record in electronic form, and may issue a title upon request of a lienholder or the owner. (b) The commissioner may maintain an electronic title file for the recording and storage of the evidence of any lienholder's security interest. When the first lienholder's security interest is satisfied and released, the commissioner may present or mail the certificate of title to the owner, unless another security interest has been recorded by the commissioner. In lieu of the presentation or mailing of the title, the commissioner may maintain a title record in electronic form, and may issue a title upon request of the owner. (1957, P.A. 607, S. 11; P.A. 94-189, S. 28, 34; P.A. 02-70, S. 6; P.A. 12-81, S. 16.) History: P.A. 94-189 amended section by providing that the certificate could be "presented" as well as mailed, effective July 1, 1994; P.A. 02-70 designated existing provision as Subsec. (a), adding an exception therein, and added Subsec. (b) authorizing commissioner to maintain an electronic title file for recording and storage of evidence of any lienholder's security interest and requiring commissioner to present or mail title certificate to owner when first lienholder's security interest is satisfied and released, effective July 1, 2002; P.A. 12-81 amended Subsec. (a) to permit, rather than require, presentation or mailing of title certificate and add provision authorizing commissioner in lieu of such presentation or mailing to maintain title record in electronic form and issue title upon request of lienholder or owner and amended Subsec. (b) to permit, rather than require, presentation or mailing of title certificate and add provision authorizing commissioner in lieu of such presentation or mailing to

maintain title record in electronic form and issue title upon request of owner, effective July 1, 2012. Bank not guilty of laches in failing to note it did not receive the certificate of title where the dealer failed to note upon the application for the certificate that the car was subject to bank's lien under an installment contract assigned by the dealer to the bank. 5 Conn. Cir. Ct. 491.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-176. - Withholding of certificate. Bond requirement.

If the commissioner is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the commissioner may register the vehicle but shall either: (1) Withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the commissioner as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; or (2) as a condition of issuing a certificate of title, require the applicant to file with the commissioner a bond in the form prescribed by the commissioner and executed by the applicant, and either accompanied by the deposit of cash with the commissioner or also executed by a person authorized to conduct a surety business in this state. The bond shall be in an amount equal to twice the value of the vehicle as determined by the commissioner and conditioned to indemnify any prior owner and lienholder and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of five years or prior thereto if the vehicle is no longer registered in this state and the currently valid certificate of title is surrendered to the commissioner, unless the commissioner has been notified of the pendency of an action to recover on the bond. (1957, P.A. 607, S. 12; P.A. 02-70, S. 7.) History: P.A. 02-70 made technical changes, increased the bond amount to twice the value of the vehicle, in lieu of one and one-half times such value, and required that the bond and any deposit accompanying it be returned at end of five years, in lieu of three years, effective July 1, 2002.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-177. - Refusal of certificate.

The commissioner shall refuse issuance of a certificate of title if any required fee is not paid or if he has reasonable grounds to believe that: (a) The applicant is not the owner of the vehicle; (b) the application contains a false or fraudulent statement; or (c) the applicant fails to furnish required information or documents or any additional information the commissioner reasonably requires. (1957, P.A. 607, S. 13.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-178. - Replacement certificate of title.

(a) If a certificate of title is lost, stolen, mutilated or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the commissioner, shall promptly make application for and may obtain a replacement upon furnishing information, including personal identification acceptable and satisfactory to the commissioner. The replacement certificate of title shall contain the legend "This is a replacement title and may be subject to the rights of a person under the original certificate." Except as provided in subsection (b) of section 14-175, the commissioner shall present or mail the replacement certificate to the first lienholder named in the replacement certificate or, if none, to the owner. (b) A person recovering an original certificate of title for which a replacement has been issued shall promptly surrender the original certificate to the commissioner. (1957, P.A. 607, S. 14; P.A. 94-189, S. 29, 34; P.A. 02-70, S. 8; P.A. 12-81, S. 17; June Sp. Sess. P.A. 15-5, S. 216.) History: P.A. 94-189 amended Subsec. (a) by providing that the duplicate certificate, in addition to being mailed, could be "presented" to the first lienholder or owner, effective July 1, 1994; P.A. 02-70 amended Subsec. (a) to provide that information shall include personal identification acceptable to the commissioner, to add "Except as provided in subsection (b) of section 14-175, the commissioner" and to make technical changes, effective July 1, 2002; P.A. 12-81 substituted "replacement" for "duplicate", effective January 1, 2013; June Sp. Sess. P.A. 15-5 amended Subsec. (a) by replacing "replacement certificate" with "replacement title", deleted former Subsec. (b) re waiting period prior to issuance of certificate of title to transferee and redesignated existing Subsec. (c) as Subsec. (b), effective June 30, 2015.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-179. - Transfer of interest in vehicle.

(a) If an owner transfers his interest in a vehicle, other than by the creation of a security interest, he shall, at the time of delivery of the vehicle, execute an assignment and warranty of title to the transferee, showing the name and address of the transferee, in the space provided therefor on the certificate or as the commissioner prescribes, and cause the certificate and assignment to be mailed or delivered to the transferee or to the commissioner, provided no person, firm, corporation or business shall transfer any salvaged motor vehicle or any part of such vehicle unless such transferor has possession of the certificate of title or salvage vehicle certificate at the time of such transfer. The top of the certificate shall contain the following words in block letters, "NO SELLER SHALL ASSIGN TITLE OF A VEHICLE WITHOUT INSERTING THE BUYER'S NAME AND ADDRESS ON THE ASSIGNMENT

AND WARRANTY OF TITLE.” (b) Upon request of the owner or transferee, a lienholder in possession of the certificate of title shall, unless the transfer was a breach of his security agreement, either deliver the certificate to the transferee for delivery to the commissioner or, upon receipt from the transferee of the owner's assignment, the transferee's application for a new certificate and the required fee, mail or deliver them to the commissioner. The delivery of the certificate does not affect the rights of the lienholder under his security agreement. (c) If a security interest is reserved or created at the time of the transfer, the certificate of title shall be retained by or delivered to the person who becomes the lienholder, and the parties shall comply with the provisions of section 14-186. (d) Except as provided in section 14-180 and as between the parties, a transfer by an owner is not effective until the provisions of this section and section 14-182 have been complied with; however, an owner who has delivered possession of the vehicle of the transferee and has complied with the provisions of this section and section 14-182 requiring action by him is not liable as owner for any damages thereafter resulting from operation of the vehicle. (e) If a certificate of title issued by the commissioner identifies two or more persons as joint owners of a motor vehicle, any such person may, unless otherwise precluded by law, effect a transfer of ownership of the motor vehicle to such person individually, or to any other person or persons, in the manner provided by subsection (a) of this section. The commissioner may presume that a person is a joint owner empowered to transfer ownership of such motor vehicle if the person's name appears on the certificates of title and registration. (1957, P.A. 607, S. 15; P.A. 80-444, S. 3, 6; 80-457, S. 1; P.A. 05-218, S. 12.) History: P.A. 80-444 prohibited transfer of salvaged vehicle or parts without title or salvage vehicle certificate in Subsec. (a); P.A. 80-457 required assignment and warranty of title to contain name and address of transferee in Subsec. (a) and added requirement re statement at top of certificate; P.A. 05-218 added new Subsec. (e) re title as joint owners of motor vehicle, transfer of ownership and presumption of commissioner, effective July 1, 2005.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-179a. - Assignment and warranty of title. Buyer's name and address not required. When.

Notwithstanding the provisions of section 14-179, an assignment and warranty of title may be sent to an insurance company without bearing the buyer's name and address if it is being sent to the insurance company pursuant to an insurance policy issued under the provisions of part II of chapter 700. (P.A. 93-272, S. 5.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-180. - Resale by a dealer.

A dealer who buys a motor vehicle and holds such vehicle for resale shall complete, as the buyer, (1) the certificate of title from the owner or the lienholder, or (2) a statement on a form prescribed by the commissioner that the title of such vehicle is lost or destroyed in accordance with subsection (a) of section 14-171. Upon transferring such vehicle to another person other than by the creation of a security interest, such dealer shall promptly execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale and the date of such lienholder's security agreement, in the spaces provided on such certificate or on an ownership transfer document approved by the commissioner, and mail or deliver such certificate, or such statement and ownership transfer document, to the commissioner with the transferee's application for a new certificate. This section shall not apply to any motor vehicle that is not required to have a certificate of title and for which the commissioner has not issued a certificate of title. (1957, P.A. 607, S. 16; P.A. 00-169, S. 17; P.A. 18-164, S. 17.) History: P.A. 00-169 deleted the requirement that a dealer send the commissioner a certificate of title within ten days after delivery to him of a vehicle if such dealer buys and holds the vehicle for resale, added a provision that a dealer need not send the certificate to the commissioner if such dealer submits a statement on a form prescribed by the commissioner in accordance with Sec. 14-171(a), and made technical changes for the purposes of gender neutrality; P.A. 18-164 designated existing provision re certificate of title from owner or lienholder as Subdiv. (1) and designated existing provision re statement on form as Subdiv. (2), added provisions re ownership transfer document and re section not applicable to motor vehicle not required to have certificate of title or for which certificate of title not issued, and made technical and conforming changes, effective July 1, 2018.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-181. - Involuntary transfers.

(a) If the interest of an owner in a vehicle passes to another other than by voluntary transfer, the transferee shall, except as provided in subsection (b) of this section, promptly mail or deliver to the commissioner the last certificate of title, if available, proof of the transfer, and his application for a new certificate in the form the commissioner prescribes. (b) If the interest of the owner is terminated or the vehicle is sold under a security agreement by a lienholder named in the certificate of title, the transferee shall promptly mail or deliver to the commissioner the last certificate of title, his application for a new certificate in the form the commissioner prescribes, and an affidavit made by or on behalf of the lienholder that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement. If the lienholder succeeds to the interest of the owner and holds the vehicle for resale, he need not secure a new certificate of title but, upon transfer to another person, shall promptly mail or deliver to the transferee or to the commissioner the certificate, affidavit and other documents required to be sent to the commissioner by the transferee. (c) A person holding a certificate of title whose interest in the vehicle has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate to the commissioner upon request of the commissioner. The delivery of the certificate pursuant to the request of the commissioner does not affect the rights of the person

surrendering the certificate, and the action of the commissioner issuing a new certificate of title as provided herein is not conclusive upon the rights of an owner or lienholder named in the old certificate. (1957, P.A. 607, S. 17; June 12 Sp. Sess. P.A. 12-2, S. 59.) History: June 12 Sp. Sess. P.A. 12-2 made a technical change in Subsec. (a).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-182. - Fee to accompany applications.

(a) An application for a certificate of title shall be accompanied by the required fee when mailed or delivered to the commissioner. (b) An application for the naming of a lienholder or his assignee on a certificate of title shall be accompanied by the required fee when mailed or delivered to the commissioner. (1957, P.A. 607, S. 18.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-183. - Issuance of new certificate.

(a) The commissioner, upon receipt of a properly assigned certificate of title, with an application for a new certificate of title, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner and, except as provided in subsection (b) of section 14-175, present or mail the new certificate of title to the first lienholder named in the new certificate of title or, if none, to the owner. (b) The commissioner, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, with proof of the transfer, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner. If the outstanding certificate of title is not delivered to him, the commissioner shall make demand therefor from the holder thereof. (c) The commissioner shall file and retain for five years every surrendered certificate of title, the file to be maintained so as to permit the tracing of title of the vehicle designated therein. (1957, P.A. 607, S. 19; P.A. 94-189, S. 30, 34; P.A. 02-70, S. 9.) History: P.A. 94-189 amended Subsec. (a) by providing that in addition to being mailed, the certificate could be presented to the first lienholder or owner, effective July 1, 1994; P.A. 02-70 amended Subsec. (a) to require commissioner to present or mail new certificate of title, except as provided in Sec. 14-175(b), and to make technical changes, effective July 1, 2002. Cited. 38 CS 712.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-184. - Scrapping, dismantling or destruction of vehicle.

Any person who scraps, dismantles or destroys a vehicle or who purchases a vehicle as scrap or to be dismantled or destroyed shall, if the vehicle's certificate of title is in such person's possession, mail or deliver it to the commissioner for cancellation. A certificate of title of the vehicle shall not again be issued. (1957, P.A. 607, S. 20; P.A. 80-292, S. 6.) History: P.A. 80-292 replaced "owner" with "person" and required mailing or delivery of title to commissioner "if" it is in his possession, allowing for possibility that it may not be in his possession, previously no such concession was made.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-185. - Perfecting of security interest.

(a) Unless excepted by section 14-167, a security interest in a vehicle of a type for which a certificate of title is required is perfected by the delivery to the commissioner of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the lienholder and the date of the security agreement and the required fee. It is perfected as of the time when it attached if such delivery is completed within twenty days thereafter, and without regard to the limitations expressed in section 42a-9-317; otherwise it is perfected as of the time of such delivery. (b) An unperfected security interest is subordinate to the rights of the persons described in sections 42a-9-317 and 42a-9-323. (c) The rules of priority stated in sections 42a-9-322 to 42a-9-324, inclusive, and the other sections therein referred to, shall, to the extent appropriate, apply to conflicting security interests in a vehicle of a type for which a certificate of title is required. A security interest perfected under this section is a security interest perfected otherwise than by filing for the purposes of sections 42a-9-322 to 42a-9-324, inclusive. (d) If a vehicle is subject to a security interest when brought into this state, section 42a-9-316, states the rules which apply to determine the validity and perfection of the security interest in this state. (1957, P.A. 607, S. 21; 1961, P.A. 573, S. 3; February, 1965, P.A. 335; P.A. 77-604, S. 46, 84; P.A. 01-132, S. 165; P.A. 02-70, S. 10.) History: 1961 act redrafted section to conform with Uniform Commercial Code; 1965 act changed time of perfection from time of its creation and increased time limitation in delivery proviso from ten days in Subsec. (a); P.A. 77-604 replaced reference to Subsecs. (2), (3) and (4) of Sec. 42a-9-103 with reference to Subsecs. (1), (2) and (3) of Sec. 42a-9-103a in Subsec. (d); P.A. 01-132 amended Subsec. (a) to replace reference to Sec. 42a-9-301(2) with Sec. 42a-9-317 and make a technical change for purposes of gender neutrality, amended Subsec. (b) to replace reference to Sec. 42a-9-301 with Secs. 42a-9-317 and 42a-9-323, amended Subsec. (c) to replace references to Sec. 42a-9-312 with Secs. 42a-9-322 to 42a-9-324, inclusive, and amended Subsec. (d) to replace reference to Subsecs. (1), (2) and (3) of Sec. 42a-9-103a with Sec. 42a-9-316; P.A. 02-70 amended Subsec. (c) to eliminate references to a "previously registered vehicle", as defined in Sec. 14-201 and a security interest perfected under Sec. 14-201, effective July 1, 2002. Subsec. (d): Makes automobiles subject to Sec. 42a-9-103(2), (3) and (4). 6 Conn. Cir. Ct. 502.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 -

Uniform Motor Vehicle Certificate of Title and Antitheft ActSection 14-186. - Duties on creation of security interest.

If an owner creates a security interest in a vehicle: (a) The owner shall immediately execute the application, in the space provided therefor on the certificate of title or on a separate form the commissioner prescribes, to name the lienholder on the certificate, showing the name and address of the lienholder and the date of his security agreement, and cause the certificate, the application and the required fee to be delivered to the lienholder. (b) The lienholder shall immediately cause the certificate, the application and the required fee to be mailed or delivered to the commissioner. (c) Upon request of the owner or subordinate lienholder, a lienholder in possession of the certificate of title shall either mail or deliver the certificate to the subordinate lienholder for delivery to the commissioner or, upon receipt from the subordinate lienholder of the owner's application and the required fee, mail or deliver them to the commissioner with the certificate. The delivery of the certificate does not affect the rights of the first lienholder under his security agreement. (d) Upon receipt of the certificate of title, the application and the required fee, the commissioner shall either endorse the certificate or issue a new certificate containing the name and address of the new lienholder, and, except as provided in subsection (b) of section 14-175, mail the certificate to the first lienholder named in it. (1957, P.A. 607, S. 22; P.A. 02-70, S. 11; P.A. 03-278, S. 46.) History: P.A. 02-70 amended Subsec. (d) to add an exception from the requirement of mailing certificate to the first lienholder, effective July 1, 2002; P.A. 03-278 made a technical change in Subsec. (d), effective July 9, 2003.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft ActSection 14-187. - Assignment of security interest.

(a) A lienholder may assign, absolutely or otherwise, his security interest in the vehicle to a person other than the owner without affecting the interest of the owner or the validity of the security interest, but any person without notice of the assignment is protected in dealing with the lienholder as the holder of the security interest and the lienholder remains liable for any obligations as lienholder until the assignee is named as lienholder on the certificate. (b) The assignee may, but need not to perfect the assignment, have the certificate of title endorsed or issued with the assignee named as lienholder, upon delivering to the commissioner the certificate and an assignment by the lienholder of record in the form the commissioner prescribes. If the security interest of the lienholder is maintained in the electronic title file pursuant to subsection (b) of section 14-175, the lienholder may submit evidence of the assignment of the security interest, in such form and manner as the commissioner directs, and may request the commissioner to issue a certificate of title with the assignee named as lienholder. (1957, P.A. 607, S. 23; P.A. 02-70, S. 12.) History: P.A. 02-70 amended Subsec. (b) to substitute lienholder "of record" for "named in the certificate" and to allow lienholder to submit evidence of assignment of the security interest and request commissioner to issue a certificate of title if the security interest of lienholder is maintained in electronic title file pursuant to Sec. 14-175(b), effective July 1, 2002.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft ActSection 14-188. - Release of security interest.

(a) Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of the lienholder, the lienholder shall, within ten days after demand and, in any event, within thirty days, execute a release of the security interest, in the space provided therefor on the certificate or as the commissioner prescribes, and mail or deliver the certificate and release to the next lienholder named therein, or, if none, to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate. The commissioner may require such lienholder to electronically transmit to the Department of Motor Vehicles a release of its security interest in a vehicle. (b) If the security interest of the lienholder is maintained in the electronic title file pursuant to subsection (b) of section 14-175, such lienholder shall, upon the satisfaction of such security interest, execute a release of such security interest, and mail, deliver or electronically transmit such release to the next lienholder or, if none, to the owner or to any person who delivers or electronically transmits to the lienholder, an authorization from the owner to receive a certificate of title. Such release shall be provided in not more than ten days and shall be in such form and manner, and contain such information necessary to evidence the release of the lien and to identify the motor vehicle and the record of the certificate of title, as the commissioner may prescribe. The commissioner may require the lienholder to electronically transmit to the Department of Motor Vehicles information pertaining to the release of a security interest in a vehicle. (c) Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall within ten days after demand and, in any event, within thirty days execute a release in the form the commissioner prescribes and deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive it, and shall deliver or electronically transmit such release to the prior lienholder. The lienholder in possession of the certificate of title shall deliver the certificate to the owner or the person authorized by the owner to receive such title. The commissioner may require a subordinate lienholder to electronically transmit to the Department of Motor Vehicles information pertaining to the release of its security interest in a motor vehicle. (d) A lienholder who does not comply with subsection (b) or (c) of this section and who has disappeared and cannot be located by the debtor shall be deemed for purposes of this section only to have released such security interest, if evidence satisfactory to the commissioner is filed concerning the disappearance of the lienholder, and the commissioner shall so note on the records of the department. (e) Any security interest in a vehicle that was originally perfected by a financial institution or other institution that (1) is no longer in existence, and (2) did not execute a release of such security interest, in accordance with subsections (a) to (c), inclusive, of this section, shall be deemed to be dissolved not earlier than ten years after such security interest was perfected if the debtor's records cannot be located by any successor institution to such

financial or other institution. (1957, P.A. 607, S. 24; 1967, P.A. 796; P.A. 02-70, S. 13; P.A. 08-150, S. 22; P.A. 11-213, S. 34; P.A. 13-271, S. 31.) History: 1967 act added Subsec. (c) re release of security interest; P.A. 02-70 made technical changes in Subsec. (a) for purposes of gender neutrality, inserted new Subsec. (b) to require lienholder, upon satisfaction of security interest, to notify commissioner within ten days of such satisfaction if the security interest of lienholder is maintained in electronic title file pursuant to Sec. 14-175(b) and to provide for the form and manner of such notification, and redesignated existing Subsecs. (b) and (c) as Subsecs. (c) and (d), making technical changes therein, effective July 1, 2002; P.A. 08-150 amended Subsec. (b) to replace provisions requiring lienholder to notify commissioner within 10 days of satisfaction with provisions requiring lienholder to execute release of security interest and mail, deliver or electronically transmit such release, in not more than 10 days, to next lienholder or, if none, to owner or any person who delivers or electronically transmits to lienholder an authorization from owner to receive a certificate of title, and amended Subsec. (d) to include lienholder who does not comply with Subsec. (b); P.A. 11-213 amended Subsecs. (a) to (c) to delete requirements that documents be mailed or delivered to commissioner and that commissioner release lienholder's rights or issue new certificate, and to authorize commissioner to require lienholder to electronically transmit release, or information pertaining to release, to department, effective July 1, 2011; P.A. 13-271 added Subsec. (e) re dissolved security interest when successor institution cannot locate debtor's records, effective July 1, 2013.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-189. - Lienholder to furnish information concerning the security agreement.

A lienholder named in a certificate of title, or whose security interest is maintained in the electronic title file pursuant to subsection (b) of section 14-175, shall, upon written request of the owner or of another lienholder named on the certificate or having a recorded interest, disclose any pertinent information as to such lienholder's security agreement and the indebtedness secured by it. (1957, P.A. 607, S. 25; P.A. 02-70, S. 14.) History: P.A. 02-70 required lienholder whose security interest is maintained in the electronic title file to disclose such information and made a technical change for purposes of gender neutrality, effective July 1, 2002.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-190. - Method of perfecting interest exclusive.

The method provided in this chapter of perfecting and giving notice of security interests subject to this chapter is exclusive. Security interests subject to this chapter are hereby exempted from the provisions of law which otherwise require or relate to the filing of instruments creating or evidencing security interests. (1957, P.A. 607, S. 26.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-191. - Suspension or revocation of certificate.

(a) The commissioner shall suspend or revoke a certificate of title, upon notice and reasonable opportunity to be heard in accordance with section 14-194, if he finds: (1) The certificate of title was fraudulently procured or erroneously issued, or (2) the vehicle has been scrapped, dismantled or destroyed, or (3) the owner or lienholder of record on the certificate of title failed to reply to a notice of a scheduled hearing within thirty days after the notice was mailed by certified bulk mail to his last address of record on file with the Department of Motor Vehicles. (b) Suspension or revocation of a certificate of title does not, in itself, affect the validity of a security interest noted on it. (c) When the commissioner suspends or revokes a certificate of title, the owner or person in possession of it shall, immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to the commissioner. (d) The commissioner may seize and impound any certificate of title which has been suspended or revoked. (1957, P.A. 607, S. 27; 1967, P.A. 96; P.A. 81-172, S. 12.) History: 1967 act added Subsec. (a)(3) re suspension or revocation of title upon failure to reply to notice of hearing; P.A. 81-172 permitted the notices to be sent by bulk certified mail, rather than by "certified or registered" mail; (Revisor's note: In 1997 references throughout the general statutes to "Motor Vehicle(s) Commissioner" and "Motor Vehicle(s) Department" were replaced editorially by the Revisors with "Commissioner of Motor Vehicles" or "Department of Motor Vehicles", as the case may be, for consistency with customary statutory usage).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-192. - Fees.

(a) The commissioner shall be paid the following fees: (1) For filing an application for a certificate of title, twenty-five dollars; (2) for each security interest noted upon a certificate of title or maintained in the electronic title file pursuant to subsection (b) of section 14-175, ten dollars; (3) for each record copy search, twenty dollars; (4) for each assignment of a security interest noted upon a certificate of title or maintained in the electronic title file, ten dollars; (5) for an application for a replacement certificate of title, twenty-five dollars, provided such fee shall not be required for any such replacement certificate of title (A) which is requested on a form prepared and signed by the assessor in any town for purposes of such proof of ownership of a motor vehicle as may be required in accordance with section 12-71b, or (B) in connection with an application submitted by a licensed dealer in accordance with the provisions of subsection (c) of section 14-12 or section 14-61; (6) for an ordinary certificate of title issued upon surrender of a distinctive certificate, ten dollars; (7) for filing a notice of security interest, ten dollars; (8) for a certificate of search of the records of the Department of Motor Vehicles, for each name or identification number searched against, twenty dollars; (9) for filing an

assignment of security interest, ten dollars; (10) for search of a motor vehicle certificate of title record, requested by a person other than the owner of such motor vehicle, twenty dollars; and (11) for a bond filing under section 14-176, twenty-five dollars. (b) If an application, certificate of title or other document required to be mailed or delivered to the commissioner under any provision of this chapter is not delivered to the commissioner within ten days from the time it is required to be mailed or delivered, the commissioner shall collect, as a penalty, an amount equal to the fee required for the transaction. (c) Motor vehicles leased to an agency of this state and motor vehicles owned by the state, an agency of the state, or a municipality, as defined in section 7-245, shall be exempt from the fees imposed by this section. (1957, P.A. 607, S. 28; 1967, P.A. 187; P.A. 75-213, S. 49, 53; P.A. 76-280; P.A. 78-348, S. 3, 6; P.A. 82-382, S. 3, 4; P.A. 83-448; 83-489, S. 12, 17; P.A. 84-254, S. 51, 62; June Sp. Sess. P.A. 91-13, S. 15, 21; P.A. 92-177, S. 5, 12; P. A. 02-70, S. 15; P.A. 04-182, S. 12; P.A. 08-150, S. 15; P.A. 12-81, S. 18.) History: 1967 act raised fee for duplicate of title certificate from \$1 to \$3; P.A. 75-213 raised fee for first certificate application from \$2 to \$5; P.A. 76-280 deleted "first" in Subsec. (a)(1) and made \$2 fee in Subsec. (a)(3) applicable to record copy searches rather than to certificates of title after transfers; P.A. 78-348 waived charge for duplicate title certificate when requested by town assessors, effective October 1, 1978, and applicable with respect to any motor vehicle on the assessment list of any town as of that date and any motor vehicle registered or in use in this state thereafter; P.A. 82-382 added Subsec. (c) exempting motor vehicles leased to an agency of the state from the fees imposed by this section; P.A. 83-448 provided that motor vehicles owned by the state or an agency thereof shall be exempt from the title fees specified in Subsecs. (a) and (b); P.A. 83-489 amended Subsec. (a) to increase fees as follows: For filing an application for a certificate of title, from \$5 to \$7, and for each security interest noted upon a certificate of title, from \$1 to \$2; P.A. 84-254 amended Subsec. (a) to increase periodically the fees, scheduling the increases to take effect on July first of 1985, 1989, 1991 and 1993; June Sp. Sess. P.A. 91-13 amended Subsec. (a) by raising fees for filing a security interest on a certificate of title to \$10, for a duplicate certificate of title to \$15, established a fee of \$10 for searching for certificate of title record for any one other than the owner, designated editorially as Subdiv. (10), and made technical changes, deleting obsolete fee increases; P.A. 92-177 amended Subsec. (a) to increase fee for duplicate certificate of title from \$15 to \$25; (Revisor's note: In 1997 references throughout the general statutes to "Motor Vehicle(s) Commissioner" and "Motor Vehicle(s) Department" were replaced editorially by the Revisors with "Commissioner of Motor Vehicles" or "Department of Motor Vehicles", as the case may be, for consistency with customary statutory usage); P.A. 02-70 amended Subsec. (a) to eliminate provisions re fees applicable prior to July 1, 1993, to add in Subdivs. (2) and (4) language re security interests maintained in the electronic title file, to add in Subdiv. (5) language re applications submitted by a licensed dealer in accordance with Sec. 14-12(c) or Sec. 14-61, and to add Subdiv. (11) re fee for a bond filing under Sec. 14-176, and amended Subsec. (c) to make a technical change, effective July 1, 2002; P.A. 04-182 amended Subsec. (a) to increase fee from \$7 to \$20 in Subdiv. (3), increase fee from \$3.50 to \$10 in Subdivs. (4),(6), (7), and (9), increase fee from \$17.50 to \$20 in Subdiv. (8), and increase fee from \$10 to \$20 in Subdiv. (10), effective July 1, 2004; P.A. 08-150 amended Subsec. (c) to exempt motor vehicles owned by a municipality as defined in Sec. 7-245; P.A. 12-81 amended Subsec. (a)(5) to substitute "replacement" for "duplicate", effective January 1, 2013.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-193. - Powers and duties of commissioner.

(a) The commissioner shall prescribe and provide suitable forms of applications, certificates of title, notices of security interests and all other notices and forms necessary to carry out the provisions of this chapter. (b) The commissioner may: (1) Make necessary investigations to procure information required to carry out the provisions of this chapter; (2) adopt and enforce reasonable rules to carry out the provisions of this chapter; (3) assign a new identification number to a vehicle if it has none, or its identification number is destroyed or obliterated, or its motor is changed, and shall either issue a new certificate of title showing the new identification number or make an appropriate endorsement on the original certificate; (4) require each manufacturer or assembler of a vehicle sold in this state to provide such vehicle with a vehicle identification number and, upon the request of the commissioner, to inform him concerning the location or locations of every vehicle identification number on such vehicle. The commissioner may refuse to register a vehicle made by a manufacturer or assembler who fails to comply with this section. (1957, P.A. 607, S. 29; 1967, P.A. 102.) History: 1967 act added Subsec. (a)(4) re vehicle identification numbers. See Sec. 14-149 re procedure when stolen vehicle or vehicle or part with mutilated or missing identification, engine or factory number is recovered.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-194. - Hearing.

A person aggrieved by an act or omission to act of the commissioner under this chapter is entitled, upon request, to a hearing in accordance with the provisions of chapter 54. (1957, P.A. 607, S. 30; P.A. 02-70, S. 16.) History: P.A. 02-70 provided that hearings be conducted in accordance with the provisions of chapter 54 in lieu of "subsection (e) of section 14-111", effective July 1, 2002.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-195. - Appeal.

A person aggrieved by an act or omission to act of the commissioner under this chapter may appeal therefrom in accordance with the provisions of section 4-183, except venue for such appeal shall be in the judicial district of New Britain. (1957, P.A. 607, S. 31; 1971, P.A. 870, S. 40; P.A. 76-436, S. 347, 681; P.A. 77-603, S. 37, 125; P.A. 78-280, S. 5, 127; P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6; P.A. 99-215, S. 24, 29.) History: 1971 act replaced superior court with court of

common pleas, effective September 1, 1971, except that courts with cases pending retain jurisdiction unless pending matters deemed transferable; P.A. 76-436 replaced court of common pleas with superior court, effective July 1, 1978; P.A. 77-603 revised appeal language to conform with usage elsewhere re Sec. 4-183; P.A. 78-280 replaced Hartford county with judicial district of Hartford-New Britain; P.A. 88-230 replaced “judicial district of Hartford-New Britain” with “judicial district of Hartford”, effective September 1, 1991; P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 99-215 replaced “judicial district of Hartford” with “judicial district of New Britain”, effective June 29, 1999. Cited. 148 C. 456.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-196. - Penalties.

(a) A person who, with fraudulent intent: (1) Alters, forges or counterfeits a certificate of title; (2) alters or forges an assignment of a certificate of title, or an assignment or release of a security interest, on a certificate of title or a form the commissioner prescribes; (3) has possession of or uses a certificate of title knowing it to have been altered, forged or counterfeited; or (4) uses a false or fictitious name or address, or makes a material false statement, or fails to disclose a security interest, or conceals any other material fact, in an application for a certificate of title, shall be guilty of a class D felony. (b) A person who: (1) With fraudulent intent, permits another, not entitled thereto, to use or have possession of a certificate of title; (2) wilfully fails to mail or deliver a certificate of title or application therefor to the commissioner within ten days after the time required by this chapter; (3) wilfully fails to deliver to his transferee a certificate of title within ten days after the time required by this chapter; or (4) wilfully violates any provision of this chapter, except as provided in subsection (a) of this section, shall be fined not more than three thousand five hundred dollars or imprisoned not more than two years, or both. (1957, P.A. 607, S. 32; P.A. 80-292, S. 7; P.A. 05-288, S. 59; P.A. 13-258, S. 11.) History: P.A. 80-292 increased fine in Subsec. (b) from \$500 to \$1,000 and imprisonment from six months to two years; P.A. 05-288 made technical changes in Subsec. (b), effective July 13, 2005; P.A. 13-258 amended Subsec. (a) to replace fine of not less than \$500 or more than \$1,000 and imprisonment of not less than 1 year or more than 5 years with class D felony, and amended Subsec. (b) to change maximum fine from \$1,000 to \$3,500. Cited. 9 CA 686.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-197. - Report of stolen, recovered, unclaimed or abandoned vehicle.

(a) A police officer or constable who learns of the theft of a vehicle not since recovered, or of the recovery of a vehicle the theft or conversion of which such officer or constable knows or has reason to believe has been reported to the commissioner, shall forthwith report the theft or recovery to the commissioner. (b) An owner or a lienholder may report the theft of a vehicle, or its conversion if a crime, to the commissioner, but the commissioner may disregard the report of a conversion unless a warrant has been issued for the arrest of a person charged with the conversion. A person who has so reported the theft or conversion of a vehicle shall, forthwith after learning of its recovery, report the recovery to the commissioner. (c) An operator of a place of business for garaging, repairing, parking or storing vehicles for the public, in which there is stored an abandoned or unclaimed vehicle for a period of thirty days, shall, within five days after the expiration of that period, report the vehicle as unclaimed or abandoned to the commissioner. A vehicle left by its owner whose name and address are known to the operator or his employee is not considered unclaimed. A person who fails to report a vehicle as unclaimed or abandoned in accordance with this subsection forfeits all claims and liens for its garaging, parking, towing or storing. The commissioner may, after notice and hearing, impose a civil penalty of not more than twenty-five dollars for each day the failure to report continues. (d) The commissioner shall maintain and appropriately index weekly and cumulative public records of stolen, converted, recovered, abandoned and unclaimed vehicles reported to him pursuant to this section. The commissioner may make and distribute copies of the weekly records so maintained to police officers upon request without fee and to others for the fee, if any, the commissioner prescribes. (e) The commissioner may suspend the registration of a vehicle the theft or conversion of which is reported to the commissioner pursuant to this section. Until the commissioner learns of its recovery or that the report of its theft or conversion was erroneous, the commissioner shall not issue a certificate of title for the vehicle. (1957, P.A. 607, S. 33; P.A. 75-394; P.A. 81-206, S. 3; P.A. 00-99, S. 50, 154; P.A. 02-70, S. 54; P.A. 06-196, S. 283.) History: P.A. 75-394 included abandoned vehicles in provisions of Subsecs. (c) and (d); P.A. 81-206 converted the criminal fines provided for in Subsec. (c) to civil penalties imposed by the commissioner; P.A. 00-99 deleted reference to sheriff in Subsec. (a), effective December 1, 2000; P.A. 02-70 amended Subsec. (a) to make technical changes, effective July 1, 2002; P.A. 06-196 made technical changes in Subsec. (e), effective June 7, 2006. See Sec. 14-150 re abandoned or unregistered motor vehicles and re vehicles which pose a menace to traffic.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-198. - False report.

A person who knowingly makes a false report of the theft or conversion of a vehicle to a police officer or to the commissioner shall be fined not more than five hundred dollars or imprisoned not more than six months or both. (1957, P.A. 607, S. 34.) Cited. 198 C. 348.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-199. - Impeachment of credibility of defendant.

In a prosecution for a crime specified in this chapter, a certified copy of a conviction under subsection (a) of section 14-196 is admissible to impeach the credibility of the defendant. (1957, P.A. 607, S. 35.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-200. - Penalties additional to other statutes.

The penal provisions of this chapter in no way repeal or modify any existing provision of criminal law but are additional and supplementary thereto. (1957, P.A. 607, S. 36.) Cited. 9 CA 686.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-201 to 14-209. - Definition. Exemption of previously registered vehicle. Issuance of distinctive certificate. Perfection of security interest. Perfection under other statute. Filing of notices of security interest. Assignment of security interest. Release of interest. Lienholder to furnish information concerning security agreement.

Sections 14-201 to 14-209, inclusive, are repealed, effective July 1, 2002. (1957, P.A. 607, S. 37-45; P.A. 02-70, S. 87; S.A. 02-12, S. 1.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-210. - Interpretation.

This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. (1957, P.A. 607, S. 46.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 247 - Uniform Motor Vehicle Certificate of Title and Antitheft Act Section 14-211. - Short title: Uniform Motor Vehicle Certificate of Title and Antitheft Act.

This chapter may be cited as the "Uniform Motor Vehicle Certificate of Title and Antitheft Act". (1957, P.A. 607, S. 47.) Cited. 9 CA 686; 31 CA 797.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-212. - Definitions.

Terms used in this chapter shall be construed as follows, unless another construction is clearly apparent from the language or context in which the term is used or unless the construction is inconsistent with the manifest intention of the General Assembly: (1) The following terms shall be construed as they are defined in section 14-1: "Agricultural tractor", "authorized emergency vehicle", "class 1 electric bicycle", "class 2 electric bicycle", "class 3 electric bicycle", "commissioner", "driver", "electric bicycle", "electric foot scooter", "fuels", "gross weight", "head lamp", "high-mileage vehicle", "highway", "light weight", "limited access highway", "maintenance vehicle", "motor bus", "motorcycle", "motor vehicle registration", "nonresident", "nonskid device", "number plate", "officer", "operator", "owner", "passenger motor vehicle", "passenger and commercial motor vehicle", "person", "pneumatic tires", "pole trailer", "registration", "registration number", "second offense", "semitrailer", "shoulder", "solid tires", "stop", "subsequent offense", "tail lamp", "tank vehicle", "tractor", "tractor-trailer unit", "trailer", "truck" and "vanpool vehicle"; (2) "Carrier" means (A) any local or regional school district, any educational institution providing elementary or secondary education or any person, firm or corporation under contract to such district or institution engaged in the business of transporting students, or (B) any person, firm or corporation engaged in the business of transporting primarily persons under the age of twenty-one years for compensation; (3) "Curb" includes the boundary of the traveled portion of any highway, whether or not the boundary is marked by a curbstone; (4) "Intersection" means the area embraced within the prolongation of the lateral curb lines of two or more highways which join one another at an angle, whether or not one of the highways crosses the other; (5) "Motor vehicle" includes all vehicles used on the public highways; (6) "Parking area" means lots, areas or other accommodations for the parking of motor vehicles off the street or highway and open to public use with or without charge; (7) "Rotary" or "roundabout" means a physical barrier legally placed or constructed at an intersection to cause traffic to move in a circuitous course; (8) "Student" means any person under the age of twenty-one years who is attending a preprimary, primary or secondary school program of education; (9) "Student transportation vehicle" means any motor vehicle other than a registered school bus used by a carrier for the transportation of students to or from school, school programs or school-sponsored events; and (10) "Vehicle" has the same meaning as "motor vehicle". (1949 Rev., S. 2488; February, 1965, P.A. 448, S. 16; P.A. 84-429, S. 38; P.A. 90-112, S. 3, 14; 90-263, S. 50, 74; P.A. 94-189, S. 31, 34; P.A. 05-210, S. 24; P.A. 08-150, S. 2; P.A. 10-110, S. 36; P.A. 18-165, S. 5; P.A. 19-162, S. 3; P.A. 21-195, S. 4.) History: 1965 act deleted provisions excepting rail or track vehicles and including all motor vehicle statutory definitions by reference and added "motor vehicle"; P.A. 84-429 substantially revised section, dividing section into Subdivs., applying definitions in Sec. 14-1 to terms added in Subdiv. (1) and added definitions in Subdivs. (2), (3), (5) and (6); P.A. 90-112 added definitions of "carrier" in Subdiv. (2) and "student transportation vehicle" in Subdiv. (8), renumbering remaining Subdivs. accordingly; P.A. 90-263 amended Subdiv. (1)

to delete from list of terms “commercial motor vehicle” and “public service motor vehicle”; P.A. 94-189 redefined “carrier”, effective July 1, 1994; P.A. 05-210 amended Subdiv. (7) by changing “Rotary traffic island” to “Rotary” or “roundabout”, effective July 1, 2005; P.A. 08-150 added new Subdiv. (8) defining “student” and renumbered existing Subdivs. (8) and (9) as Subdivs. (9) and (10); P.A. 10-110 redefined “carrier” in Subdiv. (2), redefined “student transportation vehicle” in Subdiv. (9) and made a technical change in Subdiv. (10), effective July 1, 2011; P.A. 18-165 amended Subdiv. (1) to add “class 1 electric bicycle”, “class 2 electric bicycle”, “class 3 electric bicycle” and “electric bicycle”; P.A. 19-162 amended Subdiv. (1) to add “electric foot scooter,”; P.A. 21-195 amended Subdiv. (1) to add “agricultural tractor” and “tank vehicle”. “Open to public use” discussed; judgment of Appellate Court in 11 CA 644 revised. 207 C. 612. Cited. 9 CA 686. “Open to public use” discussed. 11 CA 644, but see 207 C. 612. Cited. 17 CA 100; 45 CA 225. A moped or bicycle with a helper motor, when used on the public highway, is a “motor vehicle”. 112 CA 190.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-212a. - Highway and municipal road construction zones, utility work zones, traffic incident management zones and fire station work zones. Fines.

(a) The Superior Court shall impose an additional fee equivalent to one hundred per cent of the fine established or imposed for the violation of the provisions of section 14-213, 14-213b, 14-214, 14-215, 14-216, 14-218a, 14-219, 14-220, 14-221, 14-222, 14-222a, 14-223, 14-224, 14-225, 14-227a, 14-227m, 14-227n, 14-230, 14-230a, 14-231, 14-232, 14-233, 14-235, 14-236, 14-237, 14-238, 14-238a, 14-239, 14-240, 14-240a, 14-241, 14-242, 14-243, 14-244, 14-245, 14-246a, 14-247, 14-247a, 14-248a, 14-249, 14-250, 14-250a, 14-257, 14-261, 14-266, 14-271, 14-273, 14-279, 14-281a, subsection (e) or (h) of section 14-283, section 14-289a, 14-289b or 14-296aa for any such violation committed (1) while construction work is ongoing within a highway construction zone designated in a conspicuous manner by the Department of Transportation, (2) while construction work is ongoing within a municipal road construction zone designated in a conspicuous manner by such municipality, (3) while utility work is ongoing within a utility work zone designated in a conspicuous manner by a public service company, as defined in section 16-1, or by a water company, as defined in section 25-32a, (4) while activities are ongoing in a traffic incident management zone, or (5) while a uniformed firefighter is directing traffic within a fire station work zone designated in a conspicuous manner by a municipality. (b) (1) The Department of Transportation shall post a sign at the beginning of a highway construction zone which shall read as follows: “ROAD WORK AHEAD FINES DOUBLED”, and at the end of such zone which shall read as follows: “END ROAD WORK”. (2) A municipality shall post a sign at the beginning of a municipal road construction zone which shall read as follows: “ROAD WORK AHEAD FINES DOUBLED”, and at the end of such zone which shall read as follows: “END ROAD WORK”. (3) A public service company or water company shall post a sign at the beginning of a utility work zone which shall read as follows: “UTILITY WORK AHEAD FINES DOUBLED”, and at the end of such zone which shall read as follows: “END UTILITY WORK”. (4) As used in this section, “traffic incident management zone” refers to an area of a highway where temporary traffic controls or measures are installed under the authority of the Commissioner of Transportation, Commissioner of Emergency Services and Public Protection, or local traffic authority, as defined in section 14-297, in response to a motor vehicle incident, natural disaster, hazardous material spill or other unplanned incident. The traffic incident management zone shall be delineated by the use of one or more temporary traffic control devices or measures such as signs, cones, flares or visible flashing or revolving lights which meet the requirements of sections 14-96p and 14-96q. (5) A municipality may post a sign at the beginning of a fire station work zone which shall read as follows: “FIRE STATION WORK AHEAD FINES DOUBLED”, and at the end of such zone which shall read as follows: “END FIRE STATION WORK”. (c) The state or a municipality, or any agency or employee of the state or a municipality, shall not be civilly liable for any injuries or damages to any person or property which may result, either directly or indirectly, from failure on the part of the Department of Transportation or a municipality to post any sign required or permitted under subsection (b) of this section. (P.A. 95-181, S. 1; P.A. 98-196, S. 2; P.A. 08-101, S. 1; P.A. 11-51, S. 134; 11-256, S. 18; P.A. 13-92, S. 1; 13-200, S. 1; 13-277, S. 65; P.A. 14-122, S. 31; P.A. 16-126, S. 15.) History: P.A. 98-196 added utility work zones to areas where additional fines are imposed (Revisor's note: The Revisors reformatted Subsec. (b) to match the format of Sec. 14-212b(d) and in so doing inserted a comma following “ROAD WORK AHEAD FINES DOUBLED” and “UTILITY WORK AHEAD FINES DOUBLED”); P.A. 08-101 amended Subsec. (a) to add provision re activities ongoing in traffic incident management zone and amended Subsec. (b) to add Subdiv. (3) defining “traffic incident management zone” and requiring delineation of such zone by use of certain traffic control devices or measures; pursuant to P.A. 11-51, “Commissioner of Public Safety” was changed editorially by the Revisors to “Commissioner of Emergency Services and Public Protection” in Subsec. (b), effective July 1, 2011; P.A. 11-256 amended Subsec. (a) to add provision re ongoing construction work in municipal road construction zone and insert numeric Subdiv. designators, amended Subsec. (b) to add new Subdiv. (2) re posting of signs by municipality and redesignate existing Subdivs. (2) and (3) as Subdivs. (3) and (4), and amended Subsec. (c) to include municipality; P.A. 13-92 amended Subsec. (a) to include violations of Sec. 14-296aa and add provision re deposit of 50 per cent of additional fees into the work zone safety account for highway traffic enforcement; P.A. 13-200 amended Subsec. (a) by adding Subdiv. (5) re fire station work zones, amended Subsec. (b) by adding Subdiv. (5) re fire station work zones and amended Subsec. (c) by adding “or permitted”; P.A. 13-277 amended Subsec. (a) to delete provision re deposit of 50 per cent of additional fees into the work zone safety account for highway traffic enforcement; P.A. 14-122 amended Subsec. (a) to replace reference to Sec. 14-283(g) with reference to Sec. 14-283(h); P.A. 16-126 amended Subsec. (a) by adding references to Secs. 14-227m and 14-227n.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-212b. - School zones. Fines doubled.

(a) As used in this section, “local highway” means a highway that is under the control of a town, city or borough; and “local traffic authority” means the traffic authority of a town, city or borough. (b) (1) At the request of the legislative body of a town, city or borough, the Office of the State Traffic Administration may designate as a school zone any part of a state highway that is adjacent to school property or is, in the opinion of said office, sufficiently close to school property as to constitute a risk to the public safety under all the circumstances. At the request of such legislative body, the office may revoke any such designation. (2) A local traffic authority may designate as a school zone, and may revoke any such designation, any part of a local highway that is adjacent to school property or is, in the opinion of the local traffic authority, sufficiently close to school property as to constitute a risk to the public safety under all the circumstances. (c) The Superior Court shall impose an additional fee equivalent to one hundred per cent of the fine established or imposed for the violation of the provisions of section 14-218a or 14-219, for any such violation committed in a school zone designated in a conspicuous manner by the Office of the State Traffic Administration or local traffic authority. (d) The Office of the State Traffic Administration with regard to a state highway or the local traffic authority with regard to a local highway shall cause to be posted a sign approved by the Office of the State Traffic Administration (1) at the beginning of a school zone in each direction that traffic is permitted to flow which shall read as follows: “SCHOOL ZONE AHEAD FINES DOUBLED”, and (2) at the end of such zone in each direction that traffic is permitted to flow which shall read as follows: “END SCHOOL ZONE”. (P.A. 98-252, S. 64; P.A. 12-132, S. 14; P.A. 23-116, S. 19.) History: P.A. 12-132 replaced references to State Traffic Commission with references to Office of the State Traffic Administration and, in Subsec. (d), replaced “post” with “cause to be posted”, effective July 1, 2012; P.A. 23-116 amended Subsec. (b) to replace “commission” with “office”, effective July 1, 2023.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-212c. - Fines doubled for failure to yield right-of-way to person riding bicycle, electric bicycle or electric foot scooter.

A surcharge shall be imposed equivalent to one hundred per cent of the fine established or imposed for a violation of subsection (e) of section 14-242, section 14-245, 14-246a, 14-247 or 14-247a for such violation when the driver of a vehicle fails to grant or yield the right-of-way to a person riding a bicycle, as defined in section 14-286, an electric bicycle or an electric foot scooter. (P.A. 98-165, S. 1; P.A. 18-165, S. 6; P.A. 19-162, S. 4.) History: P.A. 18-165 added “or a person riding an electric bicycle”; P.A. 19-162 added “or an electric foot scooter” and made a conforming change.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-212d. - Highway work zone. Highway worker. Endangerment of highway worker. Penalties.

(a) As used in this section and section 14-212e: (1) “Highway work zone” means an area of a state highway where construction, maintenance or utility work is being performed. Such work zone shall be marked by signs, channeling devices, barriers, pavement markings or work vehicles, and extends from the first warning sign or high-intensity rotating, flashing, oscillating or strobe lights on a vehicle to the “END ROAD WORK” sign or the last temporary traffic control device; and (2) “highway worker” means a person who is required to perform the duties of such person's job on state bridges, state roads or in highway work zones, including: (A) A person who performs maintenance, repair or construction of state bridges, state roads, shoulders, medians and associated rights-of-way in highway work zones; (B) a person who operates a truck, loader or other equipment on state bridges, state roads or in highway work zones; (C) a person who performs any other related maintenance work, as required, on state bridges, state roads or in highway work zones; (D) a state or local public safety officer who enforces work zone-related transportation management and traffic control; (E) a state or local public safety officer who conducts traffic control or enforcement operations on state bridges, state roads, shoulders, medians and associated rights-of-way; and (F) a state or local public safety officer or firefighter, an emergency medical services provider, or any other authorized person, who removes hazards from state bridges, state roadways, shoulders, medians and associated rights-of-way, or who responds to accidents and other incidents on state bridges, state roads, shoulders, medians, associated rights-of-way or in highway work zones. (b) A person shall be deemed to commit the offense of “endangerment of a highway worker” if such person is operating a motor vehicle within a highway work zone, as defined in subsection (a) of this section, and commits any of the following: (1) Exceeding the posted speed limit by fifteen miles per hour or more; (2) failure to obey traffic control devices erected for purposes of controlling the flow of motor vehicles through such zone for any reason other than: (A) An emergency, (B) the avoidance of an obstacle, or (C) the protection of the health and safety of another person; (3) driving through or around such zone in any lane not clearly designated for use by motor vehicles traveling through or around such zone; or (4) physically assaulting, attempting to assault, or threatening to assault a highway worker with a motor vehicle or other instrument. (c) No person shall be cited or convicted for endangerment of a highway worker unless the act or omission constituting the offense occurs when one or more highway workers are in the highway work zone and in proximity to the area where such act or omission occurs. (d) Upon conviction or a plea of guilty for committing the offense of “endangerment of a highway worker”, as defined in subsection (b) of this section, a person shall be subject to a fine of not more than five hundred dollars if no physical injury, as defined in section 53a-3, occurs and shall be subject to a fine of not more than one thousand dollars if any such physical injury occurs, in addition to any other penalty authorized by law. (e) A person shall be deemed to commit the offense of “aggravated endangerment of a highway worker” upon conviction or a plea of guilty for any offense set forth in subsection (b) of this section

while such person is operating a motor vehicle within a highway work zone, as defined in subsection (a) of this section, and which results in the serious physical injury, as defined in section 53a-3, or death of a highway worker. (f) Upon conviction or a plea of guilty for committing the offense of aggravated endangerment of a highway worker, a person shall be subject to a fine of (1) not more than five thousand dollars if such offense results in serious physical injury to a highway worker, or (2) ten thousand dollars if such offense results in the death of a highway worker, in addition to any other penalty authorized by law. (g) No person shall be cited or convicted for endangerment of a highway worker or aggravated endangerment of a highway worker for any act or omission otherwise constituting an offense under this section if such act or omission results, in whole or in part, from mechanical failure of such person's motor vehicle or from the negligence of a highway worker or other person. (P.A. 08-114, S. 1.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-212e. - Highway Work Zone Safety Advisory Council established. Membership, meetings and duties.

(a) There is established a Highway Work Zone Safety Advisory Council to make ongoing recommendations to improve safety for workers, public safety officers and motor vehicle operators in a "highway work zone", as defined in section 14-212d. The ongoing areas of study and review by the council shall include: (1) Evaluation of current work design and safety protocols; (2) survey of effective highway work zone design and safety protocols in other states; (3) implementation of technology to improve highway work zone safety; (4) use of public safety officers to improve highway work zone safety; (5) availability of federal funding for highway work zone training and enforcement; and (6) other issues the council deems appropriate for improving highway work zone safety. (b) The council shall be comprised of the following members: The Commissioners of Transportation, Emergency Services and Public Protection and Motor Vehicles, or their designees; the president of the Connecticut Employees Union Independent, or such person's designee; the president of the Connecticut State Police Union, or such person's designee; and a representative of the Connecticut Construction Industries Association, designated by the president of said association. Appointees should be persons with knowledge and experience concerning highway work zones. Appointments to the council shall be made not later than November 1, 2008. The chairperson of the council shall be appointed by the Governor and shall convene the first meeting of the council not later than December 1, 2008. (c) The council shall meet quarterly, or more often as needed, and report its recommendations to the Commissioner of Transportation and the joint standing committee of the General Assembly having cognizance of matters relating to transportation on or before January fifteenth of each year. (P.A. 08-114, S. 2; P.A. 24-20, S. 29.) History: P.A. 24-20 amended Subsec. (b) by replacing reference to Commissioner of Public Safety with reference to Commissioner of Emergency Services and Public Protection, effective July 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-212f. - Training in highway work zone safety. Development of program curriculum by Highway Work Zone Safety Advisory Council.

The Division of State Police within the Department of Emergency Services and Public Protection, the Police Officer Standards and Training Council established under section 7-294b and each municipal police department shall be encouraged to provide in each basic or review police training program conducted or administered by said division or council or by such department, training on highway work zone safety that includes, but is not limited to, the following: (1) Enforcement of statutory provisions concerning endangerment of a highway worker, as defined in section 14-212d; (2) techniques for handling incidents of unsafe driving in a highway work zone; (3) risks associated with unsafe driving in a highway work zone; (4) safe traffic control practices set forth in the Manual on Uniform Traffic Control Devices for Streets and Highways published by the Federal Highway Administration under 23 CFR 655, Subpart F, as amended, such as the wearing of high-visibility safety apparel and the proper locating and positioning of law enforcement officers working in a highway work zone; and (5) general guidelines, standards and applications set forth in said manual, including, but not limited to, training on the proper use of traffic control devices and signs, and annual refresher training on such guidelines, standards and applications. The Highway Work Zone Safety Advisory Council established by section 14-212e shall develop a program curriculum and shall make available and recommend such curriculum to the Division of State Police, the Police Officer Standards and Training Council and each municipal police department. (P.A. 09-187, S. 47; P.A. 11-51, S. 134.) History: Pursuant to P.A. 11-51, "Department of Public Safety" was changed editorially by the Revisors to "Department of Emergency Services and Public Protection", effective July 1, 2011.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-212g. - Work zone safety account.

(a) There is established an account to be known as the "work zone safety account" which shall be a separate, nonlapsing account within the Special Transportation Fund. The account shall contain any moneys required by law to be deposited in the account. Moneys in the account shall be expended by the Department of Transportation to protect the safety of workers in highway work zones, as defined in section 14-212d, through (1) highway traffic enforcement, including, but not limited to, the expansion of the "Operation Big Orange" program, and (2) the purchase and implementation of technology and equipment. Any use of moneys in the work zone safety account by the department, other than for the "Operation Big Orange" program or direct traffic enforcement in work zones, shall be approved by the Highway Work Zone Safety Advisory Council, as described in section 14-212e. (b) Upon receipt of the moneys paid pursuant to subdivisions (4) and (5) of subsection (b) of section 13b-61, the State Treasurer shall transfer nine thousand dollars of such moneys monthly to the work zone safety account established in subsection (a) of this section. (P.A.

13-92, S. 6; 13-277, S. 66; P.A. 16-151, S. 2.) History: P.A. 13-277 designated existing provisions as Subsec. (a) and amended same to add provision re expansion of "Operation Big Orange" program, and added Subsec. (b) re monthly transfer of \$9,000 into work zone safety account from moneys received pursuant to Sec. 13b-61(b)(4) and (5); P.A. 16-151 amended Subsec. (a) by repositioning provision re expenditures to protect safety of workers in highway work zones, designating existing provision re highway traffic enforcement as Subdiv. (1), adding Subdiv. (2) re technology and equipment and adding provision re approval by Highway Work Zone Safety Advisory Council, effective June 7, 2016.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-213. - Operation without carrying operator's license.

Each operator of a motor vehicle shall carry his operator's license while operating such vehicle. Failure to carry such operator's license as required by the provisions of this section shall be an infraction. (1949 Rev., S. 2416; P.A. 75-577, S. 65, 126.) History: P.A. 75-577 replaced \$3 fine provision with statement that violation deemed an infraction. Failure to carry his license does not make an operator "an unlicensed person". 93 C. 457.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-213a. - Operation of private passenger motor vehicle when insurance coverage does not meet minimum no-fault security requirements. Penalty.

Section 14-213a is repealed. (P.A. 79-577, S. 5, 8; P.A. 80-483, S. 63, 186; P.A. 81-217, S. 7.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-213b. - Operation prohibited when insurance coverage fails to meet minimum requirements. Penalty. Evidence of insurance coverage required to restore suspended license.

(a) No owner of any private passenger motor vehicle or a vehicle with a combination or commercial registration, as defined in section 14-1, registered or required to be registered in this state may operate or permit the operation of such vehicle without the security required by section 38a-371 or with security insufficient to meet the minimum requirements of said section, or without any other security requirements imposed by law, as the case may be. Failure of the operator to produce an insurance identification card as required by section 14-217 shall constitute prima facie evidence that the owner has not maintained the security required by section 38a-371 and this section. A law enforcement officer may access the Online Insurance Verification System established in accordance with section 14-112a to determine whether an owner or operator has the required security. (b) Any person convicted of violating any provision of subsection (a) of this section shall be fined not less than one hundred dollars or more than one thousand dollars, except that any owner of a motor vehicle with a commercial registration who knowingly violates the provisions of subsection (a) of this section with respect to such vehicle shall be guilty of a class D felony. (c) The Commissioner of Motor Vehicles shall suspend the registration, and the operator's license, if any, of an owner, for a first conviction of violating the provisions of subsection (a) of this section for a period of one month and for a second or subsequent conviction for a period of six months. No operator's license which has been suspended pursuant to this subsection shall be restored until the owner has provided evidence to the commissioner that he maintains the security required by section 38a-371 or any other security requirements imposed by law for each motor vehicle registered in his name. (P.A. 81-217, S. 5; P.A. 94-243, S. 3; P.A. 97-226, S. 2; P.A. 04-199, S. 2; Oct. 25 Sp. Sess. P.A. 05-3, S. 1; P.A. 06-196, S. 96; June Sp. Sess. P.A. 15-5, S. 231.) History: (Revisor's note: In 1993 an obsolete reference to Subsec. (c) of Sec. 14-117 was deleted editorially by the Revisors since Sec. 14-117 is repealed and a reference in Subsec. (c) to "sections 14-12b to 14-12e, inclusive," was changed editorially by the Revisors to "sections 14-12b and 14-12c" to reflect the repeal of sections 14-12d and 14-12e by P.A. 93-298, S. 10); P.A. 94-243 amended Subsecs. (a) and (c) to apply to vehicles with commercial registrations; P.A. 97-226 amended Subsecs. (a) and (c) to apply provisions to vehicles with combination registrations and to eliminate reference to "subdivision (12) of" before Sec. 14-1, Subsec. (a) to apply to vehicles required to be registered and Subsec. (c) to prohibit restoration of an operator's license which has been suspended pursuant to Subsec. until owner provides evidence of insurance coverage; P.A. 04-199 amended Subsec. (c) to eliminate provisions re no new registration shall be issued or restored after suspension of registration under subsection until owner has filed proof of financial responsibility under Sec. 14-112 and re maintenance of financial responsibility filing, effective July 1, 2004; Oct. 25 Sp. Sess. P.A. 05-3 amended Subsec. (a) to prohibit operation "without any other security requirements imposed by law, as the case may be", amended Subsec. (b) to specify exception that any owner of a motor vehicle with a commercial registration who knowingly violates Subsec. (a) with respect to such vehicle shall be guilty of a class D felony, and amended Subsec. (c) to prohibit restoration of a suspended operator's license until the owner has provided commissioner evidence that he maintains any other security requirements imposed by law, effective January 1, 2006; P.A. 06-196 made a technical change in Subsec. (b), effective June 7, 2006; June Sp. Sess. P.A. 15-5 amended Subsec. (a) to add provision re law enforcement officer access to Online Insurance Verification System, effective June 30, 2015. See Sec. 14-12f re exempt vehicles. Cited. 11 CA 122; 23 CA 50.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-214. - Instruction of unlicensed person in motor vehicle operation.

Any licensed operator, being twenty years of age or older and having had an operator's license to operate a motor vehicle of the

same class as the motor vehicle being operated for at least four years preceding the date of such instruction, may instruct a person sixteen or seventeen years of age who holds a youth instruction permit issued in accordance with subsection (c) of section 14-36, or a person who is eighteen years of age or older who holds an adult instruction permit, in the operation of a motor vehicle. Any person so instructing another in the use of any motor vehicle shall be responsible for the operation thereof. Violation of any provision of this section shall be an infraction. (1949 Rev., S. 2421; 1969, P.A. 55, S. 2; 1972, P.A. 127, S. 20; P.A. 75-577, S. 66, 126; P.A. 96-248, S. 3, 4; P.A. 97-1, S. 3, 4; P.A. 12-81, S. 42.) History: 1969 act required instructor to be 21 and to have had license in class of vehicle for which instruction is being given for 2 years, added exception re motorcycles and raised fine from \$10 to \$50; 1972 act dropped age requirement to 18, reflecting change in age of majority; P.A. 75-577 replaced fine provision with statement that violation deemed to be infraction; P.A. 96-248 raised minimum age for instructor from 18 to 20 and required holding license in class of vehicle for which instruction is being given for minimum of 4, rather than 2, years, authorized instruction of persons who hold a learner's permit under Subsec. (b) of Sec. 14-36 and eliminated exception re motorcycles and requirement that instructor be "so seated as to control the operation of the motor vehicle", effective January 1, 1997; P.A. 97-1 provided that instructor may be older than 20 years of age, limited instruction of holders of learners' permits to persons 16 and 17 years of age, substituted reference to Subsec. (c) for (b), and authorized instruction of persons 18 years of age or older, effective January 30, 1997; P.A. 12-81 replaced "learner's permit" with "youth instruction permit" and required person 18 years of age or older receiving instruction to hold an adult instruction permit, effective January 1, 2013. If owner of car allows another to drive it, but himself retains control of it, he is liable for actual driver's negligence. 119 C. 563. Cited. 175 C. 112. Cited. 30 CS 233.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-215. - Operation while registration or license is refused, suspended or revoked. Operation in violation of restriction or limitation on operator's license or right to operate motor vehicle that requires use of ignition interlock device. Penalty.

(a) No person to whom an operator's license has been refused, or, except as provided in section 14-215a, whose operator's license or right to operate a motor vehicle in this state has been suspended or revoked, shall operate any motor vehicle during the period of such refusal, suspension or revocation. No person shall operate or cause to be operated any motor vehicle, the registration of which has been refused, suspended or revoked, or any motor vehicle, the right to operate which has been suspended or revoked. (b) (1) Except as provided in subsection (c) of this section, any person who violates any provision of subsection (a) of this section shall, for a first offense, be fined not less than one hundred fifty dollars or more than two hundred dollars or imprisoned not more than three months, or be both fined and imprisoned, and, for any subsequent offense, be fined not less than two hundred dollars or more than six hundred dollars or imprisoned not more than one year, or be both fined and imprisoned. (2) Except as provided in subsection (c) of this section, in addition to the penalty prescribed under subdivision (1) of this subsection, any person who violates any provision of subsection (a) of this section who (A) has, prior to the commission of the present violation, committed a violation of subsection (a) of this section or section 14-36 shall be fined not more than five hundred dollars or sentenced to perform not more than one hundred hours of community service, or (B) has, prior to the commission of the present violation, committed two or more violations of subsection (a) of this section or section 14-36, or any combination thereof, shall be sentenced to a term of imprisonment of one year, and, in the absence of any mitigating circumstances as determined by the court, ninety days of the sentence imposed may not be suspended or reduced in any manner. (c) (1) Any person who operates any motor vehicle during the period such person's operator's license or right to operate a motor vehicle in this state is under suspension or revocation on account of a violation of section 14-227a or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or section 53a-56b or 53a-60d or pursuant to section 14-227b, or in violation of a restriction or limitation placed on such person's operator's license or right to operate a motor vehicle in this state by the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a or pursuant to an order of the court under subsection (b) of section 14-227j, shall be fined not less than five hundred dollars or more than one thousand dollars and imprisoned not more than one year, and, in the absence of any mitigating circumstances as determined by the court, thirty consecutive days of the sentence imposed may not be suspended or reduced in any manner. (2) Any person who operates any motor vehicle during the period such person's operator's license or right to operate a motor vehicle in this state is under suspension or revocation on account of a second violation of section 14-227a or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or section 53a-56b or 53a-60d or for the second time pursuant to section 14-227b, or in violation of a restriction or limitation placed for the second time on such person's operator's license or right to operate a motor vehicle in this state by the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a or pursuant to an order of the court under subsection (b) of section 14-227j, shall be fined not less than five hundred dollars or more than one thousand dollars and imprisoned not more than two years, and, in the absence of any mitigating circumstances as determined by the court, one hundred twenty consecutive days of the sentence imposed may not be suspended or reduced in any manner. (3) Any person who operates any motor vehicle during the period such person's operator's license or right to operate a motor vehicle in this state is under suspension or revocation on account of a third or subsequent violation of section 14-227a or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or section 53a-56b or 53a-60d or for the third or subsequent time pursuant to section 14-227b, or in violation of a restriction placed for the third or subsequent time on such person's operator's license or right to operate a motor vehicle in this state by the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a or pursuant to an order of the court under subsection (b) of section 14-227j, shall be fined not less than five hundred dollars or more than one thousand dollars and imprisoned not more than three years, and, in the absence of any mitigating circumstances as determined by the court, one year of the sentence imposed

may not be suspended or reduced in any manner. (4) The court shall specifically state in writing for the record the mitigating circumstances, or the absence thereof. (1949 Rev., S. 2420; 1957, P.A. 421; P.A. 82-258; P.A. 83-534, S. 3; P.A. 85-387, S. 2; P.A. 89-314, S. 3, 5; P.A. 97-291, S. 4, 5; P.A. 03-233, S. 2; P.A. 04-257, S. 100; P.A. 05-215, S. 4; P.A. 07-167, S. 23, 40; P.A. 11-48, S. 56; 11-51, S. 221; P.A. 12-80, S. 164; 12-178, S. 5; P.A. 16-126, S. 16; P.A. 23-47, S. 6.) History: P.A. 82-258 increased the minimum penalty for a first offense from \$100 to \$150, and increased the maximum penalty for a subsequent offense from \$500 to \$600 and from three months to one year imprisonment; P.A. 83-534 added Subsec. (c) re increased penalties when the reason for the suspension or revocation was operation of a motor vehicle while under the influence, refusal to submit to a blood alcohol test or manslaughter or assault with a motor vehicle while intoxicated; P.A. 85-387 amended Subsec. (c) to increase from 5 to 30 days the period of imprisonment which may not be suspended or reduced; P.A. 89-314 amended Subsec. (c) to replace reference to a suspension or revocation “on account of a violation of subsection (d) or (f) of section 14-227b” with “pursuant to section 14-227b” and to specify that the period of imprisonment which may not be suspended or reduced is 30 “consecutive” days; P.A. 97-291 amended Subsec. (c) to provide that the nonsuspendable sentence of 30 consecutive days is imposed in the absence of any mitigating circumstances as determined by the court and to require the court to specifically state in writing for the record the mitigating circumstances, or absence thereof, effective July 8, 1997; P.A. 03-233 amended Subsec. (a) to add “except as provided in section 14-215a”; P.A. 04-257 made technical changes in Subsecs. (b) and (c), effective June 14, 2004; P.A. 05-215 amended Subsec. (b) to designate existing provisions as Subdiv. (1) and add Subdiv. (2) re additional penalties for persons who have one or more prior violations of Subsec. (a) or Sec. 14-36; P.A. 07-167 amended Subsec. (b)(2)(B) by changing penalty from term of imprisonment of 90 days which may not be suspended or reduced to term of imprisonment of one year, 90 days of which may not be suspended or reduced and amended Subsec. (c) by designating existing penalty provisions as Subdiv. (1), adding Subdivs. (2) and (3) re penalties for second, third and subsequent violations and designating existing provisions re court record of mitigating circumstances as Subdiv. (4); P.A. 11-48 amended Subsec. (c) to make penalties in Subdivs. (1) to (3) applicable to person operating motor vehicle in violation of restriction placed on license or right to operate by commissioner pursuant to Sec. 14-227a(i) or pursuant to order of court under Sec. 14-227j(b), effective January 1, 2012; P.A. 11-51 made identical changes as P.A. 11-48, effective January 1, 2012; P.A. 12-80 amended Subsec. (b)(1) to replace maximum term of imprisonment for first offense of “ninety days” with “three months” and make a technical change; P.A. 12-178 amended Subsec. (c)(1) and (2) to add “or limitation” re first and second violation of restriction on person's operator's license or right to operate motor vehicle pursuant to Sec. 14-227a(i), effective July 1, 2012; P.A. 16-126 amended Subsec. (c) by replacing references to Sec. 14-227a(a) with references to Sec. 14-227a and by adding references to Secs. 14-227m and 14-227n(a)(1) and (2); P.A. 23-47 amended Subsec. (b)(2)(B) by adding provision re absence of mitigating circumstances and making a technical change.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-215a. - Operation while license is suspended pursuant to section 14-140.

(a) No person whose operator's license or right to operate a motor vehicle in this state has been suspended pursuant to section 14-140 shall operate any motor vehicle during the period of such suspension. (b) Any person who violates the provisions of subsection (a) of this section shall, for a first offense, be fined not less than one hundred fifty dollars or more than two hundred dollars or imprisoned not more than three months, or both, and, for any subsequent offense, be fined not less than two hundred dollars or more than six hundred dollars or imprisoned not more than one year, or both. (P.A. 03-233, S. 1; 03-278, S. 131; P.A. 04-257, S. 86; P.A. 12-80, S. 165.) History: P.A. 03-278 amended Subsec. (a) by deleting “for failure to appear for any scheduled court appearance”; P.A. 04-257 made technical changes in Subsec. (b), effective June 14, 2004; P.A. 12-80 amended Subsec. (b) to replace maximum term of imprisonment for first offense of “ninety days” with “three months”.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-215b. - Operation after expiration of period of suspension and without obtaining reinstatement of license.

Any person whose motor vehicle operator's license has been suspended who operates a motor vehicle after the expiration of such period of suspension without obtaining the reinstatement of such license shall (1) during the first sixty days after such expiration, be deemed to have failed to renew such license and be subject to the penalty for failure to renew a motor vehicle operator's license under subsection (c) of section 14-41, and (2) after said sixty-day period, be subject to the penalty for operating a motor vehicle without a license under section 14-36. Any operator so charged shall not be prosecuted under section 14-215 for the same act constituting a violation under this section. (P. A. 05-215, S. 1.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-216. - Operation by persons under eighteen without insurance.

No person under the age of eighteen years shall operate any motor vehicle upon the highways of this state, and no person shall cause or permit such operation of any motor vehicle by any such person, unless such motor vehicle has been insured for the amounts required by section 14-112. Violation of any provision of this section shall be an infraction. This section shall not apply to any motor vehicle bearing farm registration plates. (1949 Rev., S. 2419; 1957, P.A. 334; P.A. 76-381, S. 9.) History: P.A. 76-381 replaced provision for \$100 fine and/or 30 days' imprisonment with statement that violation deemed an infraction. Mere fact that owner's son, admittedly under 16, was operator of car does not ipso facto establish violation by owner. 18 CS 41.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-217. - Operator to give name and address and show or surrender license, registration and insurance identification card when requested.

No person who is operating or in charge of any motor vehicle, when requested by any officer in uniform, by an agent authorized by the commissioner who presents appropriate credentials or, in the event of any accident in which the car he is operating or in charge of is concerned, when requested by any other person, may refuse to give his name and address or the name and address of the owner of the motor vehicle or give a false name or address, or refuse, on demand of such officer, agent or other person, to produce his motor vehicle registration certificate, operator's license and any automobile insurance identification card for the vehicle issued pursuant to section 38a-364 or to permit such officer, agent or such other person to take the operator's license, registration certificate and any such insurance identification card in hand for the purpose of examination, or refuse, on demand of such officer, agent or such other person, to sign his name in the presence of such officer, agent or such other person. No person may refuse to surrender his license to operate motor vehicles or the certificate of registration of any motor vehicle operated or owned by him or such insurance identification card or the number plates furnished by the commissioner for such motor vehicle on demand of the commissioner or fail to produce his license when requested by a court. Violation of any provision of this section shall be an infraction. (1949 Rev., S. 2406; 1961, P.A. 517, S. 77; P.A. 76-381, S. 10; P.A. 79-577, S. 7, 8; P.A. 81-172, S. 13; P.A. 93-297, S. 8, 29.) History: 1961 act removed obsolete reference to trial justice; P.A. 76-381 deleted provision for \$50 fine and/or 30 days' imprisonment with statement that violation deemed an infraction; P.A. 79-577 included no-fault insurance identification cards in documents which may be required; P.A. 81-172 authorized motor vehicle agents to request the production of a license, registration and no-fault insurance identification card; P.A. 93-297 deleted term "no-fault" in description of insurance identification card, effective January 1, 1994, and applicable to acts or omissions occurring on or after said date. Cited. 161 C. 371; 181 C. 299. Cited. 24 CA 438; 30 CA 742; 45 CA 303. Operator's license is privilege granted by state, not a right, and subject to reasonable restrictions; roadblock stopping by state police is valid exercise of police power. 4 Conn. Cir. Ct. 385, 389, 394.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-218. - Negligent homicide.

Section 14-218 is repealed. (1949 Rev., S. 2415; 1949, S. 1316d; 1971, P.A. 30.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-218a. - Traveling unreasonably fast. Establishment of speed limits.

(a)(1) No person shall operate a motor vehicle upon any public highway of the state, or road of any specially chartered municipal association or any district organized under the provisions of chapter 105, a purpose of which is the construction and maintenance of roads and sidewalks, or on any parking area as defined in section 14-212, or upon a private road on which a speed limit has been established in accordance with this subsection, or upon any school property, at a rate of speed greater than is reasonable, having regard to the width, traffic and use of highway, road or parking area, the intersection of streets and weather conditions. (2) The Office of the State Traffic Administration may determine speed limits which are reasonable and safe on any state highway, bridge or parkway built or maintained by the state, and differing limits may be established for different types of vehicles, and may erect or cause to be erected signs indicating such speed limits. (3) Except as provided in subsection (c) of this section and section 14-307a, the traffic authority of any town, city or borough may establish speed limits on streets, highways and bridges or in any parking area for ten cars or more or on any private road wholly within the municipality under its jurisdiction; provided such limit on streets, highways, bridges and parking areas for ten cars or more shall become effective only after application for approval thereof has been submitted in writing to the Office of the State Traffic Administration and a certificate of such approval has been forwarded by the office to the traffic authority; and provided such signs giving notice of such speed limits shall have been erected as the office directs, provided the erection of such signs on any private road shall be at the expense of the owner of such road. The presence of such signs adjacent to or on the highway or parking area for ten cars or more shall be prima facie evidence that they have been so placed under the direction of and with the approval of the office. Approval of such speed limits may be revoked by the office at any time if said office deems such revocation to be in the interest of public safety and welfare, and thereupon such speed limits shall cease to be effective and any signs that have been erected shall be removed. (4) Any speed in excess of a speed limit established in accordance with this section or section 14-307a, other than speeding as provided for in section 14-219, shall be prima facie evidence that such speed is not reasonable, but the fact that the speed of a vehicle is lower than such speed limit shall not relieve the operator from the duty to decrease speed when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. (b) (1) Except as provided in subdivision (2) of this subsection, the Office of the State Traffic Administration shall establish a speed limit not to exceed sixty-five miles per hour on each multiple lane, limited access highway. The office shall establish speed limits that are suitable for each such highway, taking into consideration relevant factors including design, population of area and traffic flow. (2) The Commissioner of Transportation may establish the speed limit on limited access highways during a weather event or an emergency, provided the commissioner erects electronic signs indicating such speed limit. (c) (1) The traffic authority of any town, city or borough may establish, modify and maintain speed limits on streets, highways and bridges or in any parking area for ten cars or more or on any private road wholly within the municipality under its jurisdiction without approval from the Office of the State Traffic Administration, provided: (A) The municipality, by vote of its legislative body, or in the case of a

municipality in which the legislative body is a town meeting, its board of selectmen, permits the traffic authority to assume responsibility and authority for the establishment, modification and maintenance of the speed limits on all streets, highways and bridges and in parking areas for ten cars or more or on any private road wholly within the municipality under its jurisdiction. Such permission is not required if such legislative body or board of selectmen is also the traffic authority; (B) The traffic authority notifies the office in writing that the traffic authority is permitted under subparagraph (A) of this subdivision and intends to assume such responsibility and authority; (C) The traffic authority establishes, modifies and maintains the speed limits on all streets, highways and bridges and in parking areas for ten cars or more or on any private road wholly within the municipality under its jurisdiction; (D) The traffic authority conducts an engineering study described in subdivision (3) of this subsection; and (E) The traffic authority notifies the office of each change to a speed limit on such street, highway, bridge and parking area wholly within the municipality under its jurisdiction so the office may maintain a state-wide inventory of speed limits. Any speed limit approved by the office pursuant to the provisions of subsection (a) of this section shall remain in effect until modified by a traffic authority. (2) (A) The traffic authority shall not establish or reduce a speed limit lower than twenty-five miles per hour unless (i) the speed limit is in a pedestrian safety zone pursuant to section 14-307a, or (ii) the engineering study described in subdivision (3) of this subsection finds that a speed limit lower than twenty-five miles per hour is reasonable. (B) The traffic authority shall not reduce a speed limit by more than ten miles per hour without approval from the municipality, by vote of its legislative body, or in the case of a municipality in which the legislative body is a town meeting, its board of selectmen, if such legislative body or board of selectmen is not also the traffic authority. (C) If the traffic authority reduces a speed limit by more than ten miles per hour, the traffic authority shall erect reduced speed limit ahead signs in accordance with the standards contained in the Federal Highway Administration's Manual on Uniform Traffic Control Devices for Streets and Highways, as amended from time to time. (D) On any street or highway that runs into an adjoining municipality, a traffic authority shall not reduce the speed limit within one thousand feet of the boundary of the adjoining municipality by more than ten miles per hour from the speed limit on such road in the adjoining municipality without (i) approval of the adjoining municipality, by vote of its legislative body, or in the case of a municipality in which the legislative body is a town meeting, its board of selectmen, and (ii) the approval required under subparagraph (B) of this subdivision. (E) If a traffic authority reduces the speed limit on any street or highway that runs into an adjoining municipality between one thousand feet and one mile of the boundary of the adjoining municipality by more than ten miles per hour from the speed limit on such road in the adjoining municipality, the traffic authority shall provide written notice of the reduced speed limit to the adjoining municipality. (3) Prior to establishing or modifying a speed limit pursuant to the provisions of subdivision (1) of this subsection, the traffic authority shall conduct an engineering study in accordance with the Federal Highway Administration's Manual on Uniform Traffic Control Devices for Streets and Highways, as amended from time to time, and other generally accepted engineering principles and guidance. The study shall be completed by a professional engineer licensed to practice in this state and shall consider factors, including, but not limited to, pedestrian activity, type of land use and development, parking and the record of traffic accidents in the jurisdiction of the traffic authority. (4) The Office of the State Traffic Administration may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this subsection. (d) Any person who operates a motor vehicle at a greater rate of speed than is reasonable, other than speeding, as provided for in section 14-219, shall commit the infraction of traveling unreasonably fast. (P.A. 75-577, S. 7, 126; P.A. 77-103; 77-340, S. 4; P.A. 84-429, S. 65; P.A. 98-181, S. 1; P.A. 12-132, S. 15; P.A. 21-28, S. 6; P.A. 22-40, S. 2; P.A. 23-135, S. 6.) History: P.A. 77-103 clarified proviso re effective date of speed limits; P.A. 77-340 replaced first reference to parking areas for 10 or more cars with parking areas as defined in Sec. 14-219a and specified infraction in Subsec. (b) as infraction "of traveling unreasonably fast"; P.A. 84-429 made technical changes for statutory consistency; P.A. 98-181 added new Subsec.(b) requiring the State Traffic Commission to establish a speed limit of 65 miles per hour on multiple lane, limited access highways determined to be suitable for said speed limit, relettering former Subsec. (b) as Subsec. (c); P.A. 12-132 replaced references to State Traffic Commission with references to Office of the State Traffic Administration, effective July 1, 2012 (Revisor's note: In Subsecs. (a) and (b), references to "Office of State Traffic Administration" were changed editorially by the Revisors to "Office of the State Traffic Administration" for accuracy); P.A. 21-28 amended Subsec. (a) by designating existing provisions as Subdivs. (1) to (4), adding "Except as provided in subsection (c) of this section and section 14-307a" in Subdiv. (3), adding "a speed limit established in accordance with this section or section 14-307a" in Subdiv. (4) and making technical changes, added new Subsec. (c) re traffic authority establishing speed limits without approval from office and redesignated existing Subsec. (c) as Subsec. (d); P.A. 22-40 amended Subsec. (b) by designating existing provision as Subdiv. (1) and amending same to add provision re except as provided in Subdiv. (2) and adding Subdiv. (2) re commissioner to establish speed limit on limited access highway during weather event or emergency; P.A. 23-135 amended Subsec. (b)(1) by replacing speed limit of 65 miles per hour with speed limit not to exceed 65 miles per hour and making conforming changes.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-219. - Speeding.

(a) No person shall operate any motor vehicle (1) upon any highway, road or any parking area for ten cars or more, at such a rate of speed as to endanger the life of any occupant of such motor vehicle, but not the life of any other person than such an occupant; (2) at a rate of speed greater than fifty-five miles per hour upon any highway other than a highway specified in subdivision (1) of subsection (b) of section 14-218a for which a speed limit has been established in accordance with the provisions of said subdivision; (3) at a rate of speed greater than sixty-five miles per hour upon any highway specified in subdivision (1) of subsection (b) of section 14-218a for which a speed limit has been established in accordance with the provisions of said subdivision; (4) if such

person is under eighteen years of age, upon any highway or road for which a speed limit of less than sixty-five miles per hour has been established in accordance with section 14-218a, or section 14-307a, at a rate of speed more than twenty miles per hour above such speed limit; or (5) at a rate of speed greater than the speed limit upon a limited access highway for which a speed limit has been established in accordance with the provisions of subdivision (2) of subsection (b) of section 14-218a. (b) Any person who operates a motor vehicle (1) on a multiple lane, limited access highway other than a highway specified in subdivision (1) of subsection (b) of section 14-218a for which a speed limit has been established in accordance with the provisions of said subdivision at a rate of speed greater than fifty-five miles per hour but not greater than seventy miles per hour, (2) on a multiple lane, limited access highway specified in subdivision (1) of subsection (b) of section 14-218a for which a speed limit has been established in accordance with the provisions of said subdivision at a rate of speed greater than sixty-five miles per hour but not greater than seventy miles per hour, (3) on any other highway at a rate of speed greater than fifty-five miles per hour but not greater than sixty miles per hour, (4) if such person is under eighteen years of age, upon any highway or road for which a speed limit of less than sixty-five miles per hour has been established in accordance with section 14-218a, or section 14-307a, at a rate of speed more than twenty miles per hour above such speed limit, or (5) at a rate of speed greater than the speed limit upon a limited access highway for which a speed limit has been established in accordance with the provisions of subdivision (2) of subsection (b) of section 14-218a shall commit an infraction, provided any such person operating a truck, as defined in section 14-260n, shall have committed a violation and shall be fined not less than one hundred dollars nor more than one hundred fifty dollars. (c) Any person who violates any provision of subdivision (1) of subsection (a) of this section or who operates a motor vehicle (1) on a multiple lane, limited access highway at a rate of speed greater than seventy miles per hour but not greater than eighty-five miles per hour, or (2) on any other highway at a rate of speed greater than sixty miles per hour but not greater than eighty-five miles per hour, shall be fined not less than one hundred dollars nor more than one hundred fifty dollars, provided any such person operating a motor vehicle described in subsection (a) of section 14-163c shall be fined not less than one hundred fifty dollars nor more than two hundred dollars. (d) No person shall be subject to prosecution for a violation of both subsection (a) of this section and subsection (a) of section 14-222 because of the same offense. (e) Notwithstanding any provision of the general statutes, any person who violates subdivision (1) of subsection (a) of this section, subdivision (1) or (2) of subsection (b) of this section while operating a truck, as defined in section 14-260n, or subdivision (1) of subsection (c) of this section while operating a motor vehicle or a truck, as defined in section 14-260n, shall follow the procedures set forth in section 51-164n. (1949 Rev., S. 2407; 1961, P.A. 379, S. 2; 517, S. 15; 1963, P.A. 289; 595; February, 1965, P.A. 92; 1969, P.A. 450, S. 1, 2; 670, S. 1, 2; P.A. 73-253, S. 1; P.A. 75-577, S. 6, 126; P.A. 79-609, S. 1; P.A. 80-276, S. 1, 6; P.A. 84-372, S. 5, 9; P.A. 90-213, S. 7; P.A. 98-181, S. 2; P.A. 08-32, S. 13; P.A. 09-187, S. 14; P.A. 10-110, S. 18; P.A. 21-28, S. 9; P.A. 22-40, S. 3.) History: 1961 acts amended Subsec. (a) to add parking areas for ten cars or more and deleted exception for Merritt Parkway from first sentence of Subsec. (b); 1963 acts established maximum speed limits in Subsec. (a)(2) and added roads of specially chartered municipal associations; 1965 act added district roads to Subsec. (a); 1969 acts amended Subsecs. (a) and (b) to add provisions re private roads and to establish speed limits applicable to commercial vehicles; P.A. 73-253 prohibited operation of vehicle at greater than reasonable speed on school property; P.A. 75-577 deleted provisions of Subsec. (a) re operation at greater than reasonable speed, deleted Subsec. (b) re determination of speed limits and relettered former Subsec. (c) as Subsec. (b); P.A. 79-609 reduced speed limit from 70 to 55 miles per hour with limit being generally applicable, special limit provisions were deleted; P.A. 80-276 inserted new Subsec. (b) re offenses deemed infractions and expanded Subsec. (c) re speeding offenses and replaced \$100 maximum fine with \$100 minimum fine and \$150 maximum fine; P.A. 84-372 established higher penalties for person operating a truck; P.A. 90-213 amended Subsec. (c)(1) and (2) to establish a maximum speed of 85 miles per hour and added Subsec. (e) to require a person who violates Subsec. (a)(1), Subsec. (b)(1) while operating a truck, or Subsec. (c)(1) while operating a motor vehicle or truck to follow the procedures set forth in Sec. 51-164n; P.A. 98-181 amended Subsec. (a)(2) to exclude a highway for which a speed limit has been established in accordance with Sec. 14-218a(b) and to add Subdiv. (3) prohibiting operation at a rate of speed greater than 65 miles per hour on a highway for which a speed limit has been established in accordance with Sec. 14-218a(b), amended Subsec. (b)(1) to exclude a highway for which a speed limit has been established in accordance with Sec. 14-218a(b) and to add Subdiv. (2) prohibiting operation on a multiple lane, limited access highway for which a speed limit has been established in accordance with Sec. 14-218a(b) at a rate of speed greater than 65 miles per hour but not greater than 70 miles per hour, renumbering former Subdiv. (2) as Subdiv. (3), and amended Subsec. (e) to include a violation of Subdiv. (2) of Subsec. (b) while operating a truck; P.A. 08-32 added Subsec. (a)(4) and Subsec. (b)(4) re person under 18 years of age who operates motor vehicle upon certain highways or roads at rate of speed 20 miles per hour or more above established speed limit and made technical changes, effective August 1, 2008; P.A. 09-187 amended Subsecs. (a)(4) and (b)(4) to replace "twenty miles per hour or more" with "more than twenty miles per hour" and made a technical change in Subsec. (a), effective July 8, 2009; P.A. 10-110 amended Subsec. (c)(2) to substitute "motor vehicle described in subsection (a) of section 14-163c" for "truck, as defined in section 14-260n"; P.A. 21-28 amended Subsecs. (a) and (b) by replacing reference to Sec. 14-218a(a) with reference to Sec. 14-218a and adding reference to Sec. 14-307a; P.A. 22-40 amended Subsecs. (a) and (b) by replacing reference to Sec. 14-218a(b) with reference to Sec. 14-218a(b)(1) and adding Subdiv. (5) re speed limit established in accordance with Sec. 14-218a(b)(2) and made technical changes. See Sec. 14-107 re liability of owner, operator or lessee of vehicle. See Sec. 14-111g re operator's retraining program. See Sec. 14-219c re use of radar to support conviction. See Sec. 14-222 re penalty for operation at rate of speed greater than eighty-five miles per hour. The effect of exceeding former statutory speed limits. 81 C. 500; 90 C. 707; 98 C. 490; 99 C. 727; 106 C. 386. Former statute applied. 102 C. 44. Excessive speed and failure to look ahead. 105 C. 693. Duty of driver to keep reasonable lookout. 108 C. 508, 546, 560. Permissible rate of speed depends on existing conditions. Id., 706. Endangering life of occupant of vehicle being

driven should be distinguished from endangering life of another, which is a violation of Sec. 14-222. 124 C. 270. Cited. 125 C. 448. Where jury was cautioned that plaintiff was limited to negligence specified in complaint, it was not prejudicial to read inapplicable portion of statute. Id., 512. Cited. 139 C. 719; 140 C. 274. Trier to decide whether the speed was actually unreasonable under all the circumstances; if plaintiff's speed was unreasonable, it cannot be said that as a matter of law, under the circumstances of the case, the excess speed was a proximate cause of the collision. 146 C. 470. Violation constitutes negligence per se. 147 C. 644. Cited. 148 C. 456. Prima facie evidence discussed. Id., 481. Cited. 149 C. 385. Court may take judicial notice that radar is an accurate speed-measuring principle. 153 C. 365. Cited. 154 C. 100; 170 C. 495; 202 C. 629; 208 C. 94; 209 C. 98. Cited. 14 CA 816; 17 CA 416; 19 CA 432; 27 CA 346; 29 CA 791; 34 CA 201; 46 CA 633. Right of Merritt Parkway Commission to fix speed limits under former statute discussed. 7 CS 165. Cited. 16 CS 398. Prima facie presumption that driving at rate of speed exceeding posted speed limit is not reasonable; proof of favorable conditions is effective neither to rebut, as a matter of law, state's prima facie case nor to constitute, as a matter of law, a defense to a prosecution under section. 22 CS 464. Cited. 23 CS 303, 342. Passing at speed in excess of posted speed limit and returning to right-hand lane are among circumstances for trier to consider in determining reasonableness of speed; court may take judicial notice of regulations of State Traffic Commission. Id., 437. Radar can show speed, and it is for the trier to believe or disbelieve testimony with regard to the accuracy of the radar. 24 CS 13. Cited. Id., 91; Id., 124; Id., 160; Id., 167; Id., 345. Plea of guilty and absence of affidavit of explanation can result in inference that speeding was proximate cause of accident. 25 CS 380. Cited. 26 CS 513. Officer's testimony that speedometer had recently been tested satisfies requirement in speeding prosecutions of some showing of instrument's accuracy prior to admissibility. 37 CS 601. Cited. 39 CS 313; 41 CS 356. Speed recorded on radar unit admissible in evidence if accuracy of unit is established and car identified. 2 Conn. Cir. Ct. 68. Defendant has right, prior to trial, to inspect radar equipment; not abuse of discretion to refuse postponement of trial when request made during trial. Id., 369. Speeding violation may be established by circumstantial evidence; where facts conflict with witnesses' estimates of speed, the facts control. Id., 439. It is for the trier to decide under all the circumstances, some of which may be favorable to the driver, whether the speed was greater than was reasonable at the time. Id., 644. Cited. 3 Conn. Cir. Ct. 461. Testimony of state trooper as to speed of defendant's vehicle during "clocking" period is admissible although no foundation has been laid to establish accuracy of device by which trooper reached his conclusion; speedometer reading is only prima facie evidence; trier of facts shall determine its credibility. Id., 566, 568. Operation of police radar requires no technical knowledge of radar science; individual graphic record containing alleged speed of defendant is admissible without producing graphic record covering entire period of operation. Id., 575, 577. Prima facie evidence of defendant's speed of 70 miles an hour as unreasonable is rebuttable but casts on defendant burden of going forward with the evidence his speed was reasonable under the conditions. 4 Conn. Cir. Ct. 93. It is not double jeopardy to prosecute offender for two successive speeding offenses in different towns in same hour of one day. Id., 102. Court will judicially notice that radar instrument measures speed accurately. Id., 109. Expressed intent of legislature was to distinguish between the types of highways described in statute. Id., 374. Cited. Id., 499. Statute does not go much beyond the common law rule and the jury must decide whether defendant's speed was negligent under the circumstances. Id., 671. Failure of officer issuing summons to defendant to correctly identify him in court or trial did not affect the establishment of the identity of the driver where defendant had entered a general appearance and appeared for trial. Id., 697. Where there was no evidence of the testing of the speedometer of the state trooper within a reasonable time before the clocking of defendant's car, evidence of the clocked speed was inadmissible. 5 Conn. Cir. Ct. 190. Cited. Id., 333. Defense of entrapment must establish the criminal design arose solely in the mind of the police. Id., 379. In a trial for violation of section, the court may not direct the jury to find a verdict of guilty even where there was a stipulation of all facts. Id., 223. Cited. Id., 618; 6 Conn. Cir. Ct. 161, 162. No clocked measurements are necessary to establish prima facie evidence of speed in excess of the maximum limits. Id., 334. Cited. Id., 560, 599. Subsec. (a): Each of the two sentences in Subsec. states a separate interdict. 144 C. 399. Violation of Subsec. would be negligence per se. 165 C. 635. Cited. 176 C. 451. Cited. 3 Conn. Cir. Ct. 580; 4 Conn. Cir. Ct. 516. In crime of speeding which is malum prohibitum, the intent to do the prohibited act is only intent necessary for conviction and motive of defendant is of no consequence. Id., 573. Subsec. (b): Degree of excess speed over posted limit is factor to be considered by trier in determining whether, under all circumstances, a motor vehicle has been operated at greater than reasonable speed. 144 C. 399. Violation of posted speed limit not negligence per se. 165 C. 635. History discussed; State Traffic Commission has authority to post speed limits on Merritt Parkway and it is proper to admit evidence of posted speed. 23 CS 468.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-219a. - Parking area defined.

Section 14-219a is repealed. (1961, P.A. 379, S. 1; P.A. 77-340, S. 5; P.A. 84-429, S. 78.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-219b. - Limitation of municipal liability.

Nothing in section 14-218a, subsection (a) of section 14-222 or subsection (a) of section 14-227a shall be construed to impose any liability upon any municipality as a result of its establishing a speed limit upon any private road within its jurisdiction as provided by section 14-218a. (1969, P.A. 450, S. 5; P.A. 77-340, S. 6.) History: P.A. 77-340 replaced references to Sec. 14-219 with references to Sec. 14-218a.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle

Highway UseSection 14-219c. - Use of speed monitoring devices to support a conviction.

A prima facie presumption of accuracy sufficient to support a conviction under section 14-219 will be accorded to a radar, speed monitoring laser, vascar device or any other speed monitoring device approved by the Commissioner of Emergency Services and Public Protection only upon testimony by a competent police officer that: (1) The police officer operating the radar, laser, vascar device or other device has adequate training and experience in its operation; (2) the radar, laser, vascar device or other device was in proper working condition at the time of the arrest, established by proof that suggested methods of testing the proper functioning of the device were followed; (3) the radar, laser, vascar device or other device was used in an area where road conditions provide a minimum possibility of distortion; (4) if moving radar was used, the speed of the patrol car was verified; and (5) the radar, laser, vascar device or other device was expertly tested within a reasonable time following the arrest, and such testing was done by means which do not rely on the internal calibrations of such radar, laser, vascar device or other device. (P.A. 79-609, S. 3; P.A. 92-141, S. 2, 3; P.A. 94-189, S. 13; P.A. 11-51, S. 134.) History: P.A. 92-141 added references to lasers, vascar devices or other speed monitoring devices approved by the commissioner of public safety; P.A. 94-189 amended Subdiv. (4), eliminating the reference to "laser, vascar device or other device" since only when moving radar is used is the speed of the patrol car a factor; pursuant to P.A. 11-51, "Commissioner of Public Safety" was changed editorially by the Revisors to "Commissioner of Emergency Services and Public Protection", effective July 1, 2011. Statute does not set out a test for admissibility of laser readings; purpose of statute is to provide a presumption of accuracy for laser readings when state satisfies the 5 conditions contained in statute. 70 CA 223. Statute refers to the accuracy of radar readings and does not purport to create any prima facie presumptions with respect to the accuracy of a patrol car's speedometer. 37 CS 601. Court held to be reasonable in time test for accuracy conducted 3 weeks after the arrest. 39 CS 313.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 248 - Vehicle Highway UseSection 14-220. - Slow speed.

(a) No person shall operate a motor vehicle at a speed lower than forty miles per hour on any limited access divided highway and no person shall operate a motor vehicle on any other highway at such a slow speed as to impede or block the normal and reasonable movement of traffic except, in either case, when reduced speed is necessary for safe operation or in an emergency, or in compliance with the law or the direction of an officer. The provisions of this section shall not apply to (1) maintenance vehicles or equipment of the state or any municipal highway department, or to such vehicles or equipment of a contractor under contract with any such department while engaged in maintenance operations; (2) any motor vehicle with a commercial registration which while traveling on any limited access divided highway is unable to maintain the minimum speed limit of forty miles per hour due to the gradient, or to any such vehicle which while traveling on any other highway is being driven at such a slow speed as to obstruct or endanger following traffic, provided the operator thereof employs flashing lights on such motor vehicle. (b) The operator of any motor vehicle having a gross weight of more than twenty-five thousand pounds shall also employ flashing lights when the vehicle is traveling on a limited access divided highway and maintaining a speed higher than forty miles per hour but lower than the speed of the traffic on the highway due to the gradient. (c) Violation of any provision of this section shall be an infraction. (1957, P.A. 136; 1967, P.A. 875; 1971, P.A. 618, S. 1; P.A. 75-577, S. 68, 126; P.A. 84-278; P.A. 90-263, S. 66, 74.) History: 1967 act set minimum speed of 40 on limited access divided highways; 1971 act excluded from provisions commercial vehicles unable to maintain speed on grades and vehicles using flashing lights; P.A. 75-577 added statement that violation of provisions is an infraction; P.A. 84-278 divided section into Subsecs. and added new language in Subsec. (b), requiring operators of certain commercial motor vehicles to use flashing lights while traveling faster than 40 miles per hour but slower than the speed of traffic due to the gradient; P.A. 90-263 amended Subsec. (a)(2) to substitute phrase "motor vehicle with a commercial registration" for "commercial motor vehicle" and to delete other references to "commercial" motor vehicle. Requirement that there be a written request to charge on legal principle involved in a statute (Practice Book, section 250) is especially applicable to this section. 154 C. 381. Cited. 30 CA 742.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 248 - Vehicle Highway UseSection 14-221. - Low-speed vehicles carrying passengers for hire.

No person shall operate on any highway any vehicle which travels at a normal rate of speed of not more than fifteen miles per hour, when transporting persons for hire or when transporting three or more persons for pleasure purposes, whether or not for hire, unless he has obtained a permit from the traffic authority of each city, town and borough in which the vehicle is to be operated. Such permit shall include reasonable restrictions and may require the temporary installation and use of such additional lighting equipment as such traffic authority deems to be essential for the safety of the persons being transported from one-half hour after sunset to one-half hour before sunrise or whenever smoke or weather conditions render it impossible to see at least two hundred feet ahead of such vehicle. Violation of any provision of this section shall be an infraction. (1953, S. 1379d; P.A. 75-577, S. 69, 126; P.A. 85-174, S. 1, 2.) History: P.A. 75-577 added statement that violation of provisions is an infraction; P.A. 85-174 eliminated the limitation on the permit to one round trip per day and provided that the permit shall include reasonable restrictions.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 248 - Vehicle Highway UseSection 14-222. - Reckless driving.

(a) No person shall operate any motor vehicle upon any public highway of the state, or any road of any specially chartered municipal

association or of any district organized under the provisions of chapter 105, a purpose of which is the construction and maintenance of roads and sidewalks, or in any parking area for ten cars or more or upon any private road on which a speed limit has been established in accordance with the provisions of section 14-218a or section 14-307a or upon any school property recklessly, having regard to the width, traffic and use of such highway, road, school property or parking area, the intersection of streets and the weather conditions. The operation of a motor vehicle upon any such highway, road or parking area for ten cars or more at such a rate of speed as to endanger the life of any person other than the operator of such motor vehicle, or the operation, downgrade, upon any highway, of any motor vehicle with a commercial registration with the clutch or gears disengaged, or the operation knowingly of a motor vehicle with defective mechanism, shall constitute a violation of the provisions of this section. The operation of a motor vehicle upon any such highway, road or parking area for ten cars or more at a rate of speed greater than eighty-five miles per hour shall constitute a violation of the provisions of this section. (b) Any person who violates any provision of this section shall be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days or be both fined and imprisoned for the first offense and for each subsequent offense shall be fined not more than six hundred dollars or imprisoned not more than one year or be both fined and imprisoned. (1949 Rev., S. 2408; 1961, P.A. 379, S. 3; 1963, P.A. 290; February, 1965, P.A. 224; 1969, P.A. 450, S. 3; 1971, P.A. 31; P.A. 73-253, S. 2; P.A. 77-340, S. 7; P.A. 81-268, S. 1; P.A. 90-213, S. 8; 90-263, S. 67, 74; P.A. 21-28, S. 10.) History: 1961 act amended Subsec. (a) to include parking areas for ten or more cars; 1963 act amended Subsec. (a) to include roads of specially chartered municipal associations; 1965 act added district roads to Subsec. (a); 1969 act prohibited operating vehicle recklessly on private roads with established speed limits; 1971 act replaced "occupant" with "operator" in Subsec. (a) provision re endangerment; P.A. 73-253 prohibited operating vehicle recklessly on school property; P.A. 77-340 replaced reference to Sec. 14-219 in Subsec. (a) with reference to Sec. 14-218a; P.A. 81-268 amended Subsec. (b) by establishing a minimum fine of \$100 and increasing the maximum fine from \$100 to \$300 for first offenses, and increasing the maximum fine for subsequent offenses from \$200 to \$600; P.A. 90-213 amended Subsec. (a) to add provision that operation of a motor vehicle at a rate of speed greater than 85 miles per hour constitutes a violation of the section; P.A. 90-263 amended Subsec. (a) to substitute phrase "motor vehicle with a commercial registration" for "commercial motor vehicle"; P.A. 21-28 amended Subsec. (a) by adding reference to Sec. 14-307a. See Sec. 14-107 re liability of owner, operator or lessee of vehicle. See Sec. 14-111(b) re suspension or revocation of operator's license. See Sec. 14-111g re operator's retraining program. See Sec. 14-112(a) re proof of financial responsibility. See Sec. 14-219b re limitation of municipal liability. Criminal homicide by reckless driving. 82 C. 671; 83 C. 437; 108 C. 212. Former statute applied. 93 C. 254. Violation does not entitle injured person to recover treble damages. *Id.*, 249. Doing any act prohibited by motor vehicle laws is negligence of itself, and is actionable when proximate cause of injury. 98 C. 495; 99 C. 727. Driving down icy hill in high gear. 105 C. 669. Reckless driving does not lie in speed alone, but in that and other circumstances which together show reckless disregard of consequences. 108 C. 214. Contributory negligence, while not a defense to action for reckless misconduct, is a defense to action for negligence consisting in part of violation of statute. 116 C. 475; 123 C. 211. Negligence as a prerequisite for finding statute was violated. 117 C. 616. Cited. 119 C. 314. Where complaint had no allegation of reckless driving, court properly omitted reading portion of statute referring to it. 123 C. 177. Operating recklessly is operating without regard for safety of others. *Id.*, 212. If speed in passing vehicle was not such as to endanger any of its occupants, it did not constitute reckless driving. 124 C. 270. Where jury was cautioned that plaintiff was limited to negligence specified in complaint, it was not prejudicial to read inapplicable portion of statute. 125 C. 512. Violation of statute not necessarily established by fact only that defendant was driving under influence of liquor, or only that car was going at high rate of speed. 132 C. 227. Excessive speed passing trolley car may be reckless driving. *Id.*, 248. Cited. 139 C. 719; 149 C. 385. The allegations of plaintiff's complaint that defendant was negligent because of actions including violations of statute were not sufficient to permit recovery upon the ground of reckless and wanton misconduct by defendant. 159 C. 91. Cited. 162 C. 565. Plaintiff's waiver of representation by counsel at hearing where his license was suspended for contributing to accidental death precludes later claim of denial of procedural due process. 168 C. 94. Cited. 202 C. 629; 203 C. 305; 208 C. 94; 226 C. 191; 230 C. 427; 240 C. 489. Road that was under the control of a political subdivision of the state and open to public travel was a public "highway" as defined in Sec. 14-1. 300 C. 426. Cited. 9 CA 686; 12 CA 306; 14 CA 347; 27 CA 225; *Id.*, 377; 32 CA 1; 33 CA 49; 36 CA 710; 38 CA 8; judgment reversed, see 236 C. 18; *Id.*, 85; 41 CA 664. Evidence is sufficient to prove defendant operated motor vehicle recklessly or at such a rate of speed as to endanger the life of another when state proves, beyond a reasonable doubt, that defendant ignored posted warning signs, drove well in excess of the posted speed limit and operated vehicle in such a reckless manner as to endanger the lives of the passengers. 51 CA 463. Operating recklessly within the meaning of section requires a conscious choice of action either with knowledge of the serious danger to others involved in it or with knowledge of facts which would disclose this danger to a reasonable man; there must be something more than a failure to use reasonable care, something more than gross negligence. 22 CS 391. Neither speed nor driving under the influence of liquor would alone be sufficient for a conviction for reckless driving, but such circumstances in conjunction with other circumstances can be taken into consideration in determining whether defendant showed a reckless disregard of consequences. *Id.*, 400. Nature of reckless misconduct discussed. 24 CS 108. Cited. *Id.*, 156; 26 CS 184. The misconduct of plaintiff was simple negligence and not the exacerbated type which is reckless misconduct. 31 CS 325. Cited. 37 CS 661; 38 CS 549. Evidence of injuries received in auto accident relevant in proving offense. 2 Conn. Cir. Ct. 446. Reckless driving does not lie in speed alone but in speed and other circumstances which, together, show a reckless disregard of circumstances. *Id.*, 501, 502. Cited. *Id.*, 634. To establish violation of first sentence of statute, reckless or wanton misconduct must be shown. 3 Conn. Cir. Ct. 25. Guilt might be established under second sentence of statute by evidence which would prove only that life was endangered. *Id.*, 26, 27. Where only evidence relative to defendant's operational conduct is an estimate of his speed at a point 600 feet before accident

occurred, evidence held insufficient to warrant conclusion of guilt beyond a reasonable doubt. *Id.*, 28. Cited. *Id.*, 294, 295. Presumption raised by Sec. 14-107 that proof of registration number of motor vehicle shall be prima facie evidence that owner was operator thereof is not violative of due process since there is a rational and reasonable connection between the facts proved and the ultimate fact presumed. *Id.*, 462, 463. Cited. *Id.*, 380; 4 Conn. Cir. Ct. 499; *Id.*, 541; 6 Conn. Cir. Ct. 298. Subsec. (a): Cited. 198 C. 43; 236 C. 18. Cited. 40 CA 643. Conviction of reckless driving not inconsistent with acquittal on charge of risk of injury to a child under Sec. 53-21(a)(1) because each offense contains different elements and a conviction on one is not inconsistent with an acquittal on the other. 122 CA 631. There was insufficient evidence to establish beyond a reasonable doubt that the road on which defendant drove recklessly was a municipal road. 126 CA 52; judgment reversed, see 306 C. 426. Defendant who, following another car, bumped it from the rear more than once could reasonably be found guilty of reckless driving under section. 3 Conn. Cir. Ct. 509, 510.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-222a. - Negligent homicide with a motor vehicle.

Any person who, in consequence of the negligent operation of a motor vehicle, causes the death of another person shall be fined not more than three thousand five hundred dollars or imprisoned not more than three years, or both. (P.A. 81-26, S. 1; P.A. 07-167, S. 34; P.A. 19-53, S. 2.) History: P.A. 07-167 designated existing provisions as Subsec. (a), inserting Subsec. (b) exception clause therein, and added Subsec. (b) re negligent operation of commercial motor vehicle, effective July 1, 2007; P.A. 19-53 amended Subsec. (a) by increasing maximum fine from \$1,000 to \$3,500 and increasing maximum term of imprisonment from 6 months to 3 years, and made conforming changes. See Sec. 14-111g re operator's retraining program. Cited. 202 C. 629; 222 C. 444; 226 C. 191. Negligent homicide with a motor vehicle is a lesser included offense of misconduct with a motor vehicle (Sec. 53a-57). 9 CA 686. Cited. 11 CA 122; *Id.*, 473; 22 CA 108; 27 CA 225; 28 CA 283; 38 CA 322. Since motor vehicle violations are specifically excluded from definition of an offense, and, therefore, from definition of a crime, negligent homicide with a motor vehicle is not a crime to which youthful offender status may be applied. 49 CS 170.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-223. - Failing to stop when signaled or disobeying direction of officer. Increasing speed in attempt to escape or elude officer.

(a) Whenever the operator of any motor vehicle fails promptly to bring his motor vehicle to a full stop upon the signal of any officer in uniform or prominently displaying the badge of his office, or disobeys the direction of such officer with relation to the operation of his motor vehicle, he shall be deemed to have committed an infraction and be fined fifty dollars. (b) No person operating a motor vehicle, when signaled to stop by an officer in a police vehicle using an audible signal device or flashing or revolving lights, shall increase the speed of the motor vehicle in an attempt to escape or elude such police officer. Any person who violates this subsection shall be guilty of a class A misdemeanor, except that, if such violation causes the death or serious physical injury, as defined in section 53a-3, of another person, such person shall be guilty of a class C felony, and shall have such person's motor vehicle operator's license suspended for one year for the first offense, except that the Commissioner of Motor Vehicles may, after a hearing, as provided for in subsection (i) of section 14-111, and upon a showing of compelling mitigating circumstances, reinstate such person's license before the expiration of such one-year period. For any subsequent offense such person shall be guilty of a class C felony, except that if any prior offense by such person under this subsection caused, and such subsequent offense causes, the death or serious physical injury, as defined in section 53a-3, of another person, such person shall be guilty of a class C felony for which one year of the sentence imposed may not be suspended or reduced by the court, and shall have such person's motor vehicle operator's license suspended for not less than eighteen months nor more than two years, except that said commissioner may, after a hearing, as provided for in subsection (i) of section 14-111, and upon a showing of compelling mitigating circumstances, reinstate such person's license before such period. (1949 Rev., S. 2409; P.A. 78-372, S. 3, 7; P.A. 82-189; 82-223, S. 15; P.A. 83-577, S. 21; P.A. 96-99; P.A. 99-171, S. 4, 5; P.A. 09-191, S. 1; P.A. 10-3, S. 62; P.A. 11-213, S. 35.) History: P.A. 78-372 added Subsec. (b) re attempts to elude police vehicles; P.A. 82-189 amended Subsec. (b) by deleting the reference to intentional disregard and endangerment and increasing the minimum penalties from a minimum fine of \$100 to \$500 and a minimum license suspension from two months to one year for a first offense and a minimum fine from \$500 to \$1,000 and a minimum license suspension from six to eighteen months for a subsequent offense; P.A. 82-223 amended Subsec. (a) by specifying that the commission of a first offense constituted an infraction, changing the fine from not less than \$5 nor more than \$25 to \$25 for a first offense, and increasing the minimum fine for a subsequent offense from \$10 to \$25; P.A. 83-577 amended Subsec. (a) by increasing the fine for a first offense from \$25 to \$35 and the minimum fine for a subsequent offense from \$25 to \$35; P.A. 96-99 amended Subsec. (b) by increasing the maximum fine from \$1,000 to \$2,000 and establishing a term of imprisonment of not more than one year for a first offense and by establishing a term of imprisonment of not less than one year nor more than five years for a subsequent offense; P.A. 99-171 amended Subsec. (b) by making a violation of this section a class A misdemeanor and deleting specific fine limits and prison terms, by increasing the penalty for violation of this section when such violation causes death or serious injury, by providing for an additional penalty when there is more than one violation of this section causing death or serious injury, and by making technical changes, effective January 1, 2000; P.A. 09-191 amended Subsec. (b) to increase from a class D felony to a class C felony the penalty for first offense that causes death or serious physical injury, increase from a class D felony to a class C felony the penalty for any subsequent offense and increase from a class D felony with a 1-year mandatory minimum sentence to a class C felony with a

1-year mandatory minimum sentence the penalty for any subsequent offense that causes death or serious physical injury where prior offense also caused death or serious physical injury; P.A. 10-3 amended Subsec. (a) to replace fine of \$35 for first offense and not less than \$35 nor more than \$50 for subsequent offense with fine of \$50, effective April 14, 2010; P.A. 11-213 amended Subsec. (b) to replace references to Sec. 14-111(k) with references to Sec. 14-111(i). See Sec. 14-111g re operator's retraining program. Cited. 4 Conn. Cir. Ct. 385. Subsec. (b): Cited. 202 C. 629; 222 C. 444. Cited. 33 CA 49; 40 CA 762. Sec. 53a-57(a) and this Subsec. contain multiple elements that are dissimilar, and the clear language of the statutes themselves is sufficient for a conclusion that they do not impose two punishments for the same act. 84 CA 351.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-223a. - Striking an officer with a motor vehicle. Penalties.

Any operator of a motor vehicle who strikes any officer, as defined in section 14-1, or any fire police officer, appointed in accordance with section 7-313a, with such motor vehicle while such officer or fire police officer is engaged in traffic control or regulation, provided such officer is in uniform or prominently displaying the badge of his office and such fire police officer is in compliance with the provisions of section 7-313a, (1) shall be fined not less than one hundred fifty dollars or more than two hundred dollars, and (2) for a subsequent offense, shall be fined not more than two hundred fifty dollars or imprisoned not more than thirty days, or both. (P.A. 04-250, S. 4; P.A. 05-152, S. 1; 05-288, S. 60.) History: P.A. 05-152 deleted provision re operator deemed to have committed an infraction and made technical changes; P.A. 05-288 made technical changes, effective July 13, 2005.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-224. - Evasion of responsibility in operation of motor vehicles. Racing, contests, demonstrations of speed or skill or street takeovers. Required removal of motor vehicle from traveled portion of highway. Penalties.

(a) Each operator of a motor vehicle who is knowingly involved in an accident which results in the death of any other person shall at once stop and render such assistance as may be needed and shall give such operator's name, address and operator's license number and registration number to any officer or witness to the death of any person, and if such operator of the motor vehicle causing the death of any person is unable to give such operator's name, address and operator's license number and registration number to any witness or officer, for any reason or cause, such operator shall immediately report such death of any person to a police officer, a constable, a state police officer or an inspector of motor vehicles or at the nearest police precinct or station, and shall state in such report the location and circumstances of the accident causing the death of any person and such operator's name, address, operator's license number and registration number. (b) (1) Each operator of a motor vehicle who is knowingly involved in an accident which causes serious physical injury, as defined in section 53a-3, to any other person shall at once stop and render such assistance as may be needed and shall give such operator's name, address and operator's license number and registration number to the person injured or to any officer or witness to the serious physical injury to person. If such operator of the motor vehicle causing the serious physical injury of any person is unable to give such operator's name, address and operator's license number and registration number to the person injured or to any witness or officer, for any reason or cause, such operator shall immediately report such serious physical injury of any person to a police officer, a constable, a state police officer or an inspector of motor vehicles or at the nearest police precinct or station, and shall state in such report the location and circumstances of the accident causing the serious physical injury of any person and such operator's name, address, operator's license number and registration number. (2) Each operator of a motor vehicle who is knowingly involved in an accident that causes physical injury, as defined in section 53a-3, to any other person shall at once stop and render such assistance as may be needed and shall give such operator's name, address and operator's license number and registration number to the person injured or to any officer or witness to the physical injury. If such operator of the motor vehicle causing the physical injury is unable to give such operator's name, address and operator's license number and registration number to the person injured or to any witness or officer, for any reason or cause, such operator shall immediately report such physical injury of any person to a police officer, a constable, a state police officer or an inspector of motor vehicles or at the nearest police precinct or station, and shall state in such report the location and circumstances of the accident causing the physical injury of any person and such operator's name, address, operator's license number and registration number. (3) Each operator of a motor vehicle who is knowingly involved in an accident that causes injury or damage to property shall at once stop and render such assistance as may be needed and shall give such operator's name, address and operator's license number and registration number to the owner of the injured or damaged property, or to any officer or witness to the injury or damage to property, and if such operator of the motor vehicle causing the injury or damage to any property is unable to give such operator's name, address and operator's license number and registration number to the owner of the property injured or damaged, or to any witness or officer, for any reason or cause, such operator shall immediately report such injury or damage to property to a police officer, a constable, a state police officer or an inspector of motor vehicles or at the nearest police precinct or station, and shall state in such report the location and circumstances of the accident causing the injury or damage to property and such operator's name, address, operator's license number and registration number. (c) (1) No person shall operate a motor vehicle upon any public highway or parking area for any race, contest, demonstration of speed or skill or street takeover. As used in this section, "street takeover" means taking over a portion of a public highway or parking area by blocking or impeding the regular flow of traffic with intent to cause disorder or create a nuisance for other users of such highway or parking area. (2) No person shall (A) possess a motor vehicle under circumstances manifesting an intent that it be used in a race, contest, demonstration or street takeover prohibited under subdivision (1) of this subsection, (B) act as a starter, timekeeper or judge at any such race, contest, demonstration or street takeover, or (C) wager on the outcome of any such

race, contest, demonstration or street takeover, or (D) knowingly incite or recruit by any action, method, device or means, including, but not limited to, electronic or social media, in advance of any such race, contest, demonstration or street takeover, any person for participation in the performance of any such race, contest, demonstration or street takeover. (d) Each person operating a motor vehicle who is knowingly involved in an accident on a limited access highway which causes damage to property only shall immediately move or cause such person's motor vehicle to be moved from the traveled portion of the highway to an untraveled area which is adjacent to the accident site if it is possible to move the motor vehicle without risk of further damage to property or injury to any person. (e) No person who acts in accordance with the provisions of subsection (d) of this section may be considered to have violated subdivision (3) of subsection (b) of this section. (f) Any person who violates the provisions of subsection (a) or subdivision (1) of subsection (b) of this section shall be guilty of a class B felony. (g) (1) Any person who violates the provisions of subdivision (2) of subsection (b) of this section shall be guilty of a class D felony. (2) Any person who violates the provisions of subdivision (3) of subsection (b) of this section or subdivision (1) of subsection (c) of this section shall be guilty of a (A) class A misdemeanor for a first offense, and (B) class D felony for any subsequent offense. (3) Any person who violates the provisions of subdivision (2) of subsection (c) of this section shall be guilty of a class B misdemeanor. (h) In addition to any penalty imposed pursuant to subsection (g) of this section: (1) If any person is convicted of a violation of subdivision (1) of subsection (c) of this section and the motor vehicle being operated by such person at the time of the violation is registered to such person, the court may order such motor vehicle to be impounded for not more than thirty days and such person shall be responsible for any fees or costs resulting from such impoundment; or (2) if any person is convicted of a violation of subdivision (1) of subsection (c) of this section and the motor vehicle being operated by such person at the time of the violation is not registered to such person, the court may fine such person not more than two thousand dollars, and for any subsequent offense may fine such person not more than three thousand dollars. (1949 Rev., S. 2410; September, 1957, P.A. 11, S. 8; P.A. 81-268, S. 2; P.A. 82-472, S. 45, 183; P.A. 83-135; 83-534, S. 10; P.A. 94-188, S. 9; P.A. 97-291, S. 3, 5; P.A. 06-173, S. 2; P.A. 09-120, S. 1; P.A. 14-130, S. 25; P.A. 15-211, S. 28; P.A. 16-94, S. 1; P.A. 19-53, S. 3; P.A. 21-175, S. 23; P.A. 23-135, S. 39; 23-203, S. 4.) History: P.A. 81-268 amended Subsec. (c) by increasing the minimum fine from \$50 to \$75 and the maximum fine from \$100 to \$200 for first offenses, and increasing the maximum fine for subsequent offenses from \$200 to \$600; P.A. 82-472 made a technical correction; P.A. 83-135 amended Subsec. (c) by increasing the maximum fine from \$200 to \$600 for a first offense and from \$600 to \$1,000 for a subsequent offense; P.A. 83-534 inserted new Subsecs. (a) and (d) re evading responsibility in an accident causing serious physical injury or death and the penalty therefor, redesignated the former Subsecs. and limited the former provisions re evading responsibility to accidents causing "physical injury as defined in section 53a-3" or injury or damage to property; P.A. 94-188 inserted new Subsecs. (d) and (e) re removal of vehicle from traveled portion of highway and redesignated the former Subsecs. (d) and (e) as (f) and (g); P.A. 97-291 amended Subsec. (f) to increase the maximum fine from \$5,000 to \$10,000 and the maximum term of imprisonment from 5 to 10 years; P.A. 06-173 amended Subsec. (c) to designate existing provision as Subdiv. (1) and add Subdiv. (2) prohibiting a person possessing a motor vehicle under circumstances manifesting an intent that it be used in a race or event prohibited under Subdiv. (1), acting as a starter, timekeeper, judge or spectator at such a race or event or wagering on the outcome of such a race or event; P.A. 09-120 added Subsec. (h) re motor vehicle impoundment or fine for violation of Subsec. (c)(1), effective July 1, 2009; P.A. 14-130 amended Subsec. (a) by deleting provisions re serious physical injury, amended Subsec. (b) by designating existing provisions as Subdiv. (1) and amending same by replacing provisions re physical injury with provisions re serious physical injury and deleting provisions re injury or damage to property, adding Subdiv. (2) re accident that causes physical injury and adding Subdiv. (3) re accident that causes injury or damage to property, and made technical and conforming changes; P.A. 15-211 amended Subsec. (f) by increasing maximum fine from \$10,000 to \$20,000, minimum term of imprisonment from 1 year to 2 years and maximum term of imprisonment from 10 years to 20 years; P.A. 16-94 amended Subsec. (g) by designating existing provision re person who violates provisions of Subsec. (b)(2) or (3) or Subsec. (c) as Subdiv. (1) and amending same to delete references to Subsec. (b)(3) and Subsec. (c) and replace "one year" with "five years", and by adding Subdiv. (2) re person who violates provisions of Subsec. (b)(3) or Subsec. (c), and made technical and conforming changes; P.A. 19-53 amended Subsec. (g) by adding new Subdiv. (2) re violation of Subsec. (c)(1), redesignating existing Subdiv. (2) as Subdiv. (3) and making a conforming change; P.A. 21-175 amended Subsec. (c) to replace provisions re wager or making a speed record with provisions re contest or demonstration of speed or skill in Subdiv. (1) and replace "or event" with "contest or demonstration of speed or skill" in Subdiv. (2); P.A. 23-135 amended Subsec. (c)(1) to add reference to parking area, street takeover and motor vehicle stunt and define "street takeover", amended Subsec. (c)(2) to add reference to street takeover and motor vehicle stunt, remove reference to spectator in Subpara. (B) and add Subpara. (D) re knowingly encouraging, promoting, instigating, assisting, facilitating or aiding or abetting, amended Subsec. (g) to move provisions re violation of Subsec. (b)(3) from existing Subdiv. (3) to new Subdiv. (2), redesignate existing Subdiv. (2) as new Subdiv. (3), delete provision re penalty for subsequent offense of Subsecs. (b)(3) and (c)(2), and add Subdiv. (4) to make violation of Subsec. (c)(2) a fine of not more than \$1,000 or imprisonment for 6 months or more or both, and made technical and conforming changes; P.A. 23-203 amended Subsec. (c) by deleting language re motor vehicle stunt and making conforming changes throughout, replacing "for the purpose of causing disorder or creating a nuisance to" with "with intent to cause disorder or create a nuisance for" in Subdiv. (1) and replacing "encourage, promote, instigate, assist, facilitate or aid or abet any person" with "incite or recruit by any action, method, device or means, including, but not limited to, electronic or social media, in advance of any such race, contest, demonstration or street takeover, any person for participation" in Subdiv. (2), replaced penalties in Subsec. (f) by making the violation a class B felony, amended Subsec. (g) by replacing penalties in Subdiv. (1) by making the violation a class D felony, adding a violation of Subsec. (c)(1) and replacing penalties in Subdiv. (2) by making the violations a class A misdemeanor for a first offense and a class D felony

for any subsequent offense, deleting Subdiv. (3) re a violation of Subsec. (c)(1), redesignating existing Subdiv. (4) as Subdiv. (3) and therein replacing penalties by making violation a class B misdemeanor.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-225. - Evading responsibility in operation of other vehicles.

Any person riding on, propelling, driving or directing any vehicle, except a motor vehicle, on a public street or highway or on any parking area for ten cars or more or on any school property, who has knowledge of having caused injury to the person or property of another and neglects, at the time of the injury, to stop and ascertain the extent of the injury and to render assistance, or refuses to give his name and address, or gives a false name or address when the same is asked for by the person injured or by any other person in his behalf or by a police officer, motor vehicle inspector or constable, shall be fined not more than five hundred dollars or imprisoned not more than six months or both. (1949 Rev., S. 2493; 1971, P.A. 356; P.A. 73-253, S. 3; P.A. 84-429, S. 39; P.A. 00-99, S. 51, 154.) History: 1971 act included reference to parking areas for ten or more cars; P.A. 73-253 included reference to school property; P.A. 84-429 rephrased provisions and made other technical changes; P.A. 00-99 deleted reference to sheriff and deputy sheriff, effective December 1, 2000. Violations not on public highway discussed. 16 CS 358.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-225a. - Operation of motor vehicles in parking areas.

Section 14-225a is repealed. (1969, P.A. 736, S. 1, 2; P.A. 84-429, S. 78.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-226. - Operator to report injury to dog.

Any person who has knowledge of causing, by the operation of a motor vehicle, injury or death to a dog shall at once stop and render such assistance as may be possible, shall immediately report such injury or death to such dog's owner or such owner's representative and shall give his name, address and operator's license and registration numbers to such owner or representative or any witness or peace officer. If unable to ascertain and locate such owner or representative, such operator shall, at once, report the injury or death to a police officer, constable, state police officer or inspector of motor vehicles, to whom he shall give the location of such accident and a description of the dog. Violation of any provision of this section shall be an infraction. No operator shall be convicted under the provisions of subdivision (3) of subsection (b) of section 14-224 when such operator has caused injury or death to a dog. (1949 Rev., S. 2411; P.A. 75-577, S. 71, 126; P.A. 88-364, S. 25, 123; P.A. 14-130, S. 32.) History: P.A. 75-577 replaced provision for \$25 maximum fine with statement that violation deemed an infraction; P.A. 88-364 made technical change correcting reference to applicable subsection of Sec. 14-224 from Subsec. (a) to Subsec. (b); P.A. 14-130 added "subdivision (3) of" re reference to Sec. 14-224(b). See Sec. 22-351 re unlawful injury to or killing of dog.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-227. - Operation while intoxicated.

Section 14-227 is repealed. (1949 Rev., S. 2412; 1963, P.A. 616, S. 3.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-227a. - Operation while under the influence of liquor or drug or while having an elevated blood alcohol content.

(a) Operation while under the influence or while having an elevated blood alcohol content. Definitions. No person shall operate a motor vehicle while under the influence of intoxicating liquor or any drug or both. A person commits the offense of operating a motor vehicle while under the influence of intoxicating liquor or any drug or both if such person operates a motor vehicle (1) while under the influence of intoxicating liquor or any drug or both, or (2) while such person has an elevated blood alcohol content. For the purposes of this section, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is eight-hundredths of one per cent or more of alcohol, by weight, except that if such person is operating a commercial motor vehicle, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, and "motor vehicle" includes a snowmobile and all-terrain vehicle, as those terms are defined in section 14-379. For purposes of this section, section 14-227b and section 14-227c, (A) "advanced roadside impaired driving enforcement" means a program developed by the National Highway Traffic Safety Administration with the International Association of Chiefs of Police and the Technical Advisory Panel, which focuses on impaired driving enforcement education for police officers, or any successor to such program; (B) "drug influence evaluation" means an evaluation developed by the National Highway Traffic Safety Administration and the International Association of Chiefs of Police that is conducted by a drug recognition expert to determine the level of a person's impairment from the use of drugs and the drug category causing such impairment; (C) "drug recognition expert" means a person certified by the International Association of Chiefs of Police as having met all requirements of the International Drug Evaluation and Classification Program; and (D) "nontestimonial portion of a drug influence evaluation" means a drug influence evaluation conducted by a drug recognition expert that does not include a verbal interview with the subject.

(b) Admissibility of chemical test. Except as provided in subsection (c) of this section, in any criminal prosecution for violation of

subsection (a) of this section, evidence respecting the amount of alcohol or drug in the defendant's blood or urine at the time of the alleged offense, as shown by a chemical test of the defendant's breath, blood or urine, shall be admissible and competent provided: (1) The defendant was afforded a reasonable opportunity to telephone an attorney prior to the performance of the test and consented to the taking of the test upon which such analysis is made; (2) a true copy of the report of the test result was mailed to or personally delivered to the defendant within twenty-four hours or by the end of the next regular business day, after such result was known, whichever is later; (3) the test was performed by or at the direction of a police officer according to methods and with equipment approved by the Department of Emergency Services and Public Protection and was performed in accordance with the regulations adopted under subsection (d) of this section; (4) the device used for such test was checked for accuracy in accordance with the regulations adopted under subsection (d) of this section; (5) an additional chemical test of the same type was performed at least ten minutes after the initial test was performed or, if requested by the police officer for reasonable cause, an additional chemical test of a different type was performed, including a test to detect the presence of a drug or drugs other than or in addition to alcohol, provided the results of the initial test shall not be inadmissible under this subsection if reasonable efforts were made to have such additional test performed in accordance with the conditions set forth in this subsection and (A) such additional test was not performed or was not performed within a reasonable time, or (B) the results of such additional test are not admissible for failure to meet a condition set forth in this subsection; and (6) evidence is presented that the test was commenced within two hours of operation. In any prosecution under this section it shall be a rebuttable presumption that the results of such chemical test establish the ratio of alcohol in the blood of the defendant at the time of the alleged offense, except that if the results of the additional test indicate that the ratio of alcohol in the blood of such defendant is ten-hundredths of one per cent or less of alcohol, by weight, and is higher than the results of the first test, evidence shall be presented that demonstrates that the test results and the analysis thereof accurately indicate the blood alcohol content at the time of the alleged offense. (c)Evidence of blood alcohol content. In any prosecution for a violation of subdivision (1) of subsection (a) of this section, reliable evidence respecting the amount of alcohol in the defendant's blood or urine at the time of the alleged offense, as shown by a chemical analysis of the defendant's blood, breath or urine, otherwise admissible under subdivision (1) of subsection (b) of this section, shall be admissible only at the request of the defendant. (d)Testing of blood, breath and urine. The Commissioner of Emergency Services and Public Protection shall ascertain the reliability of each method and type of device offered for chemical testing of blood, of breath and of urine and certify those methods and types which the commissioner finds suitable for use in testing of blood, breath and urine, respectively, in this state. The Commissioner of Emergency Services and Public Protection shall adopt regulations, in accordance with chapter 54, governing the conduct of chemical tests, the operation and use of chemical test devices, the training and certification of operators of such devices and the drawing or obtaining of blood, breath or urine samples as the commissioner finds necessary to protect the health and safety of persons who submit to chemical tests and to insure reasonable accuracy in testing results. Such regulations shall not require recertification of a police officer solely because such officer terminates such officer's employment with the law enforcement agency for which certification was originally issued and commences employment with another such agency. (e)Evidence of refusal to submit to test or evaluation. (1) In any criminal prosecution for a violation of subsection (a) of this section, evidence that the defendant refused to submit to a blood, breath or urine test or the nontestimonial portion of a drug influence evaluation requested in accordance with section 14-227b shall be admissible provided the requirements of subsection (b) of said section have been satisfied. If a case involving a violation of subsection (a) of this section is tried to a jury, the court shall instruct the jury as to any inference that may or may not be drawn from the defendant's refusal to submit to such a test or evaluation. (2) In any prosecution for a violation of subdivision (1) of subsection (a) of this section in which it is alleged that the defendant's operation of a motor vehicle was impaired, in whole or in part, by consumption of cannabis, as defined in section 21a-420, the court may take judicial notice that the ingestion of cannabis (A) can impair a person's ability to operate a motor vehicle; (B) can cause impairment of motor function, reaction time, tracking ability, cognitive attention, decision-making, judgment, perception, peripheral vision, impulse control or memory; and (C) does not enhance a person's ability to safely operate a motor vehicle. (f)Reduction, nolle or dismissal prohibited. If a person is charged with a violation of the provisions of subsection (a) of this section, the charge may not be reduced, nolle or dismissed unless the prosecuting authority states in open court such prosecutor's reasons for the reduction, nolle or dismissal. (g)Penalties for operation while under the influence. Any person who violates any provision of subsection (a) of this section shall: (1) For conviction of a first violation, (A) be fined not less than five hundred dollars or more than one thousand dollars, and (B) be (i) imprisoned not more than six months, forty-eight consecutive hours of which may not be suspended or reduced in any manner, or (ii) imprisoned not more than six months, with the execution of such sentence of imprisonment suspended entirely and a period of probation imposed requiring as a condition of such probation that such person perform one hundred hours of community service, as defined in section 14-227e, and (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the one-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j; (2) for conviction of a second violation within ten years after a prior conviction for the same offense, (A) be fined not less than one thousand dollars or more than four thousand dollars, (B) be imprisoned not more than two years, one hundred twenty consecutive days of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person: (i) Perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, and (iii) undergo a treatment program if so ordered, and (C) have such person's motor vehicle operator's license or nonresident operating

privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the three-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, except that for the first year of such three-year period, such person's operation of a motor vehicle shall be limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center or an appointment with a probation officer; and (3) for conviction of a third and subsequent violation within ten years after a prior conviction for the same offense, (A) be fined not less than two thousand dollars or more than eight thousand dollars, (B) be imprisoned not more than three years, one year of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person: (i) Perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, and (iii) undergo a treatment program if so ordered, and (C) have such person's motor vehicle operator's license or nonresident operating privilege permanently revoked upon such third offense, except that if such person's revocation is reversed or reduced pursuant to subsection (i) of section 14-111, such person shall be prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, for the time period prescribed in subdivision (2) of subsection (i) of section 14-111. For purposes of the imposition of penalties for a second or third and subsequent offense pursuant to this subsection, a conviction under the provisions of subsection (a) of this section in effect on October 1, 1981, or as amended thereafter, a conviction under the provisions of either subdivision (1) or (2) of subsection (a) of this section, a conviction under the provisions of section 14-227m, a conviction under the provisions of subdivision (1) or (2) of subsection (a) of section 14-227n, a conviction under the provisions of section 53a-56b or 53a-60d or a conviction in any other state of any offense the essential elements of which are determined by the court to be substantially the same as subdivision (1) or (2) of subsection (a) of this section, section 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or section 53a-56b or 53a-60d, shall constitute a prior conviction for the same offense. (h) Suspension of operator's license or nonresident operating privilege. (1) Each court shall report each conviction under subsection (a) of this section to the Commissioner of Motor Vehicles, in accordance with the provisions of section 14-141. The commissioner shall suspend the motor vehicle operator's license or nonresident operating privilege of the person reported as convicted for the period of time required by subsection (g) of this section. The commissioner shall determine the period of time required by subsection (g) of this section based on the number of convictions such person has had within the specified time period according to such person's driving history record, notwithstanding the sentence imposed by the court for such conviction. (2) The motor vehicle operator's license or nonresident operating privilege of a person found guilty under subsection (a) of this section who, at the time of the offense, was operating a motor vehicle in accordance with a special operator's permit issued pursuant to section 14-37a shall be suspended by the commissioner for twice the period of time set forth in subsection (g) of this section. (3) If an appeal of any conviction under subsection (a) of this section is taken, the suspension of the motor vehicle operator's license or nonresident operating privilege by the commissioner, in accordance with this subsection, shall be stayed during the pendency of such appeal. (i) Ignition interlock device. (1) The Commissioner of Motor Vehicles shall permit a person whose license has been suspended in accordance with the provisions of subparagraph (C) of subdivision (1) or subparagraph (C) of subdivision (2) of subsection (g) of this section to operate a motor vehicle if (A) such person has served either the suspension required under said subparagraph (C) or the suspension required under subsection (i) of section 14-227b, and (B) such person has installed an approved ignition interlock device in each motor vehicle owned or to be operated by such person, and verifies to the commissioner, in such manner as the commissioner prescribes, that such device has been installed. For a period of one year after the installation of an ignition interlock device by a person who is subject to subparagraph (C) of subdivision (2) of subsection (g) of this section, such person's operation of a motor vehicle shall be limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center or an appointment with a probation officer. Except as provided in sections 53a-56b and 53a-60d, no person whose license is suspended by the commissioner for any other reason shall be eligible to operate a motor vehicle equipped with an approved ignition interlock device. (2) All costs of installing and maintaining an ignition interlock device shall be borne by the person required to install such device. No court sentencing a person convicted of a violation of subsection (a) of this section may waive any fees or costs associated with the installation and maintenance of an ignition interlock device. (3) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this subsection. The regulations shall establish procedures for the approval of ignition interlock devices, for the proper calibration and maintenance of such devices and for the installation of such devices by any firm approved and authorized by the commissioner and shall specify acts by persons required to install and use such devices that constitute a failure to comply with the requirements for the installation and use of such devices, the conditions under which such noncompliance will result in an extension of the period during which such persons are restricted to the operation of motor vehicles equipped with such devices and the duration of any such extension. The commissioner shall ensure that such firm provide notice to both the commissioner and the Court Support Services Division of the Judicial Branch whenever a person required to install such device commits a violation with respect to the installation, maintenance or use of such device. (4) The provisions of this subsection shall not be construed to authorize the continued operation of a motor vehicle equipped with an ignition interlock device by any person whose operator's license or nonresident operating privilege is withdrawn, suspended or revoked for any other reason. (5) The provisions of this subsection shall apply to any person whose license has been suspended in accordance with the provisions of subparagraph (C) of subdivision (1) or subparagraph (C) of subdivision (2) of subsection (g) of this section on or after January 1,

2012. (6) Whenever a person is permitted by the commissioner under this subsection to operate a motor vehicle if such person has installed an approved ignition interlock device in each motor vehicle owned or to be operated by such person, the commissioner shall indicate in the electronic record maintained by the commissioner pertaining to such person's operator's license or driving history that such person is restricted to operating a motor vehicle that is equipped with an ignition interlock device and, if applicable, that such person's operation of a motor vehicle is limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center or an appointment with a probation officer, and the duration of such restriction or limitation, and shall ensure that such electronic record is accessible by law enforcement officers. Any such person shall pay the commissioner a fee of one hundred dollars prior to the installation of such device. (7) There is established the ignition interlock administration account which shall be a separate, nonlapsing account in the General Fund. The commissioner shall deposit all fees paid pursuant to subdivision (6) of this subsection in the account. Funds in the account may be used by the commissioner for the administration of this subsection. (8) Notwithstanding any provision of the general statutes to the contrary, upon request of any person convicted of a violation of subsection (a) of this section whose operator's license is under suspension on January 1, 2012, the Commissioner of Motor Vehicles may reduce the term of suspension prescribed in subsection (g) of this section and place a restriction on the operator's license of such person that restricts the holder of such license to the operation of a motor vehicle that is equipped with an approved ignition interlock device, as defined in section 14-227j, for the remainder of such prescribed period of suspension. (9) Any person required to install an ignition interlock device under this section shall be supervised by personnel of the Court Support Services Division of the Judicial Branch while such person is subject to probation supervision, or by personnel of the Department of Motor Vehicles if such person is not subject to probation supervision, and such person shall be subject to any other terms and conditions as the commissioner may prescribe and any provision of the general statutes or the regulations adopted pursuant to subdivision (3) of this subsection not inconsistent herewith. (10) Notwithstanding the periods prescribed in subsection (g) of this section and subdivision (2) of subsection (i) of section 14-111 during which a person is prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, such periods may be extended in accordance with the regulations adopted pursuant to subdivision (3) of this subsection. (j)Participation in alcohol education and treatment program or pretrial impaired driving intervention program.In addition to any fine or sentence imposed pursuant to the provisions of subsection (g) of this section, the court may order such person to participate in an alcohol education and treatment program or the pretrial impaired driving intervention program established under section 54-56r, if such person was operating a motor vehicle under the influence of intoxicating liquor or under the influence of both intoxicating liquor and any drug. (k)Seizure and admissibility of medical records of injured operator.Notwithstanding the provisions of subsection (b) of this section, evidence respecting the amount of alcohol or drug in the blood or urine of an operator of a motor vehicle involved in an accident who has suffered or allegedly suffered physical injury in such accident, which evidence is derived from a chemical analysis of a blood sample taken from or a urine sample provided by such person after such accident at the scene of the accident, while en route to a hospital or at a hospital, shall be competent evidence to establish probable cause for the arrest by warrant of such person for a violation of subsection (a) of this section and shall be admissible and competent in any subsequent prosecution thereof if: (1) The blood sample was taken or the urine sample was provided for the diagnosis and treatment of such injury; (2) if a blood sample was taken, the blood sample was taken in accordance with the regulations adopted under subsection (d) of this section; (3) a police officer has demonstrated to the satisfaction of a judge of the Superior Court that such officer has reason to believe that such person was operating a motor vehicle while under the influence of intoxicating liquor or drug or both and that the chemical analysis of such blood or urine sample constitutes evidence of the commission of the offense of operating a motor vehicle while under the influence of intoxicating liquor or drug or both in violation of subsection (a) of this section; and (4) such judge has issued a search warrant in accordance with section 54-33a authorizing the seizure of the chemical analysis of such blood or urine sample. Such search warrant may also authorize the seizure of the medical records prepared by the hospital in connection with the diagnosis or treatment of such injury. (l)Participation in victim impact panel program.If the court sentences a person convicted of a violation of subsection (a) of this section to a period of probation, the court may require as a condition of such probation that such person participate in a victim impact panel program approved by the Court Support Services Division of the Judicial Branch. Such victim impact panel program shall provide a nonconfrontational forum for the victims of alcohol-related or drug-related offenses and offenders to share experiences on the impact of alcohol-related or drug-related incidents in their lives. Such victim impact panel program shall be conducted by a nonprofit organization that advocates on behalf of victims of accidents caused by persons who operated a motor vehicle while under the influence of intoxicating liquor or any drug, or both. Such organization may assess a participation fee of not more than seventy-five dollars on any person required by the court to participate in such program. (1963, P.A. 616, S. 1; February, 1965, P.A. 219; 1967, P.A. 612, S. 1; 1969, P.A. 450, S. 4; 1971, P.A. 318; 741; P.A. 73-253, S. 4; P.A. 75-308, S. 1; P.A. 76-6, S. 1, 2; P.A. 77-340, S. 8; 77-614, S. 323, 610; P.A. 80-438, S. 2, 3; P.A. 81-144, S. 1, 2; 81-446, S. 2; P.A. 82-408, S. 2; P.A. 83-63, S. 1-3; 83-534, S. 1; 83-571, S. 4; P.A. 84-198, S. 3, 7; 84-429, S. 40; 84-546, S. 43, 173; P.A. 85-387, S. 1; 85-596, S. 1; P.A. 86-345; P.A. 88-85; 88-302; P.A. 89-110, S. 4; 89-314, S. 2, 5; P.A. 90-230, S. 21, 101; P.A. 91-407, S. 9, 42; P.A. 93-271, S. 2, 3; 93-302, S. 1-3; 93-371, S. 2, 4, 5; 93-381, S. 9, 39; P.A. 94-60; May 25 Sp. Sess. P.A. 94-1, S. 18, 130; P.A. 95-257, S. 12, 21, 58; 95-314, S. 1; P.A. 99-218, S. 3, 4, 16; 99-255, S. 1; P.A. 00-196, S. 49, 50; P.A. 01-201, S. 1; P.A. 02-70, S. 69; May 9 Sp. Sess. P.A. 02-1, S. 108; P.A. 03-265, S. 1; 03-278, S. 47; P.A. 04-199, S. 31; 04-257, S. 101; P.A. 05-218, S. 28; June Sp. Sess. P.A. 05-3, S. 111; P.A. 06-147, S. 1; P.A. 09-187, S. 42, 62, 66; P.A. 10-110, S. 6, 45, 46; P.A. 11-48, S. 51, 52; 11-51, S. 134, 216, 217; P.A. 12-178, S. 2, 3, 6; P.A. 13-271, S. 51-53; P.A. 14-228, S. 5; P.A. 16-126, S. 3; June Sp. Sess. P.A. 21-1, S. 116, 117.) History: 1965 act added district roads to Subsec. (a); 1967 act prohibited operation of vehicle while

under influence of both liquor and intoxicating drug in Subsec. (a); 1969 act included in prohibition operation of vehicle on private roads with established speed limits; 1971 acts included in prohibition operation of vehicle in parking area for ten or more cars, reduced alcohol in blood level from 0.15% to 0.10% of alcohol and clarified evidential aspect of test results in Subsec. (c)(2) and increased minimum fine from \$100 to \$150; P.A. 73-253 included in prohibition of Subsec. (a) operation of vehicle on school property; P.A. 75-308 amended Subsec. (b)(4) to require testing of device at beginning and end of workday rather than within 30 days of test and immediately after test administered; P.A. 76-6 included reference to amount of drug in system under Subsec. (b) and to urine tests under Subsecs. (b) and (d); P.A. 77-340 replaced reference to Sec. 14-219 in Subsec. (a) with reference to Sec. 14-218a; P.A. 77-614 replaced commissioner and department of health with commissioner and department of health services, effective January 1, 1979; P.A. 80-438 allowed administering of test by emergency medical technician II; P.A. 81-144 amended Subsec. (b) to allow the department of health services to certify individuals other than health services department personnel to check test devices for accuracy; P.A. 81-446 added the requirements that two tests be performed, with the second test performed not less than 30 or more than 40 minutes after the first test, and that evidence be presented which demonstrates that the test results accurately reflect the blood alcohol content at the time of the alleged offense in Subsec. (b) and added Subsecs. (e) and (f) re participation in an alcohol education and treatment program in lieu of the 2-day minimum mandatory sentence, and re violations charged to persons arrested for a second or subsequent violation of section, with a blood alcohol ratio of at least 0.10% or more of alcohol at the time of the alleged offense; P.A. 82-408 eliminated two test requirement in Subsec. (b), added provision in Subsec. (e) re mandatory 2-day sentence if blood alcohol test indicates ratio of alcohol in blood was 0.20% or more of alcohol and changed 2-day minimum mandatory sentence for second offenders to 30-day sentence served by performing community service on fifteen weekends, such service to be approved by office of adult probation, amended Subsec. (f) by changing "in lieu of" to "in addition to" and eliminated consent and payment requirement for participation and added Subsec. (h) providing for 24-hour revocation of license by arresting police officer; P.A. 83-63 amended Subsec. (b) to allow test reports to be personally delivered to the defendant by the close of the next business day, if later than 24 hours and authorized the performance of such tests by persons recertified by persons certified by the commissioner of health services and amended Subsec. (d) to provide regulations for annual recertification of operators; P.A. 83-534 inserted a new Subsec. (b) re operation while impaired, amended Subsec. (c) to permit the test result to be "personally delivered" to the defendant within 24 hours "or by the end of the next regular business day", whichever is later, and to provide that the initial test results will not be excluded if the police made reasonable efforts to have an additional test performed but it was not performed within a reasonable time, amended Subsec. (d) to specify the blood alcohol content that constitutes impairment, inserted a new Subsec. (f) re the admissibility into evidence of a defendant's refusal to submit to a test, inserted a new Subsec. (g) re a prohibition on reducing, nolleing or dismissing the charge, inserted a new Subsec. (h) to replace former penalties for operation while under the influence with new penalties, inserted a new Subsec. (i) re the penalty for operating while impaired, inserted a new Subsec. (j) re the suspension of the operator's license of a person found guilty of operating while under the influence, and relettered the intervening and remaining subsections accordingly; P.A. 83-571 amended new Subsec. (h) to increase the period of license suspension provided in P.A. 83-534 from 6 months to 1 year for a first offense and from 1 year to 2 years for a second offense; P.A. 84-198 amended Subsec. (f) by replacing "the case" with "a case involving a violation of subsection (a) of this section"; P.A. 84-429 rephrased provisions and made other technical changes in Subsecs. (a) and (b); P.A. 84-546 made technical change in Subsec. (i); P.A. 85-387 amended Subsec. (h) to increase the penalty for a first violation by mandating a term of imprisonment, 48 consecutive hours of which may not be suspended or reduced on any manner, or a term of 100 hours of community service, to increase the minimum mandatory penalty for a second violation from 48 consecutive hours to 10 days, to increase the minimum mandatory penalty for a third violation from 30 to 120 days, and to provide that a second, third, fourth or subsequent violation is one which occurs within 5 years after a prior conviction for the same offense; P.A. 85-596 amended Subsec. (a) to add provision that person commits offense of operating a motor vehicle while under the influence "while the ratio of alcohol in the blood of such person is 0.10% or more of alcohol, by weight", amended Subsec. (c) to provide that the defendant be afforded a reasonable opportunity to telephone an attorney prior to the performance of the test and that the test be performed by or at the direction of a police officer, to make an additional test mandatory rather than optional, to insert "and the analysis thereof" in Subdiv. (6) and to delete the requirement that additional competent evidence be presented bearing on the question of whether or not the defendant was under the influence, amended Subsec. (d) to replace provisions concerning the weight to be given to evidence of certain percentages of blood-alcohol content with provision that in prosecution for violation of Subsec. (a)(1) such evidence shall be admissible only at the request of the defendant, and amended Subsec. (h) to provide that a conviction under either Subdiv. (1) or (2) of Subsec. (a) constitutes a prior offense; P.A. 86-345 added Subsec. (m) re the seizure, admissibility and competency of evidence derived from a chemical analysis of a blood sample taken from an injured operator at a hospital; P.A. 88-85 amended Subsec. (c)(4) to require that the device be checked for accuracy immediately before and after the test was performed rather than at the beginning of each workday and no later than the end of each workday; P.A. 88-302 amended Subsec. (h) to provide that the performance of community service for conviction of a first violation is to be as a condition of probation imposed in connection with a sentence to a term of imprisonment of not more than six months with the execution of such sentence of imprisonment suspended entirely; P.A. 89-110 amended Subsec. (h) to make a technical change in Subdiv. (2) and to provide that for purposes of the penalty for a subsequent offense after a prior conviction for the same offense a conviction under Sec. 53a-56b or 53a-60d constitutes a prior conviction for the same offense; P.A. 89-314 amended Subsec. (h) to insert "consecutive" in Subdivs. (2) and (3) and deleted Subsec. (l) re the 24-hour revocation by the arresting police officer of the license of a person with a blood alcohol concentration of 0.10% or more, and relettered the remaining Subsec. accordingly; P.A. 90-230 made technical change in Subsec. (e); P.A. 91-407

amended Subsec. (l)(2) by adding “a resident physician or intern in any hospital in this state” and made technical change in Subsec. (l)(3); P.A. 93-271 amended Subsec. (e) to provide that regulations shall not require recertification of a police officer solely because he transfers from one law enforcement agency to another, effective June 29, 1993; P.A. 93-302 amended Subsecs. (c) and (l) by adding phlebotomists to the list of persons qualified to take blood samples and added Subsec. (m) defining “phlebotomist”; P.A. 93-371 amended Subsec. (c)(6) to require that evidence be presented “that the test was commenced within two hours of operation” rather than that evidence be presented “which demonstrates that the test results and analysis thereof accurately reflect the blood alcohol content at the time of the alleged offense” and to add provision establishing a rebuttable presumption that the results of the chemical analysis indicate the blood alcohol ratio at the time of the alleged offense and requiring additional evidence be presented when the results of the additional test indicate a blood alcohol ratio of 0.12% or less and is higher than the results of the first test and added Subsec. (j)(3) re the period of suspension for a person who, at the time of the offense, was operating under a special operator's permit issued pursuant to Sec. 14-37a, effective July 1, 1993; P.A. 93-381 replaced department and commissioner of health services with department and commissioner of public health and addiction services, effective July 1, 1993; P.A. 94-60 amended Subsec. (l) to authorize the taking of a blood sample “at the scene of the accident” or “while en route to the hospital” rather than only “at a hospital”, to delete the requirement in Subdiv. (1) that the blood sample be taken “in the regular course of business of the hospital” and to make a technical change in Subdiv. (2); May 25 Sp. Sess. P.A. 94-1 made technical change, effective July 1, 1994; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 95-314 amended Subsec. (c)(5) to allow an additional chemical test of a different type to be performed if requested by the police officer for reasonable cause, amended Subsec. (d) to eliminate reference to drugs, and amended Subsec. (h)(2) to (4), inclusive, to provide that a second, third, fourth or subsequent violation is one which occurs within 10 years, in lieu of 5 years, after a prior conviction for the same offense; P.A. 99-218 amended Subsecs. (c) and (e) by replacing the Department and Commissioner of Public Health with the Department and Commissioner of Public Safety and by making technical changes, effective July 1, 1999; P.A. 99-255 amended Subsec. (a) to replace the prohibition in Subdiv. (2) of operating a motor vehicle “while the ratio of alcohol in the blood of such person is 0.10% or more of alcohol, by weight” with “while such person has an elevated blood alcohol content” and added definition of “elevated blood alcohol content”, amended Subsec. (c)(3) to require that the test be performed “in accordance with the regulations adopted under subsection (e) of this section”, replacing provisions that required the test be performed by persons certified or recertified by the Department of Public Health or recertified by persons certified as instructors by the commissioner of said department and that required a blood test be taken by a physician, phlebotomist, qualified laboratory technician, emergency medical technician II or registered nurse, and amended Subsec. (c)(4) to require that the device was checked for accuracy “in accordance with the regulations adopted under subsection (e) of this section” rather than “immediately before and after such test was performed by a person certified by the Department of Public Health”, amended Subsec. (e) to make provisions applicable to methods and types of devices for the “analysis” of blood, breath and urine and to replace provision that required the Commissioner of Public Health to adopt regulations “governing the conduct of chemical tests, the operation and use of chemical test devices, and the training, certification and annual recertification of operators of such devices” with provision that required the “Commissioner of Public Safety, in consultation with the Commissioner of Public Health” to adopt regulations “governing the conduct of chemical tests, the operation and use of chemical test devices, the training and certification of operators of such devices and the drawing or obtaining of blood, breath or urine samples”, amended Subsec. (h) to increase the penalties for a second violation by increasing the fine from not less than \$500 nor more than \$2,000 to not less than \$1,000 nor more than \$4,000, increasing the term of imprisonment from a maximum of 1 year with a nonsuspendable period of 10 consecutive days to a maximum of 2 years with a nonsuspendable period of 120 consecutive days, adding the requirement that the person perform 100 hours of community service as a condition of probation, and increasing the license suspension from 2 years to “three years or until the date of such person's twenty-first birthday, whichever is longer”, to increase the penalties for a third and subsequent violation by deleting former Subdiv. (3) that had specified penalties for a third violation, renumbering former Subdiv. (4) as Subdiv. (3), amending said Subdiv. (3) to make the penalties applicable to a “third and subsequent violation” rather than a “fourth and subsequent violation” and add requirement that the person perform 100 hours of community service as a condition of probation, and to add provision that “a conviction in any other state of any offense the essential elements of which are determined by the court to be substantially the same as subdivision (1) or (2) of subsection (a) of this section or 53a-56b or 53a-60d” constitutes a prior conviction, amended Subsec. (i) to change the penalty from an infraction to a fine of not more than \$200, amended Subsec. (j) to replace provisions of Subdiv. (1) requiring that the suspension take effect immediately upon the expiration of the appeal period, providing that the suspension is stayed during the appeal and requiring the defendant to send his license or nonresident operating privilege to the department when the suspension takes effect, with new provisions requiring each court to report each conviction to the department and requiring the commissioner to suspend the license or nonresident operating privilege for the time period required by Subsec. (h), to add Subdiv. (4) requiring the license of a convicted person to indicate that such person is an at-risk operator and defining “at-risk operator” and to add Subdiv. (5) providing that the suspension by the commissioner is stayed during the pendency of an appeal of a conviction, amended Subsec. (l) to make provisions applicable to evidence from an analysis of a urine sample from the injured operator, to require in Subdiv. (2) that the blood sample was taken “in accordance with regulations adopted under subsection (e) of this section” rather than “by a person licensed to practice medicine in this state, a resident physician or intern in any hospital in this state, a phlebotomist, a qualified laboratory technician, an emergency medical technician II or a registered nurse”, and to add provision that the search warrant may also authorize the seizure of medical records prepared by the hospital in connection with the diagnosis or treatment of such injury, deleted former Subsec. (m) defining “phlebotomist”, and made technical

changes for purposes of gender neutrality; P.A. 00-196 made technical changes in Subsecs. (h) and (l); P.A. 01-201 added Subsec. (m) to authorize the court to require participation in a victim impact panel program as a condition of probation; P.A. 02-70 amended Subsec. (j)(1) by adding provision requiring that commissioner determine the applicable suspension period based on the number of convictions on the person's driving history record, notwithstanding the sentence imposed by the court for such conviction, deleting former Subdiv. (4) re mandatory indication of "at-risk operator" on reverse side of operator's license and redesignating existing Subdiv. (5) as Subdiv. (4), effective July 1, 2002; May 9 Sp. Sess. P.A. 02-1 amended Subsec. (a) to reduce ratio of alcohol in blood from 0.10% to 0.08% or more of alcohol in definition of "elevated blood alcohol content" and eliminated from such definition Subpara. (A) designator and provisions of Subpara. (B) "if such person has been convicted of a violation of this subsection, a ratio of alcohol in the blood of such person that is 0.07% or more of alcohol, by weight", deleted former Subsecs. (b) and (i) re offense of operation while impaired and fine for violation, redesignated existing Subsecs. (c) to (h) as Subsecs. (b) to (g) and existing Subsecs. (j) to (m) as Subsecs. (h) to (k), amended redesignated Subsec. (d) to eliminate reference to Commissioner of Public Health in adopting regulations re chemical tests, and made technical changes throughout, effective July 1, 2002; P.A. 03-265 amended Subsec. (g)(2)(C) to designate existing provision re duration of suspension as clause (i) and to add clause (ii) re license suspension of 1 year followed by a prohibition for 2 years on operating a motor vehicle unless the motor vehicle is equipped with an ignition interlock device if the person is convicted of a violation of Subsec. (a)(1) on account of being under the influence of intoxicating liquor or of Subsec. (a)(2); P.A. 03-278 made technical changes in Subsec. (g), effective July 9, 2003; P.A. 04-199 made a technical change in Subsec. (g), added new Subsec. (i) re installation of an ignition interlock device and redesignated existing Subsecs. (i) to (k) as new Subsecs. (j) to (l), respectively, effective July 1, 2004; P.A. 04-257 made a technical change in Subsec. (g), effective June 14, 2004; P.A. 05-218 amended Subsec. (i) by inserting "passenger" re motor vehicle and removing provision re no enrollment in treatment program or obtained waiver in Subdiv. (1), deleting former Subdiv. (2) re condition rendering person incapable of safely operating a motor vehicle, redesignating existing Subdivs. (3) to (6) as new Subdivs. (2) to (5) and, in new Subdiv. (4), inserting "for any other reason"; June Sp. Sess. P.A. 05-3 amended Subsec. (i)(1) by deleting the word "passenger" added by P.A. 05-218; P.A. 06-147 amended Subsec. (a) to delete requirement that the motor vehicle be operated on public highway of state or on road of specified district organized under the provisions of chapter 105 or on private road on which a speed limit has been established pursuant to Sec. 14-218a or in parking area for ten or more cars or on school property, and defined "motor vehicle" to include snowmobiles and all-terrain vehicles; P.A. 09-187 amended Subsec. (a) to establish elevated blood alcohol content of .04 for person operating commercial motor vehicle, amended Subsec. (b)(5) to decrease minimum interval between initial test and additional test from 30 minutes to 10 minutes, amended Subsec. (b)(6) to lower exception to rebuttable presumption from .12 or less to .10 or less, and amended Subsec. (i) to insert "Except as provided in sections 53a-56b and 53a-60d" in Subdiv. (1) and to add Subdiv. (6) requiring commissioner to indicate restrictions re ignition interlock device in electronic record of person's operator's license or driving history and to make such record accessible by law enforcement officers; P.A. 10-110 amended Subsec. (i) to establish \$100 fee prior to installation of device in Subdiv. (6) and add Subdiv. (7) re establishment of account for administration of subsection, effective July 1, 2010, and amended Subsec. (g)(2) to make provisions of Subpara. (C)(i) applicable to person under age 21 at time of offense and prohibit any such person for 2-year period following completion of suspension period from operating motor vehicle unless vehicle is equipped with ignition interlock device and to make provisions of Subpara. (C)(ii) applicable to person age 21 or older at time of offense and delete applicability to person convicted of violation of Subsec. (a)(1) or (2), and further amended Subsec. (i) to insert "(C)(i) or" in Subdivs. (1) and (5) and replace requirement that person has served not less than 1 year of suspension with requirement that person has served suspension required under Subpara. (C)(i) or (ii) in Subdiv. (1)(A), effective October 1, 2010; P.A. 11-48 amended Subsec. (g) by revising Subdiv. (1)(C) to reduce suspension period from 1 year to 45 days, add condition for license restoration that person install ignition interlock device on each motor vehicle owned or operated by such person and prohibit person for 1-year period following such restoration from operating a motor vehicle unless it is equipped with such a device, by revising Subdiv. (2)(C)(i) to reduce suspension period from 3 years to 45 days, add condition for license restoration that person install ignition interlock device on each motor vehicle owned or operated by such person, increase from 2 years to 3 years the period such person is prohibited from operating a motor vehicle unless it is equipped with such a device and provide that such period runs from "such restoration" rather than "completion of such period of suspension" and by revising Subdiv. (2)(C)(ii) to reduce suspension period from 1 year to 45 days, add condition for license restoration that such person install ignition interlock device on each motor vehicle owned or operated by such person, increase from 2 years to 3 years the period such person is prohibited from operating a motor vehicle unless it is equipped with such a device and provide that such period runs from "such restoration" rather than "completion of such period of suspension", and amended Subsec. (i) by revising Subdiv. (1) to include person whose license has been suspended in accordance with Subsec. (g)(1)(C), replace "said subparagraph (C)(i) or (C)(ii)" with "said subparagraph" and include person who has served required suspension "notwithstanding that such person has not completed serving any suspension required under subsection (i) of section 14-227b", by revising Subdiv. (2) to prohibit court from waiving fees or costs associated with installation and maintenance of ignition interlock device, by revising Subdiv. (3) to require regulations to specify acts that constitute noncompliance re installation and use of device, conditions that will result in extension of restriction and duration of any such extension and add provision re notice by firm when person commits violation with respect to installation, maintenance or use of device, by revising Subdiv. (5) to make Subsec. applicable to person whose license has been suspended in accordance with Subsec. (g)(1)(C) and to suspension on or after "January 1, 2012" rather than "September 1, 2003", by revising Subdiv. (6) to add provision that nothing in Subsec. shall be construed to require commissioner to verify that each motor vehicle owned by such person has been equipped with such device, and by adding Subdiv. (8) re authority of commissioner to reduce term of suspension for person

whose license is under suspension on January 1, 2012, and restrict person to operation of motor vehicle with ignition interlock device for remainder of prescribed period of suspension, Subdiv. (9) re agency responsible for supervision of persons required to install ignition interlock device and Subdiv. (10) re extension of periods of restricted operation, effective January 1, 2012; P.A. 11-51 made identical changes as P.A. 11-48, effective January 1, 2012; pursuant to P.A. 11-51, "Commissioner of Public Safety" and "Department of Public Safety" were changed editorially by the Revisors to "Commissioner of Emergency Services and Public Protection" and "Department of Emergency Services and Public Protection", respectively, in Subsecs. (b) and (d), effective July 1, 2011; P.A. 12-178 amended Subsec. (g)(2)(B) and (3)(B) to designate provision re community service as clause (i) and add clause (ii) re assessment of degree of alcohol or drug abuse and clause (iii) re undergoing a treatment program if ordered, amended Subsec. (g)(2)(C)(i) and (ii) to limit operation during first year of 3-year period of ignition interlock device use to transportation to or from work or school, an alcohol or drug abuse treatment program or an ignition interlock device services center, amended Subsec. (g)(3)(C) to provide that if revocation is reversed or reduced under Sec. 14-111(i), person shall be prohibited from operating motor vehicle unless it is equipped with ignition interlock device, amended Subsec. (i)(1)(B) to require person to verify to commissioner that device has been installed and to add provision re first year limitation on operation after installation of device, amended Subsec. (i)(6) to reference such limitation on operation and delete provision re nothing in Subsec. to be construed to require commissioner to verify that each motor vehicle owned by person has been equipped with device, amended Subsec. (i)(10) to reference Sec. 14-111(i), rather than Sec. 14-111(k), and amended Subsec. (l) to substitute \$75 for \$25 re victim impact panel program participation fee and substitute "Branch" for "Department", effective July 1, 2012; P.A. 13-271 amended Subsec. (g)(2)(C)(i) and (ii) and Subsec. (i)(1) to allow operation of motor vehicle during first year after installation of ignition interlock device for transportation to or from appointment with probation officer and amended Subsec. (i)(6) to add reference re transportation to or from appointment with probation officer, effective July 1, 2013; P.A. 14-228 amended Subsec. (g)(2) to delete former Subpara. (C)(i) re person under 21 years of age at time of offense, Subpara. (C)(ii) designator and reference to person 21 years of age or older in former Subpara. (C)(ii), amended Subsec. (h) to delete former Subdiv. (2) re person found guilty under Subsec. (a) who is under 18 years of age and redesignate existing Subdivs. (3) and (4) as Subdivs. (2) and (3), and made conforming and technical changes in Subsecs. (g) to (i), effective July 1, 2015; P.A. 16-126 amended Subsec. (g) by adding references to Secs. 14-227m and 14-227n(a)(1) and (2); June Sp. Sess. P.A. 21-1 amended Subsec. (a) to define "advanced roadside impaired driving enforcement", "drug influence evaluation", "drug recognition expert" and "nontestimonial portion of a drug influence evaluation", amended Subsec. (b) to insert "including a test" and Subpara. indicators in Subdiv. (5) and make technical changes, amended Subsec. (c) to insert reference to Subdiv. (1), amended Subsec. (d) to make technical changes, amended Subsec. (e) to designate existing provisions as Subdiv. (1), add references to nontestimonial portion of a drug influence evaluation and add Subdiv. (2) re judicial notice and amended Subsec. (j) to add provision re pretrial impaired driving intervention program, effective April 1, 2022; (Revisor's note: In Subsec. (a), an additional Subsec. "(a)" designator was inadvertently inserted before the words "No person shall" in the version of this section published in 2023 and has been deleted editorially by the Revisors in 2025). See Sec. 14-111(b), (h) re suspension or revocation of operator's license. See Sec. 14-111g re operator's retraining program. See Sec. 14-112(a) re proof of financial responsibility. See Sec. 14-219b re limitation of municipal liability. See Sec. 14-227b re implied consent to blood, breath or urine tests. Cited. 154 C. 100. As a minor of 16 may be held accountable under statute for operating a motor vehicle while he is intoxicated, he will be held accountable for deciding to consume liquor also. *Id.*, 648. Where defendant in intoxicated condition was found slumped over driving wheel of car stopped in middle of country road at night, jury could reasonably have concluded defendant was driver of car. 158 C. 117. Cited. 159 C. 547; 161 C. 200; 170 C. 140, 142; 174 C. 112, 115. Amendments in P.A. 85-387 and P.A. 85-596 entitled to concurrent effect. 199 C. 667. Cited. 200 C. 1; *Id.*, 102; *Id.*, 615; 203 C. 97, 98; 204 C. 507; *Id.*, 514; *Id.*, 521. Phrase "may not be suspended or reduced in any manner" applies to actions of Commissioner of Correction as well as those of sentencing court. 207 C. 412. Application of section to public parking area discussed; judgment of Appellate Court in 11 CA 644 reversed. *Id.*, 612. Cited. 210 C. 446; 211 C. 389; 213 C. 74. Corroboration role in relation to crime that is conduct oriented discussed; *State v. Tillman* corpus delicti rule not applicable. 215 C. 189. Cited. 219 C. 752; 222 C. 672; 224 C. 29; *Id.*, 730; 225 C. 921; 226 C. 191; 228 C. 758; 229 C. 31; *Id.*, 51; *Id.*, 228; *Id.*, 824; 230 C. 572; 233 C. 524. A second conviction under section within a 10-year period is a felony because it carries with it a term of imprisonment of up to 2 years and does not fall within the motor vehicle violation exception to the definition of a criminal "offense" under Sec. 53a-24(a). 300 C. 144. Cited. 4 CA 461; 7 CA 748; 9 CA 686; 10 CA 265; 11 CA 122; *Id.*, 338; *Id.*, 342; 12 CA 294; *Id.*, 338; *Id.*, 427; 16 CA 156; *Id.*, 165; *Id.*, 172; *Id.*, 358; *Id.*, 472; *Id.*, 497; 17 CA 100; *Id.*, 209; *Id.*, 250; *Id.*, 376; 18 CA 602; 19 CA 594; 20 CA 348; *Id.*, 691; 21 CA 138; *Id.*, 210. Statute constitutes a "criminal law" within meaning of conditions of probation. 22 CA 108. Cited. *Id.*, 142; 25 CA 605; 26 CA 101; *Id.*, 331; *Id.*, 716; *Id.*, 805; 27 CA 225; *Id.*, 346; *Id.*, 370; 28 CA 708; *Id.*, 733; 29 CA 512; *Id.*, 582; 30 CA 36; *Id.*, 108; *Id.*, 428; *Id.*, 917; 31 CA 669; *Id.*, 797; 32 CA 553; 33 CA 107; *Id.*, 242; *Id.*, 501; 34 CA 557; *Id.*, 655; 35 CA 631; 36 CA 76; *Id.*, 710; 38 CA 8; judgment reversed, see 236 C. 18; *Id.*, 661; 39 CA 11; 40 CA 359; 42 CA 10; *Id.*, 589; 44 CA 40; *Id.*, 702; 45 CA 12; *Id.*, 102; *Id.*, 225; *Id.*, 577; *Id.*, 722; *Id.*, 804. Court rejected defendant's claim that statute is void for vagueness because an ordinary person has no ascertainable method for measuring his or her own blood alcohol level. 48 CA 635. Because defendant was charged with violation of both Subdivs. (1) and (2) of Subsec. (a), intoxilyzer results are admissible without defendant's request and are necessary to prove a violation of Subsec. (a)(2) pursuant to Subsec. (c). 51 CA 4. To establish probable cause, there must be a temporal nexus between the operation of a motor vehicle and the driver's being under the influence of liquor or drugs. 54 CA 127. Detention at roadside sobriety checkpoint did not constitute unreasonable seizure or violate defendant's due process rights. 56 CA 252. Pursuant to Sec. 54-193(b), charged violations of section were subject to a 1-year limitations period because they were not punishable by a term of imprisonment of more than 1 year. 61 CA

90. There was substantial evidence that police had probable cause to believe that plaintiff had violated section where plaintiff had slurred speech, bloodshot eyes, smelled of alcohol, admitted he had been drinking beer and police found empty beer bottles in automobile; administration of field sobriety tests and subsequent results are not required by statute and are not dispositive in finding probable cause to arrest for driving while intoxicated. 62 CA 571. Nothing in section prohibits evidence of consciousness of guilt based on defendant's refusal to take a breath test being considered in prosecution for assault in the second degree with a motor vehicle under Sec. 53a-60d. 63 CA 433. Arresting officer properly permitted to offer expert testimony on defendant's intoxication. 68 CA 119. To convict defendant of operating motor vehicle while under the influence of drugs pursuant to section, the state must prove beyond a reasonable doubt that defendant operated his motor vehicle on a public highway while under the influence of intoxicating liquor or drugs or both. 79 CA 657. Section, as applied to defendant, does not violate ex post facto clause because it did not result in a second punishment for previous convictions, but rather enhanced current conviction on the basis of defendant's status as repeat offender; section does not violate such clause given that defendant was effectively put on notice of changes to statute, and therefore he is precluded from relying on previous 5-year look back period to prove that state's burden of proof was reduced or that he was deprived of a defense. 80 CA 589. Because all the evidence submitted to court was consistent with court's finding that defendant had been operating a motor vehicle while under the influence of intoxicating liquor, court had sufficient evidence to convict defendant of that offense. 93 CA 200. Starting car using a remote starter not considered first act to put vehicle in motion if person does not have the keys with him or her in the vehicle or if the whereabouts of the keys is unknown. 101 CA 709. Informant's report of erratic driver exhibited sufficient indicia of reliability to justify "Terry" stop of driver for operating a motor vehicle under the influence of intoxicating liquor, even though the police officer neither observed the errant driver nor knew informant's name. 103 CA 646. Defendant was ineligible for pretrial alcohol education program pursuant to Sec. 54-56g(f) because she was the holder of a commercial driver's license at the time she was charged with violating section. 110 CA 836. Legislature intended blood alcohol content evidence to be based solely on chemical testing and its admissibility to be contingent on the satisfaction of strict statutory criteria, e.g., the performance of multiple chemical tests administered by qualified law enforcement personnel within two hours of defendant's operation of the vehicle; permitting evidence in this behavioral prosecution case of a blood alcohol content derived from a subjective interpretation of defendant's performance on standard field sobriety tests, without using any of the approved methods and procedures, does great violence to the intent of this section. 177 CA 651. Where sample of blood was taken from defendant when he was unconscious in a hospital and could not consent, the results of the test of his blood are not admissible in evidence since such taking was in violation of his constitutional rights and was not authorized by this section or Sec. 14-227b. 26 CS 40. The word "test" refers to the chemical analysis of a sample of blood and not to a series of samples from different individuals. 32 CS 611. Cited. 33 CS 501; Id., 697; 34 CS 514. Where information charging violation referred to former statute, incorrect reference was an amendable defect and defendant was not misled or prejudiced by the error or placed in double jeopardy by the granting of the amendment. Id., 282. Violation is crime for purposes of defendant's eligibility for pretrial accelerated rehabilitation. 36 CS 527. Cited. 37 CS 767; Id., 834; Id., 864; 38 CS 675; Id., 689; 39 CS 285; 40 CS 505; Id., 512; 42 CS 306; Id., 602; 43 CS 77. Road controlled and maintained by town qualifies as a "public highway". 3 Conn. Cir. Ct. 513. Where accused was found alone in his car with engine running and wheels spinning in loose gravel, trial court could correctly find he was "operating" the car. Id., 514. Instructions to the jury were not prejudicial to defendant when correction concerning the testimony of the state toxicologist was made by a supplemental charge. 4 Conn. Cir. Ct. 578. Where the penalty imposed is within the limits fixed by statute, it will not be disturbed on appeal unless there was an abuse of discretion. 5 Conn. Cir. Ct. 228. Cited. 6 Conn. Cir. Ct. 130; Id., 261, 263. The 6 conditions precedent apply only in cases of operation under influence of liquor and not drugs. Id., 303. State must prove that defendant charged with driving under the influence of liquor was exclusively under influence of liquor and not drug or drugs and liquor. Id., 364. Refusal to submit to a chemical sobriety test is inadmissible. Id., 470, 474, 475. Cited. Id., 503. Subsec. (a): Cited. 179 C. 377; 203 C. 305; 209 C. 806; 216 C. 172; 226 C. 470, 472; 227 C. 534; 231 C. 926; 233 C. 302. Administrative suspension of operator's license does not bar prosecution for violation of section. 235 C. 614. Defendant's act of inserting key into ignition, regardless of whether key was turned, constituted operation of a motor vehicle. 279 C. 546. Under 2005 revision, a person operates a vehicle when he uses a remote starter to start the engine and then sits in the driver's seat, thus taking the first act in a sequence of steps necessary to set in motion the motive power of a vehicle equipped with a remote starter. 291 C. 49. Cited. 11 CA 185; Id., 644; 15 CA 58. State not required to prove that defendant intended to move vehicle in order to prove operation under statute. 22 CA 88. Intent to move a vehicle not an element of operation of a motor vehicle while under the influence in violation of section. 24 CA 467. Cited. 25 CA 282; 27 CA 461; 29 CA 455; 30 CA 742; 33 CA 590; 34 CA 189; Id., 201; 36 CA 463; 40 CA 420; 46 CA 633. Proof of operation on public highway is question of fact and defendant Commissioner of Motor Vehicles made reasonable factual finding of such operation in case in which plaintiff was found seated in the driver's seat with seat belt on in his car on the shoulder of an interstate highway and the engine of the car was running. 48 CA 552. A person operates a motor vehicle when in the vehicle he intentionally does any act or makes use of any mechanical or electrical agency which alone or in sequence will set in motion the motive power of the vehicle. 50 CA 34. Defendant who was found unconscious behind wheel of car while engine was running could be deemed to have operated the vehicle for purposes of sustaining a conviction under section. 51 CA 782. Where defendant was found intoxicated, in the vehicle with the engine running and in a position to control the vehicle's movement, conviction under section was upheld. 60 CA 551. Evidence that defendant failed field sobriety tests and testimony of state toxicologist was sufficient to sustain conviction under section. 71 CA 497. It is inconceivable that legislature's broad umbrella of protection would insulate intoxicated persons from drunk driving laws pursuant to Subsec. because the parking area did not have zoning approval for 10 or more spaces; thus, a 9 space parking lot that regularly accommodates and is used by 10 or more cars satisfies requirements of

statute. 76 CA 716. For purposes of finding violation under Subdiv. (1), the state of being under the influence of intoxicating liquor is not a fact on which the state is required to present expert testimony. 84 CA 519. A conviction under Subdiv. (1) is not inconsistent with an acquittal under Subdiv. (2). 98 CA 847. Defendant's action of inserting key into vehicle ignition is an act which alone or in sequence set in motion the vehicle's motive power and constituted operation of a motor vehicle within the meaning of Subsec. 102 CA 241. Trial court properly allowed defendant's statements as to his alcohol consumption and the results of field sobriety tests; police officer did not lack a reasonable, articulable suspicion to continue his investigation. 110 CA 41. Statute does not require the state to prove that defendant driver actually had difficulty driving the motor vehicle because of intoxicating liquor or drugs. 111 CA 315. Defendant's conviction for a violation of both Subdivs. (1) and (2) violated his right to be free of double jeopardy because they provide for different methods of proof of the same offense. *Id.*, 466. Definition of "motor vehicle" in Sec. 14-212 applies and includes a moped. 112 CA 190. Court properly rejected defense allegation that proof of intoxication was caused solely by involuntary exposure to kerosene fumes in vehicle. 118 CA 556. Blood serum test results using a weight of alcohol to volume of blood ratio rather than a weight of alcohol to weight of blood ratio was sufficient to establish elevated blood alcohol content as defined in Subsec. 159 CA 137. Subsec. (b): Cited. 208 C. 812. Court declined "to formulate or adopt a behavioral definition of driving while impaired". 14 CA 216. Cited. 15 CA 58. Chemical analysis evidence of alcohol level not required to be reported as a percentage of weight and can be reported by volume and equipment that performed test must be approved by Department of Public Safety but is not required to satisfy criteria of regulations. 99 CA 563. State is required to establish as foundation for admissibility of chemical analysis evidence that test was performed with equipment approved by Department of Public Safety; it does not require that device satisfy criteria set forth in regulations. 106 CA 189. When evidence of amount of alcohol or drug in a defendant's blood or urine is excluded under section, then evidence of ratio, dependent upon amount, should also be excluded. 164 CA 406. Subdiv. (5) contains condition precedent to introduction of evidence concerning amount of alcohol in defendant's system as shown by chemical analysis of breath, i.e. that he be afforded additional chemical test. 34 CS 679. Requirements of this Subsec. apply only to prosecutions for violations of Subsec. (a), not to prosecutions under Sec. 53a-58a. 35 CS 511. Subdiv. (1): Defendant did not lack legal capacity to consent to the test merely because he was under a Probate Court conservatorship of his person and estate. 3 Conn. Cir. Ct. 47. Subdiv. (4): Defendant's claim that syringe used by physician to extract blood sample was a device used for the test and therefore had to be checked for accuracy had no merit. *Id.*, 48. Subdiv. (4): Device referred to in Subdiv. is analysis equipment and not equipment used to collect blood sample. 5 Conn. Cir. Ct. 326. Subsec. (c): Cited. 180 C. 252. Rebuttable presumption as a permissive inference discussed. 41 CA 874. "Rebuttable presumption" under statute defined as a "permissive inference". 48 CA 391. Based on the stipulated facts and inferences thereon, trial court reasonably concluded that the urine tests were commenced within 2 hours of operation as required by section. 51 CA 790. Although jury instructions used rebuttable presumption language of statute, such instructions were harmless since court also instructed jury re reasonable inferences and provided examples. 71 CA 179. Subsec. (d): Does not proscribe admission of evidence that fails to satisfy regulatory requirements. 263 C. 390. Use of alcohol testing device measuring weight of alcohol per volume of breath rather than weight of alcohol per weight of blood as required by regulation did not require preclusion of test results, because Subsec. permits testing other than blood testing and does not require that testing device comply with regulatory requirements. 105 CA 59. Subsec. (e): Court's instruction that jury "may make any reasonable inference" was permissible with respect to defendant's refusal to submit to a Breathalyzer test. 84 CA 519. Where trial court repeatedly explained to jury that consciousness of guilt was a permissive inference that it could draw only if it determined that defendant had refused to submit to breath test, court's instruction was well within parameters of section; defendant had no constitutional right to counsel when asked to submit to a breath test, and evidence of defendant's refusal to submit to test was properly admitted despite defendant's request to speak to counsel at time of proposed breath test. 118 CA 654. Subsec. (f): Not unconstitutionally vague under U.S. Constitution as applied to defendant. 41 CA 7. Jury was not misled when trial judge's instructions identified a permissive inference and substantially complied with statutory language; applicability of possible negative inference not limited to violation of Subsec. (a)(1). 63 CA 433. Subsec. (g): Trial court has clear duty under Subsec. to adjudicate second part of two part information in all cases in which information filed. 271 C. 115. Is constitutional and does not violate defendant's right to have a jury decide questions of fact as the question of whether New York's and Connecticut's drunk driving statutes are substantially similar is a question of law properly left to the court. 276 C. 503. The term "substantially the same" does not require the essential elements of the out of state statute to be the same in substance, but rather requires the basic and necessary parts of the crime in the out of state statute to be the same to a considerable degree. 346 C. 238. Imposition of enhanced penalties for third time offense under Subsec. requires only third violation of Subsec. (a), and does not require previous conviction as second time offender. 90 CA 177. Enhanced penalties apply to a subsequent conviction only if the earlier conviction occurred before date of the conduct underlying subsequent violation. 118 CA 725. Statute does not require that prior convictions take place at separate times to trigger imposition of enhanced penalties; defendant's claim of improper conviction as third time offender rather than second time offender because her two prior convictions were entered on the same day was unavailing. 140 CA 347. Subdiv. (3): Certified records of prior convictions that indicated defendant's name, date of birth, operator's license number and address were sufficient evidence of prior convictions for purposes of Subdiv. 146 CA 701. Court case abstract without the case disposition and fingerprint card is, as a matter of law, insufficient evidence of prior conviction for defendant to be charged as a third time offender. 156 CA 792. Legislature clearly has instructed that one must look to the current revision of Subsec. (a)(1) or (a)(2) to determine if the prior conviction in any other state is substantially the same under for purposes of this Subsec. 204 CA 1. Subsec. (h): Subdiv. (3): Enhanced penalties apply to third conviction when only one of two prior convictions occurred within 5 years of the present conviction. 210 C. 573. Cited. 234 C. 918. Subdiv. (3) imposes enhanced penalties on those whose third violation of Sec. 14-227a(a) occurs within the 5-year period,

regardless of when that conviction occurs; judgment of Appellate Court in 38 CA 8 reversed. 236 C. 18. Person sentenced to mandatory minimum sentence not entitled to "good time credit" or "employment credit". 17 CA 827. Administrative suspension of driver's license by Department of Motor Vehicles and prosecution by the court of underlying offense of driving while intoxicated does not violate separation of powers provision of state constitution. 51 CA 4. Statute providing for imposition of enhanced penalties when a person is convicted of a third offense of operating a motor vehicle while under the influence of intoxicating liquor within ten years of prior conviction of the same offense does not require that the third conviction be within 10 years of all prior convictions. 70 CA 565. Subsec. (j): Requirement of a search warrant does not eliminate consent as a means of securing test results. 65 CA 634. Subsec. (k): Medical record was properly admitted as evidence re results of blood alcohol test; absence of specific admissibility standards in regulations indicates that commissioner, having been specifically authorized by legislature, determined no specific rules or procedures were necessary for samples collected and analyzed for medical diagnostic testing. 138 CA 420. Subsec. (l): Cited. 42 CA 589. Does not govern admissibility of blood alcohol tests taken at out-of-state hospitals and is permissive in nature. 57 CA 484. Court satisfied that hospital's internal policy of having registered nurse draw blood from patients who are admitted and fact that emergency room was staffed with two registered nurses show that requirements of Subsec. have been met. 61 CA 90.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-227b. - Implied consent to test operator's blood, breath or urine and to nontestimonial portion of drug influence evaluation. Testing procedures. License suspension. Hearing.

(a) Any person who operates a motor vehicle in this state shall be deemed to have given such person's consent to: (1) A chemical test of such person's blood, breath or urine; and (2) a nontestimonial portion of a drug influence evaluation conducted by a drug recognition expert. If such person is a minor, such person's parent or parents or guardian shall also be deemed to have given their consent for such test or evaluation. As used in this section, "motor vehicle" includes a snowmobile and all-terrain vehicle, as such terms are defined in section 14-379. (b) (1) A police officer who has placed a person under arrest for a violation of section 14-227a, 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n may request that such person submit to a blood, breath or urine test at the option of the police officer, a drug influence evaluation conducted by a drug recognition expert, or both, after such person has been (A) apprised of such person's constitutional rights; (B) afforded a reasonable opportunity to telephone an attorney prior to the performance of such test or evaluation; (C) informed that evidence of any refusal to submit to such test or evaluation shall be admissible in accordance with subsection (e) of section 14-227a and may be used against such person in any criminal prosecution, except that refusal to submit to the testimonial portions of a drug influence evaluation shall not be considered evidence of refusal of such evaluation for purposes of any criminal prosecution; and (D) informed that such person's license or operating privilege may be suspended in accordance with the provisions of this section if (i) such person refuses to submit to such test or the nontestimonial portion of a drug influence evaluation, (ii) such person submits to such test and the results of such test indicate that such person has an elevated blood alcohol content, or (iii) the officer concludes, through investigation, that such person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both. (2) If the person refuses to submit to any test or drug influence evaluation, the test or evaluation shall not be given, except if the person refuses or is unable to submit to a blood test, the police officer shall designate another test to be taken. If a person submits to a breath test and the police officer, for reasonable cause, requests an additional chemical test of a different type to detect the presence of a drug or drugs other than or in addition to alcohol, the officer may administer such test, except that if such person refuses or is unable to submit to a blood test, the officer shall designate a urine test to be taken. The police officer shall make a notation upon the records of the law enforcement unit, as defined in section 7-294a, that such officer informed the person that such person's license or operating privilege may be suspended if (A) such person refused to submit to such test or nontestimonial portion of a drug influence evaluation; (B) such person submitted to such test and the results of such test indicated that such person had an elevated blood alcohol content; or (C) the officer concludes, through investigation, that such person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both. (c) If the person arrested refuses to submit to such test or nontestimonial portion of a drug influence evaluation or submits to such test, commenced within two hours of the time of operation, and the results of such test indicate that such person has an elevated blood alcohol content, the police officer, acting on behalf of the Commissioner of Motor Vehicles, shall immediately revoke and take possession of the motor vehicle operator's license or, if such person is not licensed or is a nonresident, suspend the operating privilege of such person, for a twenty-four-hour period. The police officer shall prepare a report of the incident and shall mail or otherwise transmit in accordance with this subsection the report and a copy of the results of any chemical test to the Department of Motor Vehicles within six business days. The report shall contain such information as prescribed by the Commissioner of Motor Vehicles and shall be subscribed and sworn to under penalty of false statement as provided in section 53a-157b by the arresting officer. If the person arrested refused to submit to such test or evaluation, the report shall be endorsed by a third person who witnessed such refusal. The report shall set forth the grounds for the officer's belief that there was probable cause to arrest such person for a violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n and shall state that such person had refused to submit to such test or evaluation when requested by such police officer to do so or that such person submitted to such test, commenced within two hours of the time of operation, and the results of such test indicated that such person had an elevated blood alcohol content. A drug influence evaluation need not be commenced within two hours of the time of operation. The Commissioner of Motor Vehicles may accept a police report under this subsection that is prepared and transmitted as an electronic record, including electronic signature or signatures, subject to such security procedures as the commissioner may specify and in accordance with the provisions of sections 1-266 to 1-286, inclusive. In any hearing conducted

pursuant to the provisions of subsection (g) of this section, it shall not be a ground for objection to the admissibility of a police report that it is an electronic record prepared by electronic means. (d) If a police officer who has placed a person under arrest for a violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n does not request that such person submit to a blood, breath or urine test under subsection (b) of this section, or obtains results from a test administered under subsection (b) of this section that indicate that the person does not have an elevated blood alcohol content, such officer shall: (1) Advise such person that such person's license or operating privilege may be suspended in accordance with the provisions of this section if such police officer concludes, through investigation, that such person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both; and (2) Submit a report to the commissioner in accordance with the procedure set forth in subsection (c) of this section and, if such report contains the results of a blood, breath or urine test that does not show an elevated blood alcohol content, such report shall conform to the requirements in subsection (c) of this section for reports that contain results showing an elevated blood alcohol content. In any report submitted under this subdivision, the officer shall document (A) the basis for the officer's belief that there was probable cause to arrest such person for a violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n, and (B) whether the officer concluded, through investigation, that the person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both. With such report, the officer may submit other supporting documentation indicating the person's intoxication by liquor or any drug, or both. If the officer concludes, through investigation, that the person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both, the officer shall immediately revoke and take possession of the motor vehicle operator's license or, if such person is not licensed or is a nonresident, suspend the operating privilege of such person for a twenty-four-hour period. (e) (1) Except as provided in subdivision (2) of this subsection, upon receipt of a report submitted under subsection (c) or (d) of this section, the commissioner may suspend any operator's license or operating privilege of such person effective as of a date certain, which date certain shall be not later than thirty days from the later of the date such person received (A) notice of such person's arrest by the police officer, or (B) the results of a blood or urine test or a drug influence evaluation. Any person whose operator's license or operating privilege has been suspended in accordance with this subdivision shall automatically be entitled to a hearing before the commissioner to be held in accordance with the provisions of chapter 54 and prior to the effective date of the suspension. The commissioner shall send a suspension notice to such person informing such person that such person's operator's license or operating privilege is suspended as of a date certain and that such person is entitled to a hearing prior to the effective date of the suspension and may schedule such hearing by contacting the Department of Motor Vehicles not later than seven days after the date of mailing of such suspension notice. (2) Upon receipt of a report that (A) the person's arrest involved an accident resulting in a fatality, or (B) the person has previously had such person's operator's license or operating privilege suspended under the provisions of section 14-227a, 14-227m or 14-227n during the ten-year period preceding the present arrest, the commissioner may suspend any operator's license or operating privilege of such person effective as of the date specified in a notice of such suspension to such person. A person whose operator's license or operating privilege has been suspended in accordance with this subdivision shall automatically be entitled to a hearing before the commissioner, to be held in accordance with the provisions of chapter 54. The commissioner shall send a suspension notice to such person informing such person that such person's operator's license or operating privilege is suspended as of the date specified in such suspension notice, and that such person is entitled to a hearing and may schedule such hearing by contacting the Department of Motor Vehicles not later than seven days after the date of mailing of such suspension notice. Any suspension issued under this subdivision shall remain in effect until such suspension is affirmed under subsection (f) of this section or such operator's license or operating privilege is reinstated in accordance with subsection (h) of this section. (f) If such person does not contact the department to schedule a hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection (i) of this section. (g) (1) If such person contacts the department to schedule a hearing, the department shall assign a date, time and place for the hearing, which date shall be prior to the effective date of the suspension, except that, with respect to a person whose operator's license or operating privilege is suspended in accordance with subdivision (2) of subsection (e) of this section, such hearing shall be scheduled not later than thirty days after such person contacts the department. At the request of such person, the hearing officer or the department and upon a showing of good cause, the commissioner may grant one or more continuances. (2) A hearing based on a report submitted under subsection (c) of this section shall be limited to a determination of the following issues: (A) Did the police officer have probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or any drug, or both; (B) was such person placed under arrest; (C) did such person (i) refuse to submit to such test or nontestimonial portion of a drug influence evaluation, or (ii) submit to such test, commenced within two hours of the time of operation, and the results of such test indicated that such person had an elevated blood alcohol content; and (D) was such person operating the motor vehicle. (3) A hearing based on a report submitted under subsection (d) of this section shall be limited to a determination of the following issues: (A) Did the police officer have probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or any drug, or both; (B) was such person placed under arrest; (C) was such person operating a motor vehicle under the influence of intoxicating liquor or any drug, or both; and (D) was such person operating the motor vehicle. (4) In a hearing under this subsection, the results of the test, if administered, shall be sufficient to indicate the ratio of alcohol in the blood of such person at the time of operation, provided such test was commenced within two hours of the time of operation. The fees of any witness summoned to appear at a hearing under this subsection shall be the same as provided by the general statutes for witnesses in criminal cases. Notwithstanding the provisions of subsection (a) of section 52-143, any subpoena summoning a police officer as a witness shall be served not less than seventy-two hours prior to the designated time of the hearing. (5) In a hearing based on a report submitted under subsection (d)

of this section, evidence of operation under the influence of intoxicating liquor or any drug, or both shall be admissible. Such evidence may include, but need not be limited to, (A) the police officer's observations of intoxication, as documented in a report submitted to the commissioner under subsection (d) of this section; (B) the results of any chemical test administered under this section or a toxicology report certified by the Division of Scientific Services within the Department of Emergency Services and Public Protection; (C) hospital or medical records obtained in accordance with subsection (j) of this section or by the consent of the operator; (D) the results of any tests conducted by, or the report of, an officer trained in advanced roadside impaired driving enforcement; or (E) reports of drug recognition experts. (h) If, after a hearing under subdivision (2) of subsection (g) of this section, the commissioner finds in the negative on any one of the issues specified in subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner shall reinstate such license or operating privilege. If, after a hearing under subdivision (3) of subsection (g) of this section, the commissioner finds in the negative on any one of the issues specified in subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner shall reinstate such license or operating privilege. If, after such hearing under subdivision (2) or (3) of subsection (g) of this section, the commissioner does not find on any one of said issues in the negative or if such person fails to appear at such hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection (i) of this section. The commissioner shall render a decision at the conclusion of such hearing and send a notice of the decision by bulk certified mail or by personal delivery, as defined in section 4-166, to such person. The notice of such decision sent by bulk certified mail or by personal delivery to the address of such person as shown by the records of the commissioner shall be sufficient notice to such person that such person's operator's license or operating privilege is reinstated or suspended, as the case may be. A notice of the decision shall only be transmitted by personal delivery if the operator has consented, in writing, to such personal delivery. (i) (1) The commissioner shall suspend the operator's license or operating privilege of a person who did not contact the department to schedule a hearing, who failed to appear at a hearing, or against whom a decision was issued, after a hearing, pursuant to subsection (h) of this section, as of the effective date contained in the suspension notice, for a period of forty-five days. As a condition for the restoration of such operator's license or operating privilege, such person shall be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, for the longer of either (A) the period prescribed in subdivision (2) of this subsection for the present arrest and suspension, or (B) the period prescribed in subdivision (1), (2) or (3) of subsection (g) of section 14-227a or subdivision (1), (2) or (3) of subsection (c) of section 14-227m or subdivision (1) or (2) of subsection (c) of section 14-227n for the present arrest and conviction, if any. (2) (A) A person twenty-one years of age or older at the time of the arrest who submitted to a test and the results of such test indicated that such person had an elevated blood alcohol content, or was found to have been operating a motor vehicle under the influence of intoxicating liquor or any drug, or both based on a report filed pursuant to subsection (d) of this section, shall install and maintain an ignition interlock device for the following periods: (i) For a first suspension under this section, six months; (ii) for a second suspension under this section, one year; and (iii) for a third or subsequent suspension under this section, two years; (B) a person under twenty-one years of age at the time of the arrest who submitted to a test and the results of such test indicated that such person had an elevated blood alcohol content, or was found to have been operating a motor vehicle under the influence of intoxicating liquor or any drug, or both based on a report filed pursuant to subsection (d) of this section, shall install and maintain an ignition interlock device for the following periods: (i) For a first suspension under this section, one year; (ii) for a second suspension under this section, two years; and (iii) for a third or subsequent suspension under this section, three years; and (C) a person, regardless of age, who refused to submit to a test or nontestimonial portion of a drug influence evaluation shall install and maintain an ignition interlock device for the following periods: (i) For a first suspension under this section, one year; (ii) for a second suspension under this section, two years; and (iii) for a third or subsequent suspension, under this section, three years. (3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, a person whose motor vehicle operator's license or operating privilege has been permanently revoked upon a third offense pursuant to subsection (g) of section 14-227a or subsection (c) of section 14-227m shall be subject to the penalties prescribed in subdivision (2) of subsection (i) of section 14-111. (j) Notwithstanding the provisions of subsections (b) to (i), inclusive, of this section, any police officer who obtains the results of a test of a blood sample taken from or a urine sample provided by an operator of a motor vehicle who was involved in an accident and suffered or allegedly suffered physical injury in such accident, or who was otherwise deemed by a police officer to require treatment or observation at a hospital, shall notify the commissioner and submit to the commissioner a written report if such results indicate that such person had an elevated blood alcohol content, or any quantity of an intoxicating liquor or any drug, or both, in such person's blood, and if such person was arrested for violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n. The report shall be made on a form approved by the commissioner containing such information as the commissioner prescribes, and shall be subscribed and sworn to under penalty of false statement, as provided in section 53a-157b, by the police officer. The commissioner may, after notice and an opportunity for hearing, which shall be conducted by a hearing officer on behalf of the commissioner in accordance with chapter 54, suspend the motor vehicle operator's license or operating privilege of such person for the appropriate period of time specified in subsection (i) of this section and require such person to install and maintain an ignition interlock device for the appropriate period of time prescribed in subsection (i) of this section. Each hearing conducted under this subsection shall be limited to a determination of the following issues: (1) Whether the police officer had probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or drug, or both; (2) whether such person was placed under arrest; (3) whether such person was operating the motor vehicle; (4) whether (A) the results of the analysis of the blood or urine of such person indicate that such person had an elevated blood alcohol content, or (B) the person

was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both; and (5) in the event that a blood sample was taken, whether the blood sample was obtained in accordance with conditions for admissibility and competence as evidence as set forth in subsection (k) of section 14-227a. If, after such hearing, the commissioner finds on any one of the said issues in the negative, the commissioner shall not impose a suspension. The fees of any witness summoned to appear at the hearing shall be the same as provided by the general statutes for witnesses in criminal cases, as provided in section 52-260. (k) The provisions of this section shall apply with the same effect to the refusal by any person to submit to an additional chemical test as provided in subparagraph (E) of subdivision (1) of subsection (b) of section 14-227a. (l) The provisions of this section shall not apply to any person whose physical condition is such that, according to competent medical advice, such test would be inadvisable. (m) Notwithstanding the provisions of this section, when a person is required, pursuant to this section, to install and maintain an ignition interlock device or is prohibited, pursuant to this section, from operating a motor vehicle except under the condition that such device is installed and maintained on such vehicle, such requirement and condition shall cease to apply to such person upon any of the following conditions being met in the case of an arrest for a violation of section 14-227a, 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n (1) for which the only intoxicating substance detected is cannabis: (A) All charges resulting from such alleged violation are withdrawn, nolleed or dismissed; (B) the person has been acquitted of any charges resulting from such alleged violation; or (C) any conviction of such person based upon any charges resulting from such alleged violation is vacated, overturned or erased, or (2) for which the person was convicted for such violation, alcohol was detected as an intoxicating substance for such violation and such person has received an absolute pardon for each such conviction. Upon the ceasing of the application of such requirement and condition upon such person, the commissioner shall provide written notification to the person indicating that such requirement and condition has ceased to apply to such person. The provisions of this subsection shall not affect any other requirement or condition applied to such person. (n) The state shall pay the reasonable charges of any physician who, at the request of a law enforcement unit, as defined in section 7-294a, takes a blood sample for purposes of a test under the provisions of this section. (o) For the purposes of this section, "elevated blood alcohol content" means (1) a ratio of alcohol in the blood of such person that is eight-hundredths of one per cent or more of alcohol, by weight, (2) if such person is operating a commercial motor vehicle, a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, or (3) if such person is less than twenty-one years of age, a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight. (p) The Commissioner of Motor Vehicles shall adopt regulations, in accordance with chapter 54, to implement the provisions of this section. (1963, P.A. 616, S. 2; February, 1965, P.A. 190; 1967, P.A. 656, S. 9; 721; P.A. 75-205; P.A. 80-438, S. 4; P.A. 81-446, S. 3; P.A. 82-403, S. 4; 82-408, S. 4; P.A. 83-534, S. 2; P.A. 85-596, S. 2; P.A. 89-314, S. 1, 5; P.A. 90-263, S. 73, 74; P.A. 93-371, S. 1, 5; P.A. 94-189, S. 14; P.A. 95-279, S. 1, 2; P.A. 98-182, S. 20, 22; P.A. 99-255, S. 2; P.A. 02-70, S. 72; May 9 Sp. Sess. P.A. 02-1, S. 109; P.A. 03-278, S. 48, 49; P.A. 04-250, S. 1; P.A. 05-215, S. 6; Jan. Sp. Sess. P.A. 08-1, S. 34; P.A. 08-32, S. 1; P.A. 09-187, S. 63; P.A. 10-110, S. 27; P.A. 12-81, S. 19; P.A. 14-228, S. 6; P.A. 16-55, S. 6, 7; 16-126, S. 17; P.A. 21-106, S. 26; June Sp. Sess. P.A. 21-1, S. 118; P.A. 22-40, S. 14; 22-44, S. 8, 10; P.A. 24-40, S. 54; 24-137, S. 2.) History: 1965 act added provision re implied consent of parents or guardian of minor; 1967 acts required state to pay charges of physician who takes blood sample at police department's request, required arrested person to be informed of constitutional rights, required that three conditions be met for suspension or revocation of license rather than that single condition, i.e. that person was operating vehicle, be met and made provisions inapplicable if charge nolleed or changed; P.A. 75-205 included reference to urine tests and to operation of vehicle under influence of drug or both drug and alcohol; P.A. 80-438 specified that judge rather than court or jury is responsible for making finding and added provision re finding in case where charge nolleed or changed, allowed suspension or revocation for maximum of 6 months rather than upon terms and conditions of commissioner and deleted previous provision excluding nolleed or changed charge; P.A. 81-446 added the provisions that the license of any person who refuses to submit to test shall be automatically suspended for 90 days, that police officer shall file a written report of such refusal, and that any person whose operating privilege has been suspended in accordance with this section shall be entitled to an immediate hearing before the commissioner; P.A. 82-403 amended Subsec. (b) by replacing the provision that a license will be suspended "for a period of ninety days" with "in accordance with the provisions of subsections (d) and (e) of this section", amended Subsec. (c) by adding "resulting in erratic driving, a motor vehicle violation or a motor vehicle accident", amended Subsec. (d) by specifying its provisions concerned "a first" refusal, made Subsec. (e) a part of Subsec. (d) and added a new Subsec. (e) concerning the hearing procedure for license suspension upon a second or subsequent refusal and the period of such suspension; P.A. 82-408 added provisions re revocation of license for 24-hour period; P.A. 83-534 amended the section to make it applicable to a person arrested for operating a motor vehicle "while his ability to operate such motor vehicle is impaired by the consumption of intoxicating liquor", amended Subsec. (b) to authorize the police officer to designate which test the arrested person shall take, to provide that if the person refuses or is unable to submit to a blood test the police officer shall designate the breath or urine test, to require the police officer to inform the person that evidence of refusal to submit to a test will be admissible and may be used against him in a criminal prosecution and to require the police officer to make a record that he informed the person that refusal to take the test would cause suspension of his driver's license, amended Subsec. (d) to increase from 90 days to 6 months the period of license suspension upon a first refusal, and amended Subsec. (f) to change its applicability from a person who refuses to take a test for the "second or subsequent" time to a person whose license has previously been suspended for a refusal, who has previously been found guilty of operating under the influence or who has previously participated in the pretrial alcohol education system; P.A. 85-596 amended Subsec. (b) to add requirement of affording an operator a reasonable opportunity to telephone an attorney prior to the performance of the test and inserted a new Subsec. (g) re the applicability of the provisions of the section to a refusal to submit to an additional test and

relettered the remaining Subsecs. accordingly; P.A. 89-314 extensively revised section by making the provisions applicable to any person who is arrested for manslaughter in the second degree with a motor vehicle or assault in the second degree with a motor vehicle and to any person who submits to a test or analysis where the results of such test or analysis indicate that at the time of the alleged offense the ratio of alcohol in the blood of such person was 0.10% or more of alcohol, by weight, by amending Subsec. (c) to require the arresting police officer "acting on behalf of the commissioner of motor vehicles" to "take possession" of the license or "suspend" the nonresident operating privilege for 24 hours, issue a temporary operator's license or nonresident operating privilege valid for the period commencing 24 hours after issuance and ending 35 days after the date such person received notice of his arrest, prepare a report of the incident and mail the report together with a copy of the completed temporary license form, any operator's license and a copy of the results of any chemical test or analysis to the department of motor vehicles within 3 business days, and require that the report be made by the police officer before whom such refusal was made "or who administered or caused to be administered such test or analysis", by amending Subsec. (d) to replace provisions requiring the commissioner upon receipt of a report of a first refusal to suspend a license for 6 months with provisions requiring the commissioner upon receipt of a report to suspend the license "effective as of a date certain, which date shall be not later than thirty-five days after the date such person received notice of his arrest by the police officer" and to add provisions requiring the commissioner to send the person a suspension notice and specifying the contents of such notice, by deleting Subsec. (e) re police procedure when a license is revoked for 24 hours, by deleting Subsec. (f) re the scheduling of a hearing, the issues at the hearing and the suspension for one year for a refusal and three years for a subsequent refusal of the license or privilege of a person whose license or privilege had previously been suspended for a refusal, who had previously been found guilty of operating while under the influence or who had previously participated in the pretrial alcohol education system, by adding a new Subsec. (e) to require the commissioner to affirm the suspension if the person does not schedule a hearing, by adding a new Subsec. (f) re the scheduling and holding of the hearing, the granting of a continuance, the extension of the validity of the temporary license and the issues to be determined at the hearing, formerly part of Subsec. (d), by designating the last sentence of Subsec. (d) as Subsec. (g) and adding provisions re affirmation of the suspension contained in the suspension notice if the commissioner does not find on any one of the said issues in the negative or if the person fails to appear at the hearing, time periods for rendering a decision and sending notice of such decision, and the reinstatement of the license if the commissioner fails to timely render a decision, by adding a new Subsec. (h) re the suspension by the commissioner of the license or privilege, the revocation by the commissioner of the temporary license or privilege, and the periods of license suspension, by redesignating Subsecs. (g), (h) and (i) as Subsecs. (i), (j) and (k), respectively, and by adding Subsec. (l) re regulations; P.A. 90-263 amended Subsec. (f) to require that fees of witnesses summoned to appear at the hearing be the same as provided by the general statutes for witnesses in criminal cases; P.A. 93-371 eliminated the requirement that the test results indicate an elevated blood alcohol ratio "at the time of the alleged offense" by deleting that phrase where appearing, amended Subsec. (c) to require the test or analysis be commenced within two hours of the time of operation and require the report to be "subscribed" and sworn to under penalty of false statement by "the arresting officer" rather than by "the police officer before whom such refusal was made or who administered or caused to be administered such test or analysis", amended Subsec. (f) to authorize the granting of a continuance "at the request of such person or the hearing officer", provide in Subdiv. (3) that part of the issue to be determined is whether the test or analysis was commenced within two hours of the time of operation and added provision requiring evidence be presented that the test results and analysis thereof indicate the blood alcohol content at the time of operation when the additional test indicates the blood alcohol ratio is 0.12% or less and is higher than the results of the first test and amended Subsec. (g) to authorize the commissioner to send a notice of his decision by "bulk" certified mail and replace "Unless a continuance is granted to such person" with "Unless a continuance of the hearing is granted", effective July 1, 1993 (Revisor's note: Towards the end of Subsec. (f) the phrase "twelve-hundredths of one per cent or less of alcohol, by weight," was changed editorially by the Revisors to "twelve-hundredths of one per cent or less of alcohol, by weight," for consistency); P.A. 94-189 amended Subsec. (c) by decreasing the time period during which a temporary license or nonresident operating privilege is valid from 35 to 30 days after the date of receipt of notice of arrest, amended Subsec. (d) by changing the effective date of suspension from not later than 35 days to not later than 30 days after the date of receipt of notice of arrest, amended Subsec. (f) by increasing the continuance period from "not to exceed ten days" to "not to exceed fifteen days", amended Subsec. (g) by decreasing the time period for rendering a decision or sending a notice of decision from 35 to 30 days and amended Subdiv. (1) of Subsec. (h) by deleting "at the time of the alleged offense" before "the ratio of alcohol in the blood"; P.A. 95-279 amended Subsecs. (b), (c) and (f) to delete reference to manslaughter in the second degree with a motor vehicle or assault in the second degree with a motor vehicle, and amended Subsecs. (b) and (d) to make suspension of license discretionary rather than mandatory for refusal to submit to test or for submission to test and results indicating that ratio of alcohol in the blood of such operator was 0.10% or more of alcohol, by weight, or, in the case of Subsec. (d) upon receipt of report by commissioner, effective July 6, 1995; P.A. 98-182 added a new Subsec. (d) re procedures for a police officer to take possession of a motor vehicle operator's license and added a new Subsec. (j) re submission of a chemical analysis of a blood sample of a motor vehicle operator and report to the commissioner, and hearing procedures re license suspension, effective January 1, 1999; P.A. 99-255 made provisions applicable when a person has "an elevated blood alcohol content" rather than when "the ratio of alcohol in the blood of such person was 0.10% or more of alcohol, by weight", added Subsec. (i)(1)(B) to provide for a suspension period of 120 days, "if such person submitted to a test or analysis and the results of such test or analysis indicated that the ratio of alcohol in the blood of such person was 0.16% or more of alcohol, by weight", redesignating former Subpara. (B) as Subpara. (C), to revised Subsec. (i)(2) by replacing provision that specified a uniform suspension period of one year with provisions of Subparas. (A), (B) and (C) specifying a suspension period of 9 months if the person submitted to a test or analysis and had an elevated blood alcohol

content, 10 months if the person submitted to a test or analysis and had a blood alcohol ratio of 0.16% or more of alcohol, by weight, and one year if the person refused to submit to a test or analysis, respectively, and revised Subsec. (i)(3) by replacing provision that specified a uniform suspension period of two years with provisions of Subparas. (A), (B) and (C) specifying a suspension period of two years if the person submitted to a test or analysis and had an elevated blood alcohol content, two and one-half years if the person submitted to a test or analysis and had a blood alcohol ratio of 0.16% or more of alcohol, by weight, and three years if the person refused to submit to a test or analysis, respectively, added new Subsec. (n) defining “elevated blood alcohol content”, redesignating former Subsec. (n) as Subsec. (o), and made technical changes for purposes of gender neutrality; P.A. 02-70 amended Subsec. (c) to eliminate requirement that police officer issue a temporary operator's license or nonresident operating privilege and to eliminate requirement that police officer mail to Department of Motor Vehicles a copy of completed temporary license form and any operator's license taken into possession, effective July 1, 2002; May 9 Sp. Sess. P.A. 02-1 amended Subsecs. (b), (c), (g) and (j) to eliminate references to operating a motor vehicle while the person's ability is impaired by the consumption of intoxicating liquor, amended Subsec. (n) to reduce ratio of alcohol in blood from 0.10% to 0.08% or more of alcohol in definition of “elevated blood alcohol content”, eliminate from such definition former Subdiv. (2) providing “if such person has been convicted of a violation of subsection (a) of section 14-227a, a ratio of alcohol in the blood of such person that is 0.07% or more of alcohol, by weight” and redesignate existing Subdiv. (3) as Subdiv. (2), and made technical changes in Subsecs. (b), (j) and (k), effective July 1, 2002; P.A. 03-278 made technical changes in Subsecs. (g) and (i), effective July 9, 2003; P.A. 04-250 amended Subsec. (e) by designating existing provisions as Subdiv. (1), making conforming changes therein, and adding Subdiv. (2) to permit commissioner to suspend license or operating privilege, upon notice and prior to hearing, of person arrested for operating motor vehicle under influence of alcohol or drugs if person involved in accident resulting in fatality or previously arrested under Sec. 14-227a during preceding 10-year period, amended Subsec. (g) to require hearing re license or operating privilege suspension not later than 30 days after person contacts department and made technical changes in Subsec. (o); P.A. 05-215 amended Subsecs. (f) and (h) re suspension period to add reference to Subsec. (j), amended Subsec. (i) to add exception for suspensions under Subsec. (j), added new Subsec. (j) re increased suspension period for a person under 21 years of age, redesignated existing Subsecs. (j) to (o) as Subsecs. (l) to (p), and amended Subsec. (k) to replace “subsections (b) to (i), inclusive” with “subsections (b) to (j), inclusive”, effective January 1, 2006; Jan. Sp. Sess. P.A. 08-1 amended Subsec. (k) to replace authorized suspension of “a period of up to ninety days, or, if such person has previously had such person's operator's license or nonresident operating privilege suspended under this section for a period of up to one year” with “the appropriate period specified in subsection (i) or (j) of this section”, effective January 25, 2008; P.A. 08-32 amended Subsec. (j) to add exception to period of suspension for first offense of persons 16 or 17 years of age, of 1 year for elevated blood alcohol content or 18 months for refusal to submit to test, effective August 1, 2008; P.A. 09-187 amended Subsec. (c) to allow electronic transmission of police reports and admission of such reports in department hearings, delete police report requirement of probable cause to arrest person for operating a motor vehicle while under influence of alcohol or drugs or both, and insert requirement of probable cause to arrest person for a violation of Sec. 14-227a(a), amended Subsec. (g) to authorize one or more continuances, delete exception requiring evidence of test accuracy if results of additional test indicate blood alcohol content is .12 or less and is higher than results of first test, and require service to police officer of subpoena as witness not less than 72 hours prior to hearing, amended Subsec. (h) to delete provisions re notice deadlines and re reinstatement if commissioner fails to render decision within 30 days, amended Subsec. (k) to insert provisions re operator deemed by police officer to require treatment or observation and re hearing officer, amended Subsec. (o) to establish elevated blood alcohol content of .04 for person operating commercial motor vehicle, and made technical and conforming changes; P.A. 10-110 amended Subsec. (i) to make license suspension effective as of date contained in suspension notice, delete “or the date the commissioner renders a decision, whichever is later” and make technical changes, effective June 5, 2010; P.A. 12-81 amended Subsec. (k) to make provisions applicable when police officer obtains results of chemical analysis of urine sample, include in Subdiv. (4) results of analysis of person's urine and make Subdiv. (5) applicable in the event a blood sample was taken, effective July 1, 2012; P.A. 14-228 amended Subsec. (i) to replace provisions re periods of suspension with provisions re 45-day suspension period and installation of ignition interlock device as condition for restoration of operator's license or nonresident operating privilege in Subdiv. (1), add new Subdiv. (2) re periods of installation of ignition interlock device for suspension and add new Subdiv. (3) re permanent revocation for third offense under Sec. 14-227a(g), deleted former Subsec. (j) re suspension for person under 21 years of age, redesignated existing Subsecs. (k) to (p) as Subsecs. (j) to (o), amended redesignated Subsec. (j) to add provision re installation and maintenance of ignition interlock device, and made conforming and technical changes, effective July 1, 2015; P.A. 16-55 amended Subsec. (g) to add provision re commissioner granting department's request for continuance, amended Subsec. (j) to delete “in connection with such accident” in provision re operator deemed by police officer to require treatment or observation, and made technical changes, effective July 1, 2016; P.A. 16-126 amended Subsec. (b) by replacing provision re operating motor vehicle while under influence with provision re violation of Sec. 14-227a, Sec. 14-227m or Sec. 14-227n(a)(1) or (2), amended Subsec. (c) by replacing reference to Sec. 14-227a(a) with reference to Sec. 14-227a and by adding references to Secs. 14-227m and 14-227n(a)(1) and (2), amended Subsec. (e)(2) by adding references to Secs. 14-227m and 14-227n, amended Subsec. (i)(1) by adding references to Secs. 14-227m(c)(1), (2) and (3) and 14-227n(c)(1) and (2), amended Subsec. (i)(2) by adding reference to Sec. 14-227m(c), amended Subsec. (j) by adding references to Secs. 14-227m and 14-227n(a)(1) and (2), and made technical changes; P.A. 21-106 amended Subsec. (a) to define “motor vehicle”, effective July 1, 2021; June Sp. Sess. P.A. 21-1 amended Subsec. (a) to insert Subdiv. (1) indicator and add Subdiv. (2) re nontestimonial portion of drug influence evaluation, replaced provisions of Subsec. (b) with new provisions re police officer request for test or evaluation, amended Subsec. (c) to add references to nontestimonial portion of a drug influence evaluation, insert

reference to person “not licensed” and make conforming changes, replaced provisions of Subsec. (d) with new provisions re police officer who does not request test or receives test results indicating person does not have elevated blood alcohol content, amended Subsec. (e)(1) to insert reference to Subsec. (c) or (d) of this section and insert Subpara. (A) indicator and add Subpara. (B) re test or evaluation results, amended Subsec. (e)(2) to delete reference to Subsec. (f), amended Subsec. (g) by inserting Subdiv. indicators, replacing existing Subdiv. indicators with Subpara. indicators, adding clause indicators and adding reference to nontestimonial portion of a drug influence evaluation, adding Subdivs. (3) and (5) re hearing based on report submitted under Subsec. (d), amended Subsec. (h) to add provision re hearing under Subsec. (g)(3), amended Subsec. (i)(2)(A) to add provisions re report filed pursuant to Subsec. (d) and nontestimonial portion of a drug influence evaluation, amended Subsec. (j) to add provision re “any quantity of an intoxicating liquor or any drug, or both, in such person's blood”, designate existing provisions of Subdiv. (4) as Subpara. (A) and add Subpara. (B), amended Subsec. (k) to replace reference to Sec. 14-227a(b)(5) with 14-227a(b)(1)(E), amended Subsec. (m) to replace reference to municipal police department with law enforcement unit, removed references to “nonresident” operating privilege throughout and made technical and conforming changes, effective April 1, 2022; P.A. 22-40 amended Subsec. (c) to add provision re drug influence evaluation need not be commenced within 2 hours of time of operation, effective July 1, 2022; P.A. 22-44 amended Subsec. (a) to define “motor vehicle” and Subsec. (h) to add provisions re personal delivery, effective July 1, 2022; P.A. 24-40 amended Subsec. (c) to change 3 business days to 6 business days re submission of report and copy of any chemical test results to Department of Motor Vehicles, effective July 1, 2024; P.A. 24-137 added new Subsec. (m) re ceasing of requirement and condition of use of ignition interlock device under prescribed circumstances and redesignated existing Subsecs. (m) to (o) as Subsecs. (n) to (p). Cited. 200 C. 615; 203 C. 97; 210 C. 446; 224 C. 730; 229 C. 51; 230 C. 183; 235 C. 614. Question of whether police have a reasonable and articulable suspicion to justify investigative stop is outside scope of the 4 issues to be considered at a license suspension hearing conducted pursuant to statute. 252 C. 38. Defendant's being found intoxicated and asleep with key inserted in the ignition in the on position is sufficient evidence of operation of a motor vehicle. 281 C. 604. Suspension of driver's license is not a criminal conviction, therefore continued criminal prosecution under Sec. 14-227a did not violate defendant's federal and state constitutional rights against double jeopardy; neither definition of “conviction” under Sec. 14-1 nor administrative suspension under section forecloses future proceedings against defendant for the same offense. 290 C. 634. Cited. 9 CA 686; 12 CA 427; 14 CA 212; 15 CA 58; 22 CA 142; 26 CA 101; Id., 805; 27 CA 346; 28 CA 733; Id., 911; 29 CA 576; Id., 582; 30 CA 36; Id., 108; 31 CA 350; Id., 797; 33 CA 501; 34 CA 189; Id., 201; Id., 557; Id., 655; 36 CA 710; 43 CA 636; 44 CA 702; 45 CA 225; Id., 577. Finding that plaintiff refused to submit to breath analysis valid where plaintiff had provided sufficient breath for previous test and was warned his failure to blow would constitute a refusal. 47 CA 509. Without legislative action to enlarge the scope of a license suspension hearing beyond the 4 issues specified in Subsec. (f), noncompliance with Subsec. (b) is irrelevant in such a proceeding. Id., 839. Court rejected defendant's claim that statute is void for vagueness because an ordinary person has no ascertainable method for measuring his or her own blood alcohol level. 48 CA 635. Where arrested person refuses to take breath test, statute requires presence of 3 persons: the arresting officer, person charged and a third party witness who may or may not be the same person who took the arresting officer's oath. 54 CA 62. Analysis provided for under section assumes a test for which results are obtained. 60 CA 455. Plaintiff was not operating motor vehicle within section's meaning because, at the time the officer approached, plaintiff was not doing any act, manipulating any machinery or making use of any mechanical or electrical agency that alone or in sequence would set in motion the vehicle's motive power. 92 CA 365. Determination that plaintiff refused to submit to a chemical alcohol test was supported by evidence that within 2 hours of operation of the motor vehicle, police officer asked plaintiff 3 times whether he would submit to testing and plaintiff did not consent but, rather, conditioned his decision to submit, and section does not permit an operator to rescind a refusal to submit to a chemical analysis of his or her blood, breath or urine. 156 CA 516. The extent of the errors and discrepancies in A-44 form far surpassed mere scrivener's errors and undermined the exhibit's reliability as a whole such that admitting such form as an exhibit in hearing under section was an abuse of discretion. 164 CA 616; judgment reversed, see 330 C. 651. Prior to statute, refusal of accused, while in custody, to submit samples of body fluids, unaccompanied by words or acts in the nature of admissions by conduct, was held inadmissible. 22 CS 321. Where sample of blood was taken from defendant when he was unconscious in a hospital and could not give his consent, such taking was in violation of his constitutional rights and was not authorized by section. 26 CS 41. Cited. 37 CS 767; 38 CS 675; Id., 689; 39 CS 285. At time of arrest, statute did not afford a statutory right to consult with counsel. 40 CS 512. Cited. 41 CS 437; 42 CS 1; Id., 306; Id., 599; Id., 602. In hearing on motor vehicle license suspension, failure of police to indicate on form use of certified analytical device not required by statute. 45 CS 489. Cited. 3 Conn. Cir. Ct. 46; Id., 347. Competent evidence of any nature, in addition to a breath or blood test, may be relied on to prove insobriety. Id., 478, 479. Finding of operation must be made by the trier of the facts; state not empowered to request finding of operation after jury has been discharged and verdict has been accepted; circuit court's finding that defendant was operator of motor vehicle is a final judgment for purposes of Sec. 51-265. 4 Conn. Cir. Ct. 34, 46. Applies only to cases involved with driving under the influence of alcohol and not drugs; any test for drugs has no need for compliance with the relationship of time and arrest. 6 Conn. Cir. Ct. 303. Subsec. (b): Cited. 12 CA 338; 17 CA 250; 28 CA 708; 41 CA 7. Driver did not have fifth amendment right to consult with counsel before deciding whether to take breath test and failure of statute to require police officer to inform driver that his Miranda rights did not extend to taking a breath test did not deprive him of due process under fourteenth amendment. 53 CA 391. Failure to warn completely as required by statute renders suspension of license contrary to law. 40 CS 505. Reference to actual suspension period not required in warning to be given to operator. Id., 512. Subsec. (c): Written report required by section may be admissible at administrative suspension hearing even if officer originating report was not currently certified to administer breath analysis tests. 229 C. 31. Incident report that was completed and mailed by arresting officer after three-day statutory deadline

was inadmissible in license suspension hearing absent officer testimony; court erred in determining that statutory requirement was directory rather than mandatory. 348 C. 778. Report of refusal to take breath test properly admitted into evidence in administrative proceeding where plaintiff, arresting officer and testing officer were present during testing and arresting officer swore to report form in capacity as arresting officer and as witness to the refusal; court properly determined there was substantial evidence to support commissioner's finding of refusal by conduct where plaintiff failed to comply with officer's repeated instructions as to how test should be performed, improperly blew into Intoxilyzer and subsequently refused to blow into Intoxilyzer again. 61 CA 213. Refusal to take breath test can occur through conduct as well as expressed refusal. 70 CA 76. Watching refusal to submit to test via closed circuit television does not constitute "witnessing such refusal". 101 CA 674. The time requirement in Subsec. for police officer to mail report and test results within three business days is a matter of convenience rather than a matter of substance and, therefore, is directory. 210 CA 109. Subsec. (d): Before suspending a license, commissioner is not required to find that subject understood consequences of refusal to submit to chemical testing. 200 C. 1. License suspension hearing must be limited to the 4 issues set forth. 204 C. 507. Scope of administrative hearing clearly limited. Id., 521. Subsec. (f): Legislature created a "rebuttable presumption" that test results can be used in place of direct evidence. 48 CA 391. Re probable cause for traffic stop, an investigatory stop is authorized if the police officer had a reasonable and articulable suspicion that the person has committed or is about to commit a crime. 49 CA 481. Subsec. (g): Probable cause not needed to make a lawful stop of a motor vehicle; investigative stops discussed. 47 CA 111. Trial court's findings relative to administrative hearing issues reviewed and affirmed. Id., 451. A hearing officer, after concluding that chemical alcohol tests are unreliable, may not reach an independent determination on basis of other evidence presented as to whether a person operated a motor vehicle with an elevated blood alcohol level, since such a determination is outside the narrow scope of the license suspension hearing. 117 CA 832. The alleged right to speak with an attorney before submitting to chemical testing of breath is not relevant to the 4 issues enumerated in Subsec. that are to be considered by the hearing officer in a license suspension hearing. 142 CA 361. Plaintiff had significant private interest in the use and enjoyment of his operator's license but risk of erroneous deprivation from the proper application of the presumption in Subsec. (g) is low; presumption that test results "shall be sufficient" to indicate operator's blood alcohol content at time of operation is not mandatory and permits, but does not require, hearing officer to infer blood alcohol content at the time of operation from the test results alone without the need for additional evidence; presumption may be overcome if hearing officer determines that test results are unreliable; plaintiff did not demonstrate that statute facially violated right to procedural due process in license suspension hearing. 210 CA 515. Subsec. (h): Administrative suspension of driver's license by Department of Motor Vehicles and prosecution by the court of underlying offense of driving while intoxicated does not violate separation of powers provision of state constitution. 51 CA 4. Delivery by bulk certified mail of commissioner's decisions is sufficient notice. 62 CA 796. Subsec. (i): Subdiv. (1): Suspension of motor vehicle operator's license pursuant to Subdiv. does not continue until operator has installed ignition interlock device, but, rather, is strictly limited to forty-five days specified in statute. 344 C. 435. Subdiv. (1) does not contemplate an interim period between suspension and restoration, whereby an individual whose license or operating privilege has been suspended thereunder could operate a motor vehicle while escaping the responsibility of installing an ignition interlock device and avoiding exposure to criminal liability under Sec. 14-215(c). 201 CA 164; judgment reversed in part, see 344 C. 435. Subsec. (j): Re plaintiff's claim that hearing officer should only have considered plaintiff's medical report re inadvisability to take Breathalyzer test, hearing officer's consideration of other evidence was proper in this case. 62 CA 604. Subsec. does not require either that an operator suffer or be alleged to have suffered a physical injury before his blood can be taken at a hospital, and adoption of such a requirement would be inconsistent with the purpose underlying the 2009 amendment to Subsec. and render Subsec. inoperative. 192 CA 587. Subsec. (o): Appellate Court's implicit determination in 99 CA 563 that the Intoxilyzer's method of measuring blood alcohol content—extrapolating weight-by-weight measurement from weight-by-volume measurement—complies with the "by weight" directive in Sec. 14-227a(a), also applies to the same directive in this Subsec. 51 CS 452.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-227c. - Blood, breath or urine sample and drug influence evaluation required following accident resulting in death or serious physical injury.

(a) As part of the investigation of any motor vehicle accident resulting in the death of a person, the Chief Medical Examiner, Deputy Chief Medical Examiner, an associate medical examiner, a pathologist as specified in section 19a-405, or an authorized assistant medical examiner, as the case may be, shall order that a blood sample be taken from the body of any operator or pedestrian who dies as a result of such accident. Such blood samples shall be examined for the presence and concentration of alcohol and any drug by the Division of Scientific Services within the Department of Emergency Services and Public Protection or by the Office of the Chief Medical Examiner, or by any forensic toxicology laboratory pursuant to an agreement with the office. Nothing in this subsection or section 19a-406 shall be construed as requiring such medical examiner to perform an autopsy in connection with obtaining such blood samples. (b) If any surviving operator whose motor vehicle is involved in an accident resulting in the serious physical injury, as defined in section 53a-3, or death of another person, and (1) a police officer has probable cause to believe that such operator operated such motor vehicle while under the influence of intoxicating liquor or any drug, or both, or (2) such operator has been charged with a motor vehicle violation in connection with such accident and a police officer has a reasonable and articulable suspicion that such operator operated such motor vehicle while under the influence of intoxicating liquor or any drug, or both: (A) A blood, breath or urine sample shall be obtained from such surviving operator. The test shall be performed by or at the direction of a police officer according to methods and with equipment approved by the Department of Emergency Services and Public Protection

and shall be performed by a person certified or recertified for such purpose by said department or recertified by persons certified as instructors by the Commissioner of Emergency Services and Public Protection. The equipment used for such test shall be checked for accuracy by a person certified by the Department of Emergency Services and Public Protection immediately before and after such test is performed. If a blood test is performed, it shall be on a blood sample taken by a person licensed to practice medicine and surgery in this state, a qualified laboratory technician, a registered nurse, a physician assistant or a phlebotomist. A blood sample obtained from an operator pursuant to this subsection shall be examined for the presence and concentration of alcohol and any drug by the Division of Scientific Services within the Department of Emergency Services and Public Protection; and (B) A drug recognition expert shall conduct a drug influence evaluation of such surviving operator, provided such operator is not seriously injured or otherwise unable to take such evaluation as a result of the accident. (c) Each police officer who obtains from a surviving operator any blood, breath or urine sample or a drug influence evaluation conducted on such operator pursuant to subsection (b) of this section shall submit to the Commissioner of Motor Vehicles a written report providing the results of such sample or evaluation on a form approved by the commissioner. The commissioner may, after notice and an opportunity for a hearing held in accordance with chapter 54 and section 14-227b, suspend the motor vehicle operator's license or operating privilege of such person and require such person to install and maintain an ignition interlock device as provided for in subsection (i) of section 14-227b. Such hearing shall be limited to a determination of the following issues: (1) Was the person operating the motor vehicle; (2) was the person's sample obtained in accordance with, or drug influence evaluation conducted pursuant to, the provisions of subsection (b) of this section; and (3) was the examined sample found to have an elevated blood alcohol content, as defined in section 14-227b or was the person operating the motor vehicle under the influence of intoxicating liquor or any drug, or both. (d) In any motor vehicle accident resulting in the death of a person, the law enforcement unit, as defined in section 7-294a, responding to the accident shall assign an officer trained in advanced roadside impaired driving enforcement to respond, if such an officer is available. (1971, P.A. 328; P.A. 75-308, S. 2; P.A. 76-245; P.A. 77-614, S. 323, 610; P.A. 79-47, S. 4; P.A. 80-142, S. 1; 80-190, S. 3; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; 95-314, S. 6; P.A. 99-218, S. 5, 16; P.A. 00-196, S. 11; May 9 Sp. Sess. P.A. 02-1, S. 110; P.A. 03-265, S. 4; P.A. 04-250, S. 5; P.A. 06-173, S. 1; P.A. 07-252, S. 37; P.A. 11-51, S. 134; June Sp. Sess. P.A. 21-1, S. 119.) History: P.A. 75-308 deleted 4-hour deadline for taking sample after death and required examination by health department toxicology lab or medical examiner's office; P.A. 76-245 added provision re autopsy; P.A. 77-614 replaced state department of health with department of health services, effective January 1, 1979; P.A. 79-47 included references to deputy chief medical examiners, associate medical examiners and pathologists; P.A. 80-142 and 80-190 deleted reference to coroners; P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 95-314 required that blood or breath test be performed by or at direction of police officer according to approved methods and with equipment checked for accuracy by certified personnel and provided if a blood test is performed, it shall be on a blood sample taken by specified medical personnel; P.A. 99-218 replaced toxicological laboratory of the Department of Public Health with Division of Scientific Services within the Department of Public Safety, and replaced Department and Commissioner of Public Health with Department and Commissioner of Public Safety, effective July 1, 1999; P.A. 00-196 changed an incorrect internal reference to Sec. 14-227b to Sec. 14-227a; May 9 Sp. Sess. P.A. 02-1 made a technical change, effective July 1, 2002; P.A. 03-265 divided existing provisions into Subsecs. (a) and (b), amended Subsec. (a) to replace "a fatality" with "the death of a person" and require the blood samples be examined for the presence and concentration of "any drug", amended Subsec. (b) to replace "To the extent provided by law, a blood or breath sample may also be obtained from any surviving operator whose motor vehicle is involved in such an accident" with "A blood or breath sample shall be obtained from any surviving operator whose motor vehicle is involved in an accident resulting in the serious physical injury, as defined in section 53a-3, or death of another person, if a police officer has probable cause to believe that such operator operated such motor vehicle while under the influence of intoxicating liquor or any drug, or both", to require the blood samples be examined for the presence and concentration of "any drug" and to make technical changes and repositioned from Subsec. (b) to Subsec. (a) language re nothing being construed as requiring the performance of an autopsy; P.A. 04-250 amended Subsec. (b) to permit physician assistant to take blood sample of surviving operator; P.A. 06-173 amended Subsec. (b) to designate existing provision requiring police officer to have probable cause as Subdiv. (1) and add Subdiv. (2) requiring that sample be obtained if the operator has been charged with a motor vehicle violation in connection with accident and police officer has a reasonable and articulable suspicion that operator operated vehicle while under the influence of intoxicating liquor, any drug or both; P.A. 07-252 amended Subsec. (b) by deleting authority of emergency medical technicians to take blood samples, effective July 1, 2007; pursuant to P.A. 11-51, "Commissioner of Public Safety" and "Department of Public Safety" were changed editorially by the Revisors to "Commissioner of Emergency Services and Public Protection" and "Department of Emergency Services and Public Protection", respectively, effective July 1, 2011; June Sp. Sess. P.A. 21-1 amended Subsec. (a) to add provision re forensic toxicology laboratory, amended Subsec. (b) to rewrite provisions, insert Subpara. (A) indicator and add Subpara. (B) re drug influence evaluation and added Subsecs. (c) and (d), effective April 1, 2022. Cited. 35 CS 511.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-227d. - Pilot program permitting issuance of warning to and twenty-four-hour revocation of license of certain alleged offenders.

Section 14-227d is repealed. (P.A. 82-408, S. 3; P.A. 83-534, S. 11.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-227e. - Community service for persons convicted of operation while under the influence of liquor or drug.

(a) As used in this section, subsection (g) of section 14-227a, subsection (c) of section 14-227m and subsection (c) of section 14-227n: (1) "Community service" means the placement of defendants in unpaid positions with nonprofit or tax-supported agencies for the performance of a specified number of hours of work or service within a given period of time. (2) "Community service plan" means an agreement between the court and the defendant which specifies (A) the number of required community service hours, (B) the type of agency for placement, (C) the period of time in which the community service will be completed, (D) the tentative schedule, (E) a brief description of the responsibilities, (F) conditions and sanctions for failure to fulfill the plan, and (G) the supervisor of the plan. (b) In sentencing a defendant to perform community service, the court shall fix the conditions and terms of such sentence and shall review the community service plan and, upon approval, sentence such defendant in accordance with such plan. No sentence of community service shall be imposed without the consent of the defendant. (c) Any organization administering sentences of community service shall prepare and file with the court a copy of all community service plans and shall notify the court when a defendant has successfully completed such plan. (d) Any organization administering sentences of community service shall prepare a written statement outlining noncompliance by a defendant and shall without unnecessary delay notify the state's attorney for that judicial district requesting that a hearing be held to determine whether the sentence of community service should be revoked. (e) The court may at any time, for good cause shown, terminate the sentence of community service or modify or enlarge the terms or conditions or require the defendant to serve the original incarcerative sentence for violation of any of the conditions of the sentence of community service. (P.A. 85-387, S. 3; 85-613, S. 137; May 9 Sp. Sess. P.A. 02-1, S. 111; P.A. 16-126, S. 18; 16-193, S. 35.) History: P.A. 85-613 amended Subsec. (b) by deleting reference to community service plans "prepared by private not-for-profit community correction agencies" and deleted Subsec. (f) which required the department of correction to approve community service sentences; May 9 Sp. Sess. P.A. 02-1 made a technical change, effective July 1, 2002; P.A. 16-126 amended Subsec. (a) by adding references to Secs. 14-227m(c) and 14-227n(c) and by making a technical change; P.A. 16-193 amended Subsec. (a) by making a technical change.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-227f. - Alcohol and drug addiction treatment program. Waiver. Appeal. Regulations.

Section 14-227f is repealed, effective January 1, 2012. (P.A. 95-314, S. 5; May 9 Sp. Sess. P.A. 02-1, S. 112; P.A. 03-244, S. 10; 03-265, S. 12, 21; P.A. 09-140, S. 3; 09-187, S. 6; P.A. 11-48, S. 307; 11-51, S. 224; 11-213, S. 36.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-227g. - Operation by person under twenty-one years of age while blood alcohol content exceeds two-hundredths of one per cent. Procedures. Penalties.

(a) No person who is less than twenty-one years of age shall operate a motor vehicle while the ratio of alcohol in the blood of such person is two-hundredths of one per cent or more of alcohol, by weight. (b) The fact that the operator of a motor vehicle appears to be sixteen years of age or over but under twenty-one years of age shall not constitute a reasonable and articulable suspicion that an offense has been or is being committed so as to justify an investigatory stop of such motor vehicle by a police officer. (c) The provisions of subsections (b), (d), (f), (g), (h), (i), (j), and (k) of section 14-227a, adapted accordingly, shall be applicable to a violation of subsection (a) of this section. (P.A. 95-314, S. 2; P.A. 96-180, S. 135, 166; P.A. 99-255, S. 5; May 9 Sp. Sess. P.A. 02-1, S. 113; P.A. 04-199, S. 34; P.A. 09-187, S. 64.) History: P.A. 96-180 amended Subsec. (a) to replace "over sixteen years of age" with "sixteen years of age or over", effective June 3, 1996; P.A. 99-255 substantially revised section by amending Subsec. (a) to delete provision that authorized a police officer who makes a custodial arrest of a motor vehicle operator under 21 years of age whom the officer reasonably believes has consumed alcoholic liquor and who exhibits some indicia of impairment to administer a blood, breath or urine test to such person, to add provision prohibiting any person under 21 years of age from operating a motor vehicle while the ratio of alcohol in the blood is 0.02% or more of alcohol, by weight, and to designate existing provisions re apparent age of operator not constituting a reasonable and articulable suspicion that an offense has been or is being committed as Subsec. (b), deleting former Subsec. (b) that required the police to report to the Commissioner of Motor Vehicles the name and address of a person whose blood alcohol content is more than 0.02% but less than 0.10% of alcohol, by weight, that required the commissioner to provide notice and an opportunity for hearing within 45 days of receipt of such report and that specified the issues to be determined at such hearing, deleting former Subsec. (c) that required the commissioner to suspend the license or nonresident operating privilege for 90 days if the commissioner does not find any one of the issues enumerated in former Subsec. (b) in the negative or the person fails to appear at the hearing, that established an exception to such suspension if the person proves that the blood alcohol content was the result of consumption of liquor delivered or given to him on order of a practicing physician or by a parent, guardian or spouse as authorized by Sec. 30-86, and that specified the procedure and deadline for rendering a decision and sending notice to the person, and adding new Subsec. (c) to make the provisions of Subsecs. (c), (e), (g), (h), (j), (k) and (l) of Sec. 14-227a, adapted accordingly, applicable to a violation of Subsec. (a); May 9 Sp. Sess. P.A. 02-1 amended Subsec. (c) to make technical changes, effective July 1, 2002; P.A. 04-199 amended Subsec. (c) to add that provisions of Sec. 14-227a(k) are applicable to violation of Subsec. (a), effective July 1, 2004; P.A. 09-187 amended Subsec. (a) to delete specific limitations on locations where

motor vehicle operation is prohibited and make a technical change. Commissioner of Motor Vehicles not limited to criminal prosecution where defendant is under 21 years of age and operated motor vehicle while under the influence of alcohol but can also suspend license of such person. 86 CA 51.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-227h. - Impoundment of motor vehicle operated by certain persons arrested for operating while under the influence of liquor or drug.

Any police officer who arrests a person for a violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n during the period such person's operator's license or right to operate a motor vehicle in this state is under suspension or revocation shall cause the motor vehicle such person was operating at the time of the offense to be impounded for a period of forty-eight hours after such arrest. The owner of such motor vehicle may reclaim such motor vehicle after the expiration of such forty-eight-hour period upon payment of all towing and storage costs. (P.A. 97-291, S. 2; P.A. 16-126, S. 19.) History: P.A. 16-126 replaced reference to Sec. 14-227a(a) with reference to Sec. 14-227a and added references to Secs. 14-227m and 14-227n(a)(1) and (2).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-227i. - Records of police investigation of defendant re operation of motor vehicle while under influence of, or impaired by, intoxicating liquor or drugs. Copies.

(a) Notwithstanding any provision of the general statutes, the investigating police department shall maintain any record of a defendant concerning the operation of a motor vehicle by such defendant while under the influence of, or impaired by the consumption of, intoxicating liquor or drugs for a period of not less than two years from the date such defendant was charged with a violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n. (b) (1) Notwithstanding any other provision of the general statutes, by making a written request to the investigating police department, a person injured in an accident caused by the alleged violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n by any such defendant, any party to a civil claim or proceeding arising out of such accident, or the legal representative of any such person or party may review and obtain regular or certified copies of any record concerning the operation of a motor vehicle by such defendant while under the influence of, or impaired by the consumption of, intoxicating liquor or drugs. (2) The investigating police department shall furnish regular or certified copies of any such record to any person or the legal representative of such person, or to such party, not later than fifteen days following receipt of such request. The investigating police department shall charge a fee for such copies that shall not exceed the cost to such police department for providing such copies, but not more than fifty cents per page in accordance with section 1-212. (P.A. 99-277, S. 1; P.A. 16-126, S. 20.) History: P.A. 16-126 added references to Secs. 14-227m and 14-227n(a)(1) and (2).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-227j. - Court order prohibiting operation of motor vehicle not equipped with ignition interlock device.

(a) For the purposes of this section and section 14-227k: "Ignition interlock device" means a device installed in a motor vehicle that measures the blood alcohol content of the operator and disallows the mechanical operation of such motor vehicle until the blood alcohol content of such operator is less than twenty-five thousandths of one per cent. (b) Any person who has been arrested for a violation of section 14-227a or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or section 53a-56b or 53a-60d, may be ordered by the court not to operate any motor vehicle unless such motor vehicle is equipped with an ignition interlock device. Any such order may be made as a condition of such person's release on bail, as a condition of probation or as a condition of granting such person's application for participation in the pretrial alcohol education program under section 54-56g or the pretrial impaired driving intervention program under section 54-56r and may include any other terms and conditions as to duration, use, proof of installation or any other matter that the court determines to be appropriate or necessary. (c) All costs of installing and maintaining an ignition interlock device shall be borne by the person who is the subject of an order made pursuant to subsection (b) of this section. (d) No ignition interlock device shall be installed pursuant to an order of the court under subsection (b) of this section unless such device has been approved under the regulations adopted by the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a. (e) No provision of this section shall be construed to authorize the operation of a motor vehicle by any person whose motor vehicle operator's license has been refused, suspended or revoked, or who does not hold a valid motor vehicle operator's license. A court shall inform the Commissioner of Motor Vehicles of each order made by it pursuant to subsection (b) of this section. If any person who has been ordered not to operate a motor vehicle unless such motor vehicle is equipped with an ignition interlock device is the holder of a special operator's permit issued by the commissioner under the provisions of section 14-37a, strict compliance with the terms of the order shall be deemed a condition to hold such permit, and any failure to comply with such order shall be sufficient cause for immediate revocation of the permit by the commissioner. (P.A. 03-265, S. 2; P.A. 04-199, S. 32; P.A. 05-218, S. 29; June Sp. Sess. P.A. 05-3, S. 112; P.A. 06-152, S. 10; P.A. 10-18, S. 2; 10-30, S. 3; P.A. 11-213, S. 37; P.A. 16-126, S. 21; June Sp. Sess. P.A. 21-1, S. 170.) History: P.A. 04-199 deleted provisions re approval and use of immobilization devices on vehicles owned, leased or operated by persons arrested for specified violations and made conforming changes throughout; P.A. 05-218 amended Subsec. (a) by adding "passenger" re motor vehicle; June Sp. Sess. P.A. 05-3 amended

Subsec. (a) by deleting “passenger” added by P.A. 05-218, effective June 30, 2005; P.A. 06-152 amended Subsec. (b) by authorizing court order as a condition of probation; P.A. 10-18 amended Subsec. (b) by replacing “system” with “program”; P.A. 10-30 amended Subsec. (b) to make the same change as P.A. 10-18, effective July 1, 2010; P.A. 11-213 amended Subsec. (e) to replace provision re special permit for employment purposes with provision re special operator’s permit, effective July 1, 2011; P.A. 16-126 amended Subsec. (b) by replacing reference to Sec. 14-227a (a) with reference to Sec. 14-227a and adding references to Secs. 14-227m and 14-227n(a)(1) and (2); June Sp. Sess. P.A. 21-1 amended Subsec. (b) by inserting reference to the pretrial impaired driving intervention program, effective April 1, 2022.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-227k. - Avoidance of, tampering with or failure to install ignition interlock device.

(a) No person whose right to operate a motor vehicle has been restricted pursuant to an order of the court under subsection (b) of section 14-227j, by the Commissioner of Motor Vehicles or by any provision of law that requires the use of an ignition interlock device, shall (1) request or solicit another person to blow into an ignition interlock device or to start a motor vehicle equipped with an ignition interlock device for the purpose of providing such person with an operable motor vehicle, or (2) operate any motor vehicle not equipped with a functioning ignition interlock device or any motor vehicle that a court has ordered such person not to operate. (b) No person shall tamper with, alter or bypass the operation of an ignition interlock device for the purpose of providing an operable motor vehicle to a person whose right to operate a motor vehicle has been restricted pursuant to an order of the court under subsection (b) of section 14-227j, by the Commissioner of Motor Vehicles or by any provision of law that requires the use of an ignition interlock device. (c) Any person who completes the terms of a license suspension and is eligible for reinstatement of such person's motor vehicle operator's license or nonresident operating privilege, provided such person installs and uses a functioning, approved ignition interlock device, but who fails to install such ignition interlock device, is prohibited from operating any motor vehicle until such person installs an ignition interlock device and such person's motor vehicle operator's license or nonresident operating privilege is reinstated by the Commissioner of Motor Vehicles. (d) (1) Any person who violates any provision of subdivision (1) of subsection (a) or subsection (b) of this section shall be guilty of a class C misdemeanor. (2) Any person who violates any provision of subdivision (2) of subsection (a) of this section or subsection (c) of this section shall be subject to the penalties set forth in subsection (c) of section 14-215. (e) Each court shall report each conviction under subsection (a), (b) or (c) of this section to the Commissioner of Motor Vehicles, in accordance with the provisions of section 14-141. The commissioner shall suspend the motor vehicle operator's license or nonresident operating privilege of the person reported as convicted for a period of one year. (P.A. 03-265, S. 3; P.A. 04-199, S. 33; P.A. 11-48, S. 55; 11-51, S. 220; P.A. 12-178, S. 4; P.A. 17-79, S. 13; P.A. 19-119, S. 8.) History: P.A. 04-199 amended Subsecs. (a) and (b) to make provisions applicable to a person whose right to operate a motor vehicle has been restricted by the Commissioner of Motor Vehicles pursuant to Sec. 14-227a(i) and amended Subsec. (b) to delete reference to an immobilization device; P.A. 11-48 amended Subsec. (c) to designate existing provision as Subdiv. (1) and amend same to make applicable to person who violates “subdivision (1) of subsection (a) or subsection (b) of this section”, rather than “subsection (a) or (b) of this section”, and to add Subdiv. (2) subjecting person who violates Subsec. (a)(2) to penalties of Sec. 14-215(c), effective January 1, 2012; P.A. 11-51 made identical changes as P.A. 11-48, effective January 1, 2012; P.A. 12-178 amended Subsecs. (a) and (b) to add reference to Sec. 14-111(i) re restriction on person's right to operate motor vehicle, effective July 1, 2012; P.A. 17-79 amended Subsecs. (a) and (b) by replacing references to Secs. 14-227a(i) and 14-111(i) with provisions re use of ignition interlock device, effective July 1, 2017; P.A. 19-119 added new Subsec. (c) re failure to install ignition interlock device, redesignated existing Subsecs. (c) and (d) as Subsecs. (d) and (e), and amended redesignated Subsecs. (d)(2) and (e) to add reference to new Subsec. (c).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-227l. - Completion of participation in alcohol and drug addiction treatment program. Reinstatement of operator's license or nonresident operating privilege.

Any person whose motor vehicle operator's license or nonresident operating privilege was suspended on or before December 31, 2011, under subsection (g) of section 14-227a for a conviction of a violation of subsection (a) of section 14-227a or under section 14-227b for a second or subsequent violation, and any person whose certificate was suspended or revoked on or before December 31, 2011, under section 15-132a, 15-133, 15-140l or 15-140n, who was participating in a treatment program under section 14-227f in effect on December 31, 2011, or eligible to participate in said program on December 31, 2011, may complete participation in such program or an equivalent program designated by the Commissioner of Motor Vehicles and seek reinstatement of the operator's license or nonresident operating privilege of such person if (1) the person commences participation in such program not later than August 1, 2012, (2) not later than June 30, 2014, the person submits evidence to the Commissioner of Motor Vehicles that such person has complied with the requirements of section 14-227f in effect on December 31, 2011, and (3) the person is otherwise eligible to have such person's license reinstated. (P.A. 12-121, S. 1.) History: P.A. 12-121 effective June 15, 2012.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-227m. - Operation of motor vehicle with a child passenger while under the influence of liquor or drug or while having an elevated blood alcohol content. Procedures. Penalties.

(a) No person shall operate a motor vehicle in which a child under eighteen years of age is a passenger while such person (1) is

under the influence of intoxicating liquor or any drug or both, or (2) has an elevated blood alcohol content. For the purposes of this section, “elevated blood alcohol content” means a ratio of alcohol in the blood of such person that is eight-hundredths of one per cent or more of alcohol, by weight, except that if such person is operating a commercial motor vehicle, “elevated blood alcohol content” means a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, and if such person is under twenty-one years of age, “elevated blood alcohol content” means a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol by weight; and “motor vehicle” includes a snowmobile and all-terrain vehicle, as those terms are defined in section 14-379. (b) The provisions of subsections (b), (c), (d), (e), (f), (h), (i), (j), (k) and (l) of section 14-227a, adapted accordingly, shall be applicable to a violation of subsection (a) of this section. (c) Any person who violates any provision of subsection (a) of this section shall: (1) For conviction of a first violation, (A) be fined not less than five hundred dollars or more than two thousand dollars, (B) be imprisoned not more than one year, thirty consecutive days of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person: (i) Perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, (iii) undergo a treatment program, including chemical screening, if so ordered, (iv) submit to an interview and evaluation by the Department of Children and Families to assess any ongoing risk posed to any child who was a passenger in the motor vehicle at the time of the violation, and (v) cooperate with any programming, treatment, directives or plan if so ordered by the Department of Children and Families, and (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the one-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j; (2) for conviction of a second violation of this section not later than ten years after a prior conviction for the same offense, (A) be fined not less than one thousand dollars or more than four thousand dollars, (B) be imprisoned not more than three years, one hundred eighty consecutive days of which may not be suspended or reduced in any manner and sentenced to a period of probation requiring as a condition of such probation that such person: (i) Perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, (iii) undergo a treatment program, including chemical screening, if so ordered, (iv) submit to an interview and evaluation by the Department of Children and Families to assess any ongoing risk posed to any child who was a passenger in the motor vehicle at the time of the violation, and (v) cooperate with any programming, treatment, directives or plan if so ordered by the Department of Children and Families, and (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the three-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, except that for the first year of such three-year period, such person's operation of a motor vehicle shall be limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center, a treatment program ordered by the Department of Children and Families or an appointment with a probation officer or Department of Children and Families caseworker; and (3) for a third or subsequent conviction of a violation of this section not later than ten years after a prior conviction for the same offense, (A) be fined not less than two thousand dollars or more than eight thousand dollars, (B) be imprisoned not more than five years, two years of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person: (i) Perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, (iii) undergo a treatment program, including chemical screening, if so ordered, (iv) submit to an interview and evaluation by the Department of Children and Families to assess any ongoing risk posed to any child who was a passenger in the motor vehicle at the time of the offense, and (v) cooperate with any programming, treatment, directives or plan if so ordered by the Department of Children and Families, and (C) have such person's motor vehicle operator's license or nonresident operating privilege permanently revoked upon such third offense, except that if such person's revocation is reversed or reduced pursuant to subsection (i) of section 14-111, such person shall be prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, for the time period prescribed in subdivision (2) of subsection (i) of section 14-111. For purposes of the imposition of penalties for a second or third and subsequent offense pursuant to this subsection, a conviction under the provisions of subsection (a) of this section, subsection (a) of section 14-227a, subsection (a) of section 14-227g, subdivision (1) or (2) of subsection (a) of section 14-227n, subsection (a) of section 53a-56b or subsection (a) of section 53a-60d or a conviction in any other state of any offense, the essential elements of which are determined by the court to be substantially the same as the elements of the aforementioned provisions, shall constitute a prior conviction for the same offense. (P.A. 16-126, S. 1.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-227n. - Operation of a school bus, student transportation vehicle or vehicle specifically designated to carry children by person under the influence of liquor or drug or while having an elevated blood alcohol content. Procedures. Penalties.

(a)(1) No person shall operate a school bus, student transportation vehicle or other motor vehicle specially designated for carrying children while such person (A) is under the influence of intoxicating liquor or any drug or both, or (B) has an elevated blood alcohol content. (2) No person shall operate a school bus, student transportation vehicle or other motor vehicle specially designated for carrying children in which a child under eighteen years of age is a passenger while such person (A) is under the influence of intoxicating liquor or any drug or both, or (B) has an elevated blood alcohol content. (3) For the purposes of this section, "motor vehicle specially designated for carrying children" means any motor vehicle, except for a registered school bus or student transportation vehicle as defined in section 14-212, that is designated or used by a person, firm or corporation for the transportation of children to or from any program or activity organized primarily for persons under the age of eighteen years, with or without charge to the individual being transported, but does not include a passenger motor vehicle normally used for personal, family or household purposes that is operated by a person without a public passenger endorsement; and "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is eight-hundredths of one per cent or more of alcohol, by weight, except that if such person is operating a commercial motor vehicle, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, and if such person is under twenty-one years of age, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight. (b) The provisions of subsections (b), (c), (d), (e), (f), (h), (i), (j), (k) and (l) of section 14-227a, adapted accordingly, shall be applicable to violations of subdivisions (1) and (2) of subsection (a) of this section. (c) (1) Any person who violates subdivision (1) of subsection (a) of this section shall: (A) Be fined not more than ten thousand dollars, (B) be imprisoned not less than one year or more than ten years, thirty consecutive days of which shall not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person (i) perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, and (iii) undergo a treatment program, including chemical screening, if so ordered, and (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for a three-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, except that for the first year of such three-year period, such person's operation of a motor vehicle shall be limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center or an appointment with a probation officer. (2) Any person who violates subdivision (2) of subsection (a) of this section shall: (A) Be fined not more than ten thousand dollars, (B) be imprisoned not less than one year or more than ten years, one hundred twenty consecutive days of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person (i) perform one hundred hours of community service, as defined in section 14-227e, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, and (iii) undergo a treatment program, including chemical screening, if so ordered, and (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for a three-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, except that for the first year of such three-year period, such person's operation of a motor vehicle shall be limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center or an appointment with a probation officer. (P.A. 16-126, S. 2.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-227o. - Ignition interlock device services. Discount re for indigent persons.

Notwithstanding any provision of the general statutes requiring a person subject to an order to install and maintain an ignition interlock device to bear all costs associated with such installation and maintenance, any provider of ignition interlock device services, including installation, maintenance and removal of such devices, may include in a lease agreement with a person required to install such device pursuant to section 14-36, 14-111, 14-111n, 14-227a, 14-227b, 14-227j, 14-227m, 14-227n, 53a-56b or 53a-60d, a reduction to or an elimination of the charge for such services if such person is indigent. Such person may provide to the provider of such ignition interlock device services as proof of indigency a valid participation card or letter indicating participation in the state-administered federal Supplemental Nutrition Assistance Program or the state-administered federal Low Income Home Energy Assistance Program. Any such letter shall be on letterhead stationery of the Department of Social Services and in original form. (P.A. 18-30, S. 1.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-227p. - Educational materials and programs re drug recognition experts and drug influence evaluations.

The state Traffic Safety Resource Prosecutor, in consultation with the Department of Transportation, the Department of Motor Vehicles, the state-wide drug recognition expert coordinator, and the Connecticut Police Chiefs Association, shall seek any guidance available from the National Highway Traffic Safety Administration, and shall (1) develop educational materials and programs about

the drug recognition expert program and drug influence evaluations, and (2) make such materials and programs available to the Judicial Branch and the Connecticut Judges Association. (June Sp. Sess. P.A. 21-1, S. 121.) History: June Sp. Sess. P.A. 21-1 effective July 1, 2021.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-228. - Leaving motor vehicle without setting brake.

Leaving any motor vehicle stationary on the highway without setting the brake in such manner as to prevent such vehicle from moving, unless it is occupied by a person able to control the same, shall be an infraction. (1949 Rev., S. 2414; P.A. 75-577, S. 72, 126.) History: P.A. 75-577 replaced provision for \$20 maximum fine with statement that violation of provisions is an infraction and substituted "Leaving" for "Any person who leaves". See Sec. 14-107 re liability of owner, operator or lessee of vehicle.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-229. - Using motor vehicle without owner's permission.

Section 14-229 is repealed. (1949 Rev., S. 2417; P.A. 76-42, S. 1.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-230. - Driving in right-hand lane.

(a) Upon all highways, each vehicle, other than a vehicle described in subsection (c) of this section, shall be driven upon the right, except (1) when overtaking and passing another vehicle proceeding in the same direction, (2) when overtaking and passing pedestrians, parked or standing vehicles, animals, bicycles, electric bicycles, mopeds, scooters, electric foot scooters, vehicles moving at a slow speed, as defined in section 14-220, or obstructions on the right side of the highway, (3) when the right side of a highway is closed to traffic while under construction or repair, (4) on a highway divided into three or more marked lanes for traffic, or (5) on a highway designated and signposted for one-way traffic. (b) Except as provided in subsection (c) of this section, any vehicle proceeding at less than the normal speed of traffic shall be driven in the right-hand lane available for traffic, or as close as practicable to the right-hand curb or edge of the highway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway. (c) Any vehicle which exceeds the maximum width limitations specified in subdivision (1) of subsection (a) of section 14-262 and operates on an interstate highway with a special permit issued by the Commissioner of Transportation under the provisions of section 14-270, shall be driven in the extreme right lane of such highway, except (1) when such special permit authorizes operation in a traffic lane other than the extreme right lane, (2) when overtaking and passing parked vehicles, animals or obstructions on the right side of such highway, (3) when the right side of such highway is closed to traffic while under construction or repair, or (4) at such locations where access to or egress from such highway is provided on the left. (d) Violation of any provision of this section shall be an infraction. (1955, S. 1382d; 1957, P.A. 53; P.A. 75-577, S. 73, 126; P.A. 87-525, S. 2; P.A. 15-41, S. 6; P.A. 18-165, S. 7; P.A. 19-162, S. 5.) History: P.A. 75-577 added statement that violation of provisions is an infraction; P.A. 87-525 divided the section into Subsecs., inserting as Subsec. (c) provision requiring wide vehicles to be driven in extreme right lane of interstate highways; P.A. 15-41 amended Subsec. (a)(2) by adding references to standing vehicles, bicycles, mopeds, scooters and vehicles moving at a slow speed, effective July 1, 2015; P.A. 18-165 amended Subsec. (a)(2) by adding "electric bicycles,;" P.A. 19-162 amended Subsec. (a)(2) by adding "electric foot scooters,.". See Sec. 14-99 re requirement that drivers of commercial vehicles drive at extreme right to allow others to pass. See Sec. 14-111g re operator's retraining program. Annotations to former section: Defendant is not liable for accident unless he was negligent. 40 C. 560; 67 C. 47. Violation of law by plaintiff, to constitute a defense, must have contributed to cause collision. 59 C. 20; 63 C. 155; 89 C. 329; Id., 701. One may drive to left side of road if he has business there, using ordinary and reasonable care to avoid collision. 67 C. 47. Duty to drive on right side of road exists only when a person or vehicle approaches. 81 C. 499; 107 C. 710. The "rule of the road" does not apply on established racetrack with special driving rules. 91 C. 341. High degree of care is required of one crossing line of traffic going in opposite direction. 109 C. 606. Charge concerning passing over to left of center of road approved. 111 C. 99. Right to drive on left is conditioned upon noninterference with approaching machines, upon proper use of left side, and upon reasonable care. 112 C. 606; 119 C. 180. Duty to turn to right when meeting another is conditioned on practicability. 112 C. 606. "Traveled portion" includes only that portion intended for normal travel. 114 C. 336. Excludes shoulders. 114 C. 341; Id., 651; 127 C. 340. Cited. 115 C. 116. Finding sustained that driving slightly to the left of center line was not proximate cause of collision. 116 C. 665. Turning to right may be "impracticable" because of situations created by the person met. 123 C. 127. Not a violation when car crosses center line involuntarily and without fault of driver. 124 C. 226. Cited. 129 C. 379; 133 C. 554. Annotations to present section: Enumeration of exceptions to requirement that vehicles operate on the right should also include exception applicable when a vehicle is preparing for a left turn at an intersection in a case where an overtaking police vehicle has the right-of-way. 150 C. 349. Cited. 171 C. 35; 179 C. 388; 190 C. 285; 193 C. 442; 206 C. 608; 208 C. 94; 235 C. 614. Cited. 4 CA 451; 30 CA 810; 33 CA 44. Cited. 32 CS 650. Cited. 2 Conn. Cir. Ct. 569. Defendant's plea of guilty to failure to drive on right-hand side of road was not conclusive of his liability in a civil action in which he pleaded the defense of the contributory negligence of plaintiff and the trial court concluded both parties were negligent. 5 Conn. Cir. Ct. 123.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-230a. - Restricted use of left-hand lane on divided limited access highways.

On any divided limited access highway which provides more than two lanes for traffic proceeding in the same direction, no operator of any motor vehicle with a commercial registration, motor bus, vehicle with trailer or school bus shall drive in the extreme left lane where the Office of the State Traffic Administration so designates, except on the direction of a police officer or except when access to or egress from such highway is provided on the left, in which latter case such operator shall drive in such left lane only for such period as is reasonably necessary to enter or leave such highway safely. Any person who violates any provision of this section shall have committed an infraction and shall be fined eighty-eight dollars. (1967, P.A. 740; P.A. 75-577, S. 77, 126; P.A. 87-525, S. 1; P.A. 90-263, S. 68, 74; P.A. 11-213, S. 38; P.A. 12-132, S. 16.) History: P.A. 75-577 replaced provision for \$100 maximum fine with statement that violation of provisions is an infraction; P.A. 87-525 amended the penalty provision to require imposition of a fine of \$88; P.A. 90-263 substituted "motor vehicle with a commercial registration" for "commercial motor vehicle"; P.A. 11-213 added "school bus" and made technical changes, effective July 1, 2011; P.A. 12-132 replaced "State Traffic Commission" with "Office of the State Traffic Administration", effective July 1, 2012. See Sec. 14-111g re operator's retraining program. Cited. 171 C. 35; 206 C. 608. Cited. 4 CA 451.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-231. - Vehicles in opposite directions to pass on right.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon highways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the highway as nearly as possible. Violation of any provision of this section shall be an infraction. (1955, S. 1383d; P.A. 75-577, S. 74, 126.) History: P.A. 75-577 added statement that violation of provisions is an infraction. See Sec. 14-111g re operator's retraining program. See Sec. 14-295 re assessment of double or treble damages. Annotations to former section: Submission to jury in case involving parties proceeding in same direction held material error. 147 C. 638. Annotations to present section: Cited. 159 C. 491. Not applicable to car making left turn across path of other car and should not have been submitted to jury. 170 C. 252. Cited in jury charge. 172 C. 29. Cited. 173 C. 229; 193 C. 442; 206 C. 608. Cited. 4 CA 451; 30 CA 810; 33 CA 44. Jury reasonably could have found that although defendant did not yield half of roadway, he did yield as much of roadway as was possible under the conditions presented; he therefore did not voluntarily cross into oncoming lane of travel and did not breach duty under statute, and thus was not negligent. 95 CA 300.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-232. - Passing.

(a) Except as provided in sections 14-233 and 14-234, (1) the driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the highway until safely clear of the overtaken vehicle; and (2) the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle. For the purposes of this subsection, "safe distance" means not less than three feet when the driver of a vehicle overtakes and passes (A) a person riding a bicycle, an electric bicycle or an electric foot scooter, (B) a commercial motor vehicle equipped with a garbage compactor, a detachable container or a curbside recycling body, (C) a tank vehicle, (D) a vehicle authorized by the United States government to carry mail, (E) a vehicle operated by an express delivery carrier, or (F) an agricultural tractor. (b) No vehicle shall be driven to the left side of the center of the highway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. (c) Violation of any provision of this section shall be an infraction. (1955, S. 1384d; P.A. 75-577, S. 75, 126; P.A. 08-101, S. 13; P.A. 18-165, S. 8; P.A. 19-162, S. 6; P.A. 21-195, S. 3.) History: P.A. 75-577 added statement that violation of provisions is an infraction; P.A. 08-101 divided provisions into Subsecs. (a), (b) and (c) and added definition of "safe distance" in Subsec. (a); P.A. 18-165 redefined "safe distance" to include reference to electric bicycle; P.A. 19-162 amended Subsec. (a) to redefine "safe distance" and make a technical change; P.A. 21-195 amended Subsec. (a) to redefine "safe distance". See Sec. 14-111g re operator's retraining program. See Sec. 14-295 re assessment of double or treble damages. Annotations to former section: Duty to pass overtaken car on left exists though there are two lines of traffic going the same way. 107 C. 634. No right to pass on right when approaching intersection. 117 C. 619, see 129 C. 455. Rule concerning passing does not apply when car overtaken has not started onto traveled portion. 118 C. 706. Error to charge that a person is absolutely required to give overtaking car one-half of traveled portion. 121 C. 437. May pass on right in traffic lane when following directions on signal. 122 C. 519, 520. Vehicle passing parked car does so subject to right-of-way of vehicle approaching in opposite direction. 124 C. 159. Operator attempting right turn has right to assume other operators will observe rule concerning passing to right until he sees or should see to the contrary. 128 C. 441. Not necessary to clear parked car by 20 feet. 131 C. 250. Duty of pedestrian to yield left side of road to overtaking vehicle. 133 C. 365. Cited. Id., 581. Operator traveling in opposite direction who is speeding is entitled to assume that the operator of a passing vehicle will heed the injunction of statute and such speeding does not constitute negligence. 10 CS 132. Cited. 2 Conn. Cir. Ct. 19, 20. Annotations to present section: Giving way to the right is not the same as "to give the right-of-way". 154 C. 381. Cited. 170 C. 184; 202 C. 629; 206 C. 608. Cited. 4 CA 451; 21 CA 496.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle

Highway UseSection 14-233. - Passing on right.

The driver of a vehicle may overtake and pass upon the right of another vehicle only when conditions permit such movement in safety and under the following conditions: (1) When the vehicle overtaken is making or has signified the intention to make a left turn; (2) when lines of vehicles traveling in the same direction in adjoining traffic lanes have come to a stop or have reduced their speed; (3) upon a one-way street free from obstructions and of sufficient width for two or more lines of moving vehicles; (4) upon a limited access highway or parkway free from obstructions with three or more lanes provided for traffic in one direction. Such movement shall not be made by driving off the pavement or main-traveled portion of the highway except where lane designations, signs, signals or markings provide for such movement. Violation of any provision of this section shall be an infraction. (1955, S. 1387d; 1957, P.A. 258; February, 1965, P.A. 448, S. 20; P.A. 75-577, S. 76, 126.) History: 1965 act added exception re when driving off pavement or main-traveled portion of road permitted; P.A. 75-577 added statement that violation of provisions is an infraction. See Sec. 14-111g re operator's retraining program. See Sec. 14-295 re assessment of double or treble damages. Cited. 147 C. 638. A charge under section that vehicle overtaking defendant could properly pass on his right only if defendant had given signal of his intention to turn left was incorrect, since it overlooked possibility, also contemplated by section, that defendant was actually engaged in making a left turn. 150 C. 349. Cited. 166 C. 240; 206 C. 608. Cited. 4 CA 451. Cited. 38 CS 482. Cited. 5 Conn. Cir. Ct. 333.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 248 - Vehicle Highway UseSection 14-234. - Determination of no-passing zones. Overtaking and passing in no-passing zones.

(a) The Office of the State Traffic Administration may determine those portions of any state highway where overtaking and passing or driving to the left of the highway would be especially hazardous and may by appropriate signs or markings on the highway indicate the beginning and end of such zones. A local traffic authority, as defined in section 14-297, may, in accordance with standards approved by the Office of the State Traffic Administration, determine and designate such no-passing zones on highways under its jurisdiction. When such signs or markings are in place and clearly visible to an ordinarily observant person, each driver of a vehicle shall obey the directions thereof. Except as provided in subsection (b) of this section, a violation of the provisions of this section shall be an infraction. (b) The driver of a vehicle may overtake and pass, in a marked no-passing zone, pedestrians, parked or standing vehicles, animals, bicycles, electric bicycles, mopeds, scooters, electric foot scooters, vehicles moving at a slow speed, as defined in section 14-220, or obstructions on the right side of the highway, as listed in subdivision (2) of subsection (a) of section 14-230, provided such overtaking and passing may be conducted safely, with adequate sight distance and without interfering with oncoming traffic or endangering traffic, as defined in section 14-297. (1955, S. 1386d; February, 1965, P.A. 448, S. 21; P.A. 82-223, S. 16; P.A. 12-132, S. 17; P.A. 15-41, S. 1; P.A. 18-165, S. 9; P.A. 19-162, S. 7.) History: 1965 act deleted reference to state aid highway and allowed local traffic authorities to determine and designate no-passing zones on highways under their jurisdiction; P.A. 82-223 specified that violation of the section constituted an infraction; P.A. 12-132 replaced references to State Traffic Commission with references to Office of State Traffic Administration and made a technical change, effective July 1, 2012 (Revisor's note: References to "Office of State Traffic Administration" were changed editorially by the Revisors to "Office of the State Traffic Administration" for accuracy); P.A. 15-41 designated existing provisions as Subsec. (a) and amended same to add exception re Subsec. (b), and added Subsec. (b) re overtaking and passing in a no-passing zone, effective July 1, 2015; P.A. 18-165 amended Subsec. (b) to add "electric bicycles,;" P.A. 19-162 amended Subsec. (b) to add "electric foot scooters,." See Sec. 14-111g re operator's retraining program. See Sec. 14-295 re assessment of double or treble damages. In absence of specific request to charge, error cannot be predicated on court's failure to charge on statute where proper and adequate guidance on issue was otherwise given. 149 C. 385. Cited. 154 C. 381; 206 C. 608. Cited. 4 CA 451.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 248 - Vehicle Highway UseSection 14-235. - Vehicle not to be driven on left side of highway on curve or upgrade.

No vehicle shall be driven to the left side of the highway (1) when approaching the crest of a grade or upon a curve or elsewhere in the highway where a free and unobstructed view of the highway ahead may not be had for a sufficient distance to insure driving with safety or (2) when approaching within one hundred feet of or crossing any intersection or railroad grade crossing. These limitations shall not apply on a one-way street or highway so designated by any traffic authority. Violation of any provision of this section shall be an infraction. (1955, S. 1385d; P.A. 75-577, S. 78, 126.) History: P.A. 75-577 added statement that violation of provisions is an infraction. See Sec. 14-111g re operator's retraining program. See Sec. 14-295 re assessment of double or treble damages. Cited. 149 C. 385; 150 C. 356; 206 C. 608; 208 C. 94. Cited. 4 CA 451. The only intent requisite to a conviction is the intent or purpose to do the prohibited act; without that intent, no crime has been committed. 24 CS 214. Where defendant contended that he was not aware of intersection, that there were no "no passing" signs and that he had no intent to commit prohibited act, held that affirmative proof of intent is not required; 24 CS 214 distinguished. 4 Conn. Cir. Ct. 9, 10, 11.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 248 - Vehicle Highway UseSection 14-236. - Multiple-lane highways.

When any highway has been divided into two or more clearly marked lanes for traffic, (1) a vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has ascertained that such movement

can be made with safety, and (2) the Office of the State Traffic Administration may erect, on state highways, and local traffic authorities, in accordance with standards approved by the Office of the State Traffic Administration, may erect on highways under their jurisdiction, signs directing slow-moving traffic to use a designated lane or, with signs, signals or markings, may designate those lanes to be used by traffic moving in a particular direction regardless of the center of the highway, and drivers of vehicles shall obey the directions of each such sign, signal or marking. Violation of subdivision (1) of this section shall be an infraction. (1955, S. 1388d; February, 1965, P.A. 448, S. 22; P.A. 75-577, S. 79, 126; P.A. 12-132, S. 18.) History: 1965 act deleted reference to state aid highways and added provision re local traffic authorities; P.A. 75-577 stated that violation of Subdiv. (1) is an infraction; P.A. 12-132 replaced "State Traffic Commission" with "Office of the State Traffic Administration" and made a technical change, effective July 1, 2012. See Sec. 14-111g re operator's retraining program. See Sec. 14-295 re assessment of double or treble damages. Cited. 161 C. 204. Whether defendant violated section and such violation was the proximate cause of plaintiff's damage are questions for the jury. 167 C. 533. Cited. 171 C. 35. Cited in jury charge. 172 C. 29. Cited. 206 C. 608; 211 C. 690. Cited. 4 CA 451; 11 CA 11; 29 CA 512; 34 CA 189; 46 CA 633. Cited. 4 Conn. Cir. Ct. 441; 5 Conn. Cir. Ct. 695.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-237. - Driving on divided highways.

When any highway has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section, each vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over or across any such dividing space, barrier or section, except through an opening or at a crossover or intersection established by public authority. Violation of any provision of this section shall be an infraction. (1955, S. 1389d; P.A. 75-577, S. 80, 126.) History: P.A. 75-577 stated that violation of provisions is an infraction. See Sec. 14-111g re operator's retraining program. See Sec. 14-295 re assessment of double or treble damages. To require affirmative proof of an intent to commit the act prohibited would import into statute a requirement never contemplated by the legislature; where the course of a motor vehicle is contrary to statute, it is usually a permissible inference that the operator of the vehicle was the responsible agent in causing it to take that course. 150 C. 35. Cited. 161 C. 204; 191 C. 266; 206 C. 608; 234 C. 660. Cited. 1 CA 517; 4 CA 451. An esplanade dividing northbound and southbound roadways is sufficient "intervening space"; knowledge or intention forms no element of the offense; the act alone, irrespective of its motive, constitutes the crime. 23 CS 197. Cited. 38 CS 675.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-238. - Controlled-access highways.

No person shall drive a vehicle onto or from any controlled-access highway except at such entrances and exits as are established by public authority. Violation of this section shall be an infraction. (1955, S. 1390d; P.A. 75-577, S. 81, 126.) History: P.A. 75-577 stated that violation of section is an infraction. See Sec. 14-111g re operator's retraining program. See Sec. 14-295 re assessment of double or treble damages. Cited. 161 C. 204; 206 C. 608. Cited. 4 CA 451.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-238a. (Formerly Sec. 13a-59). - Illegal entry on limited access highway.

Entry upon a limited access highway at any place other than a highway intersection or designated point as provided in section 13b-27 shall be an infraction. (1949 Rev., S. 2239; 1958 Rev., S. 13-120; 1963, P.A. 226, S. 59; 587; 1969, P.A. 768, S. 79; P.A. 75-577, S. 82, 126.) History: 1963 acts restated previous provisions and added provision for \$25 maximum fine; Sec. 13a-59 transferred to Sec. 14-238a in 1969; 1969 act deleted provisions re powers of commissioner with respect to limited access highways; P.A. 75-577 replaced fine provision with statement that violation of section is an infraction and substituted "Entry upon" for "Any person who enters". See Sec. 13b-27 re commissioner's authority to designate and regulate limited access highways. See Sec. 14-111g re operator's retraining program. Cited. 206 C. 608. Cited. 4 CA 451.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-238b. - Designation of high occupancy vehicle lane. Exception for blood transport vehicle.

(a) As used in this section, (1) "high occupancy vehicle lane" means a traffic lane reserved for the exclusive use of vehicles with an operator and one or more passengers; (2) "blood transport vehicle" means a motor vehicle owned by a nonprofit general blood banking operation or nonprofit blood collection facility licensed by the state that transports human blood and blood products; and (3) "blood products" means any substance derived from human blood, including, but not limited to, plasma, platelets and red or white blood cells. (b) The Office of the State Traffic Administration may designate a lane on any multiple lane limited access highway as a high occupancy vehicle lane and erect or cause to be erected signs identifying any such high occupancy vehicle lane. The office shall permit the operator of a blood transport vehicle to use any such high occupancy vehicle lane, regardless of the number of passengers in such vehicle, provided the operator (1) is transporting human blood and blood products between a collection point and a hospital or storage center; (2) displays a removable decal or sign indicating such vehicle is transporting human blood and blood products between a collection point and a hospital or storage center on each side of such vehicle and at the rear of such vehicle; and (3) displays the logo or emblem of the nonprofit general blood banking operation or nonprofit blood collection facility, as the case may be, on each side of such vehicle. (c) The Office of the State Traffic Administration may adopt regulations, in accordance with

the provisions of chapter 54, to implement the provisions of this section. (P.A. 22-40, S. 21.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-239. - One-way streets. Rotaries or roundabouts.

(a) The Office of the State Traffic Administration may designate any state highway and local traffic authorities may designate streets and highways under their jurisdiction for one-way traffic and shall erect signs, devices or markings conforming to the standards of the Office of the State Traffic Administration giving notice thereof. Upon any highway so designated a vehicle shall be driven only in the direction indicated. (b) A vehicle passing around a rotary or roundabout shall have the right of way over entering vehicles and shall be driven only to the right of such rotary or roundabout, unless otherwise directed by signs. (c) Violation of any of the provisions of this section shall be an infraction. (1955, S. 1391d; February, 1965, P.A. 448, S. 23; P.A. 75-577, S. 83, 126; P.A. 05-210, S. 25; P.A. 12-132, S. 19.) History: 1965 act deleted obsolete reference to state aid highways and added provisions re local traffic authorities and traffic commission standards in Subsec. (a); P.A. 75-577 added Subsec. (c); P.A. 05-210 amended Subsec. (b) by replacing “rotary traffic island” with “rotary or roundabout”, specifying vehicles within rotary have right-of-way over entering vehicles and deleting “or unless the length of the vehicle makes such movement impracticable”, effective July 1, 2005; P.A. 12-132 amended Subsec. (a) by replacing “State Traffic Commission” with “Office of the State Traffic Administration” and making a technical change, effective July 1, 2012. See Sec. 14-111g re operator's retraining program. See Sec. 14-295 re assessment of double or treble damages. Cited. 159 C. 91; 206 C. 608. Cited. 4 CA 451.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-240. - Vehicles to be driven reasonable distance apart. Exceptions. Operation of platoon.

(a) As used in this section, “platoon” means two or three commercial motor vehicles or buses, excluding school buses, traveling in a unified manner at electronically coordinated speeds at following distances that are closer than would be reasonable and prudent without such coordination. (b) Except as provided in subsection (e) of this section, no person operating a motor vehicle shall follow another vehicle more closely than is reasonable and prudent, having regard for the speed of such vehicles, the traffic upon and the condition of the highway and weather conditions. (c) No person operating a motor vehicle shall drive such vehicle in such proximity to another vehicle as to obstruct or impede traffic. (d) Motor vehicles being driven upon any highway in a caravan shall be so operated as to allow sufficient space between such vehicles or combination of vehicles to enable any other vehicle to enter and occupy such space without danger. The provisions of this subsection shall not apply to funeral processions or to motor vehicles under official escort, traveling under a special permit or operating in a platoon. (e) (1) A person may operate a platoon on the highways of this state, provided such person files a plan for the general platoon operations with the Commissioner of Transportation and such plan is approved by the commissioner. The commissioner shall approve or reject a plan for general platoon operations not later than fifteen days after the receipt of such plan. If the commissioner rejects any such plan, the commissioner shall provide a written explanation of the reason for such rejection and guidance to amend such plan for resubmission. (2) Each commercial motor vehicle or bus in a platoon shall display a mark identifying such vehicle or bus as part of a platoon at all times when such vehicle or bus is engaged in platooning. Such mark shall be issued by the commissioner and displayed in a manner prescribed by the commissioner. (3) Each person operating a commercial motor vehicle or bus in a platoon shall be seated in the driver's seat of such vehicle or bus and hold a commercial driver's license of the appropriate class and bearing endorsements for the type of vehicle or bus being driven. (4) No person operating a commercial motor vehicle or bus in a platoon shall pull or drag another motor vehicle in the platoon. (f) Any person who violates any provision of this section shall have committed an infraction, except that (1) any person operating a commercial vehicle combination or a commercial motor vehicle or bus in a platoon in violation of any such provision shall have committed a violation and shall be fined not less than one hundred dollars nor more than one hundred fifty dollars, or (2) if the violation results in a motor vehicle accident, such person shall have committed a violation and shall be fined not less than one hundred dollars nor more than two hundred dollars. (1955, S. 1392d; P.A. 75-577, S. 84, 126; P.A. 84-372, S. 6, 9; P.A. 96-180, S. 42, 166; P.A. 18-164, S. 29; P.A. 22-40, S. 15.) History: P.A. 75-577 added Subsec. (d); P.A. 84-372 established higher penalty for person operating a commercial vehicle combination; P.A. 96-180 made a technical change in Subsec. (c), effective June 3, 1996; P.A. 18-164 amended Subsec. (d) to designate existing provision re operation of commercial vehicle combination as Subdiv. (1) and add Subdiv. (2) re violation resulting in motor vehicle accident, and made technical and conforming changes; P.A. 22-40 added new Subsec. (a) re defining “platoon”, redesignated existing Subsec. (a) as Subsec. (b) and amended same to add provision re except as provided in Subsec. (e), redesignated existing Subsec. (b) as Subsec. (c), redesignated existing Subsec. (c) as Subsec. (d) and amended same to add provision re operating in platoon, added Subsec. (e) re operation of platoon and redesignated existing Subsec. (d) as Subsec. (f) and amended same by adding “or a commercial motor vehicle or bus in a platoon” in Subdiv. (1), effective July 1, 2022. See Sec. 14-111g re operator's retraining program. See Sec. 14-260n for definition of “commercial vehicle combination”. Cited. 148 C. 266; 150 C. 217. Request to charge statute must be made. 154 C. 381. Cited. 160 C. 128; 166 C. 152; 171 C. 303; 180 C. 415; 185 C. 483; 206 C. 608; 217 C. 73; 231 C. 930. Statute is directed against practice of “tailgating”. 234 C. 401. Cited. Id., 408. Cited. 4 CA 451; 11 CA 122; 17 CA 209. Application of “following too closely” statute discussed; statute directed against practice of “tailgating”; legislature did not intend provisions of statute to apply in all rear-end collisions. 35 CA 464. Cited. 29 CS 21; 39 CS 228. Statute not limited to situations where car ahead is moving. 2 Conn. Cir. Ct. 487. Cited. 3 Conn. Cir. Ct. 107; 5 Conn. Cir. Ct. 697.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-240a. - Vehicles to be driven reasonable distance apart. Intent to harass or intimidate.

(a) No person operating a motor vehicle shall follow another vehicle more closely than is reasonable and prudent, having regard for the speed of such vehicles, the traffic upon and the condition of the roadway or highway and weather conditions, with the intent to harass or intimidate the operator of the preceding motor vehicle. (b) Any person who violates the provisions of this section shall be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days or be both fined and imprisoned for the first offense and for each subsequent offense shall be fined not more than six hundred dollars or imprisoned not more than one year or be both fined and imprisoned. (P.A. 84-516, S. 6.) See Sec. 14-111g operator's retraining program. Cited. 206 C. 608. Cited. 4 CA 451; 9 CA 686.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-241. - Turns.

(a) Both the approach for a right turn and a left turn shall be made as close as practicable to the right-hand curb or edge of the highway. (b) At any intersection where traffic is permitted to move in both directions on each highway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the highway nearest the center line thereof and by passing to the right of such center line where it enters the intersection, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the highway being entered. (c) At any intersection where traffic is restricted to one direction on one or more of the highways, the driver of a vehicle intending to turn left shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the highway being entered. (d) "Deceleration lane" means an added outside lane of a highway laned for traffic which immediately precedes an exit road from such highway, and "acceleration lane" means an added outside lane of a highway laned for traffic which immediately follows an entrance road into such highway. Where deceleration and acceleration lanes exist, all turns made to leave or enter the highway shall be made from or into such lanes. (e) On any state highway the Office of the State Traffic Administration, and, on highways under their jurisdiction, local traffic authorities, may cause rotaries or roundabouts, signs or other devices conforming to the manual on uniform traffic control devices to be placed within or adjacent to intersections and thereby direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when rotaries or roundabouts, signs or other devices are so placed, no driver shall turn a vehicle otherwise than as directed thereby. (f) Violation of any of the provisions of this section shall be an infraction. (1955, S. 1393d; February, 1965, P.A. 448, S. 24; P.A. 75-577, S. 85, 126; P.A. 05-210, S. 26; P.A. 12-132, S. 20.) History: 1965 act deleted reference to state aid highway and added references to local traffic authorities and the manual on uniform traffic control devices in Subsec. (e); P.A. 75-577 added Subsec. (f); P.A. 05-210 amended Subsec. (e) by substituting "rotaries or roundabouts" for "rotary traffic islands", effective July 1, 2005; P.A. 12-132 amended Subsec. (e) by replacing "State Traffic Commission" with "Office of the State Traffic Administration", effective July 1, 2012. See Sec. 14-111g re operator's retraining program. See Sec. 14-295 re assessment of double or treble damages. Annotations to former section: Mere signal by traffic officer to proceed does not excuse driver turning rapidly to left before reaching center of intersection; effect of established custom to make short turn to left at the point. 98 C. 75. Negligence in passing to left of center of intersection when making left turn. 108 C. 185. Cited. 111 C. 729. Judgment showing defendant had pleaded guilty to information charging simply a violation of statute is not admissible as admission of negligence. 114 C. 388. Cited. Id., 404; 115 C. 296. Under former statute, impracticability of operation of bus to right of center of intersection was not a justification. Id., 466. Whether failure to slow down or to signal or to do both constitutes violation depends on what reasonable care requires. 116 C. 578. Cited. 117 C. 522. Mere intention to pass to left of center is not a violation. Id., 609, 610. Cited. 118 C. 126. Contributory negligence in failing to keep to right of center while passing vehicle at intersection. 122 C. 6. What constitutes intersection when highway bounds are curved. Id., 202, see also 125 C. 553. Bicycle cutting corner. 122 C. 447; Id., 611. No exception in case of minor. Id., 448. Pedestrian is entitled to assume that vehicle will pass to right of center of intersection. 124 C. 692. Passing to left of intersection is negligence per se. 125 C. 159. Methods for determining center of highway and of dirt road. 126 C. 478. Recovery not denied where plaintiff's failure to keep to right of center of intersection was not proximate cause of collision. 130 C. 176, 177. Under former statute, requirement of keeping to right of center of intersection applied on one-way street. 133 C. 370. "Sign" at intersection includes lines on pavement for direction of traffic. Id., 453. Where plaintiff claimed defendant turned to left before reaching intersection, failure of court to charge that person turning to left should keep to right of center of intersection was harmful error. 134 C. 194. Violation is negligence per se but charge held adequate which stated that statute required a certain course of action. 146 C. 10. Cited. 147 C. 638; 149 C. 371. Where, in special defense of contributory negligence, defendant's alleged failure to use care of reasonably prudent person, to keep proper lookout and to operate automobile in such manner as to prevent collision, reference by court in its charge to statute was proper. Id., 386. Cited. 150 C. 355; 154 C. 615; 155 C. 409; 163 C. 146. Cited. 14 CS 232. Driver making right turn 7 feet from curb held to have exercised due care in civil case. 2 Conn. Cir. Ct. 269. Cited. 5 Conn. Cir. Ct. 695. Annotations to present section: Cited. 206 C. 608. Cited. 4 CA 451.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-242. - Turns restricted. Signals to be given before turning or stopping. U-turns. Left turns. Right turns when passing person riding bicycle, electric bicycle or electric foot scooter.

(a) No person shall turn a vehicle at an intersection unless the vehicle is in a proper position on the highway as required by section 14-241, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a highway unless such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner provided in section 14-244. (b) A signal of intention to turn right or left shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning. (c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in section 14-244 to the driver of any vehicle immediately to the rear when there is opportunity to give such signal. (d) No person shall turn a vehicle so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of, a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet, or at any location where signs prohibiting U-turns are posted by any traffic authority. (e) The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or within the area formed by the extension of the lateral lines of the private alley, road or driveway across the full width of the public highway with which it intersects, or so close to such intersection of public highways or to the area formed by the extension of the lateral lines of said private alley, road or driveway across the full width of the public highway as to constitute an immediate hazard. (f) No person operating a vehicle who overtakes and passes a person riding a bicycle, an electric bicycle or an electric foot scooter and proceeding in the same direction shall make a right turn at any intersection or into any private road or driveway unless the turn can be made with reasonable safety and will not impede the travel of the person riding the bicycle, electric bicycle or electric foot scooter. (g) Violation of any of the provisions of this section shall be an infraction. (1955, S. 1394d; 1963, P.A. 258; 1971, P.A. 66, S. 1; P.A. 75-577, S. 86, 126; P.A. 00-70; P.A. 18-165, S. 10; P.A. 19-162, S. 8.) History: 1963 act removed qualification in Subsec. (a) that turn without signal should not be made "if any other traffic may be affected by such movement"; 1971 act added Subsec. (e); P.A. 75-577 added Subsec. (f); P.A. 00-70 added new Subsec. (f) to prohibit a person making a right turn in front of a bicyclist unless the turn can be made with reasonable safety and will not impede the travel of the bicyclist and redesignated former Subsec. (f) as Subsec. (g); P.A. 18-165 amended Subsec. (f) to add references to electric bicycle; P.A. 19-162 amended Subsec. (f) to add references to electric foot scooter and make conforming changes. See Sec. 14-111g re operator's retraining program. See Sec. 14-295 re assessment of double or treble damages. Failure to signal is negligence as a matter of law but such negligence is a question of fact in determining proximate causation. 142 C. 142; 147 C. 187. Former statute cited. 145 C. 187. Violation is negligence per se but charge held adequate which stated that statute required a certain course of action. 146 C. 10. Cited. 149 C. 371. Where, in special defense of contributory negligence, defendant's alleged failure to use care of reasonably prudent person, to keep proper lookout and to operate automobile in such manner as to prevent collision, reference by court in its charge to statute was proper. Id., 386. Cited. 150 C. 355; 155 C. 409; 163 C. 146. Statute places a duty of reasonable safety on a driver who wishes to turn left into a private alleyway. 165 C. 422. Whether defendant violated section and such violation was the proximate cause of plaintiff's damage are questions for the jury. 167 C. 533. Cited. 179 C. 388; 206 C. 608; 234 C. 660. Cited 2 CA 164; 4 CA 451; 17 CA 471; 22 CA 142; 30 CA 742; 36 CA 710; 43 CA 636. Cited. 5 Conn. Cir. Ct. 694. Subsec. (a): No exception to signal requirement exists merely because there is no risk of collision in making turn. 154 C. 620. Cited. 166 C. 240. Plaintiff stopped his vehicle at curb and then turned left into driveway without signaling; this was violation of this Subsec., not Subsec. (b). 168 C. 64.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-243. - Starting or backing vehicle.

(a) No person shall move a vehicle which is stopped, standing or parked unless such movement can be made with reasonable safety and without interfering with other traffic, nor without signalling as provided by section 14-244. (b) No person shall back a vehicle unless such movement can be made with reasonable safety and without interfering with other traffic. (c) Violation of any of the provisions of this section shall be an infraction. (1955, S. 1396d; February, 1965, P.A. 448, S. 25; P.A. 75-577, S. 87, 126.) History: 1965 act added "and without interfering with other traffic" to Subsec. (a); P.A. 75-577 added Subsec. (c). See Sec. 14-111g re operator's retraining program. In request to charge, party must employ greater specificity than mere paraphrase of certain portions of statute without hint of their applicability to, or operative effect on, the case. 149 C. 541. Cited. 180 C. 137. Cited. 3 CA 391. Cited. 10 CS 68.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-244. - Signals.

Any stop or turn signal required by section 14-242 or 14-243 may be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device. Hand signals shall be as follows: (1) To stop or decrease speed: Hand and arm extended downward; (2) to turn left or to leave or draw away from a curb or the edge of the highway: Hand and arm extended horizontally with forefinger pointed; (3) to turn right: Hand and arm extended upward. Each operator of a motor vehicle who makes a turn signal by means of signal lamps or mechanical signal device shall turn in the direction indicated and return such signal to the nonoperating position immediately after completing the movement for which a signal has been given. Violation of any of the provisions of this section shall be an infraction. (1955, S. 1395d; 1957, P.A. 137; 1971, P.A. 23; P.A. 75-577, S. 88, 126.) History: 1971 act changed hand signals for stopping or decreasing speed and for making right turn; P.A. 75-577 stated that violation of provisions is an infraction. See Sec. 14-111g re operator's retraining program. Backing in highway without signal. 108 C. 562; 111 C. 364. Cited.

114 C. 421. Mere act of turning is not sufficient signal. 115 C. 468. Statute is not limited to vehicles operated on traveled portion. 116 C. 253. Stoplight to be adequate signal must light up before stopping begins. 117 C. 615. Instructions to jury concerning change of direction. 121 C. 509. Failure to signal affords basis of recovery only if proximate cause of damage. 122 C. 262. Hand signal is not required in preference to mechanical signal. *Id.*, 217; 127 C. 288. Failure to signal as not a substantial factor. 125 C. 75. Stopping without signal; duty of driver following to use reasonable care. *Id.*, 472. Failure to signal as a substantial factor in producing accident. 127 C. 313. Cited. 129 C. 537. Failing to signal intention of slackening and changing direction. 130 C. 381. Jury could find that proper signals were given. 135 C. 627. Violation is negligence per se but charge held adequate which stated that statute required a certain course of action. 146 C. 10. Cited. 149 C. 371, 372. Where, in special defense of contributory negligence, defendant's alleged failure to use care of reasonably prudent person, to keep proper lookout and to operate automobile in such manner as to prevent collision, reference by court in its charge to statute was proper. *Id.*, 386. Cited. 154 C. 615; 155 C. 409. Whether defendant violated section and such violation was the proximate cause of plaintiff's damage are questions for the jury. 167 C. 533. Cited. 5 Conn. Cir. Ct. 694.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-245. - Intersection. Right-of-way.

As used in this section and subsection (e) of section 14-242, "intersection" means the area common to two or more highways which cross each other. Each driver of a vehicle approaching an intersection shall grant the right-of-way at such intersection to any vehicle approaching from his right when such vehicles are arriving at such intersection at approximately the same time, unless otherwise directed by a traffic officer. Failure to grant the right-of-way as provided in this section shall be an infraction. (1955, S. 1397d; 1971, P.A. 299, S. 1; P.A. 73-616, S. 11; P.A. 75-577, S. 89, 126.) History: 1971 act defined "intersection"; P.A. 73-616 deleted reference to repealed Sec. 14-246 and referred instead to Subsec. (e) of Sec. 14-242; P.A. 75-577 stated that failure to grant right-of-way is an infraction. See Sec. 14-111g re operator's retraining program. See Sec. 14-250b re obstructing intersection. See Sec. 14-295 re assessment of double or treble damages. Annotations to former section: "Intersection of a street" and "arriving at such intersection at approximately the same time" defined; that cars are approaching so as to arrive simultaneously is important element. 95 C. 701; 96 C. 19; *Id.*, 508; 101 C. 443, 444; 104 C. 737. Respective duties of motorman and chauffeur approaching at right angles. 100 C. 365. One having right of way at intersection is bound to operate as would a reasonably prudent person having knowledge that he has right of way. 106 C. 146; 108 C. 12; 124 C. 264; 130 C. 204. Driver coming from right has right of way though traveling on left side of his road; 107 C. 710; but not if the other car had nearly passed the intersection when car from right reached it. 108 C. 604. Test is not time of arrival at entrance to intersection, but reasonable apprehension of collision on part of driver on left. 109 C. 33, 37; 127 C. 450, 651; 130 C. 645; 133 C. 431. One with right of way may assume other will yield it until as a reasonable man he is charged with knowledge to the contrary. 109 C. 33, 37; 127 C. 450, 651; 130 C. 651. Rule at intersecting streets applies when one of two cars approaching each other on same street intends to make left turn. 109 C. 484; 111 C. 729. Right of way and duty of driver approaching green light at intersection; Sec. 14-299 applies, not this section. 114 C. 637. When vehicle which has entered intersection has right of way over vehicle on right. 117 C. 676; 118 C. 679; 130 C. 98; 132 C. 476. One having right of way at intersection has precedence in passing through and right not to be obstructed and delayed by any person who could reasonably avoid doing so. 123 C. 298. That cars came together outside intersection will not defeat recovery if collision was caused by failure to grant right of way at intersection. 124 C. 263. That car making turn enters intersection first does not necessarily give it right of way. *Id.*, 264. Operator of vehicle approaching intersection from right who complies with stop regulation has superior right of way if vehicles arrive at approximately same time. 130 C. 400; 133 C. 455. Rules which apply when operator does not see car approaching from right; 130 C. 646; where bus obscures vision of both operators. *Id.*, 223. Statute regulating right of way does not apply when cars are approaching intersection on same street and from same direction. 135 C. 443. Test concerning right of way is not time of arrival at entrance to intersection but reasonable apprehension of collision on part of driver approaching from left. *Id.*, 446. Cited. *Id.*, 600. If by failure to use reasonable care plaintiff did not see approaching taxicab, knowledge of what such a lookout must have revealed is imputed to him. 136 C. 97. If an ordinarily prudent person in position of driver on the left would reasonably believe that if the two cars continued at speed at which they were then moving it would involve risk of collision, driver on left should yield right of way. 137 C. 600. Since finding determined that defendant's invasion of part of highway to his left was involuntary, statute is inapplicable. *Id.*, 640. Arriving at intersection first is not a test of the right of way but a factor to be considered by the trier in deciding whether the cars are arriving at approximately the same time. 138 C. 183. Statute imposes no general prohibition against driving in the middle of road. *Id.*, 313. Cited. *Id.*, 355; 140 C. 376. Violation is negligence per se but charge held adequate which stated that statute required a certain course of action; one with statutory right of way can be found negligent. 146 C. 10. Test of statutory right of way or common law right to proceed is not time of arrival at entrance to intersection. 147 C. 540. Cited. 154 C. 23; *Id.*, 615. Where plaintiff failed to grant right of way to defendant's automobile which had already entered street intersection at his right, his failure to do so constituted negligence which was a substantial factor in producing his injuries and judgment for plaintiff is set aside. 157 C. 139. Right-of-way rule is inapplicable to an intersection controlled by a stop sign. 165 C. 635. Statute not applicable to pedestrians. 3 CS 220. Cited. 9 CS 98; 12 CS 237; 13 CS 293; 15 CS 93; 16 CS 398; 18 CS 489. Cited. 2 Conn. Cir. Ct. 19. Contributory negligence as a defense has no application in a criminal case. *Id.*, 42. Cited. *Id.*, 652. Annotations to present section: Cited. 206 C. 608; 234 C. 660. Cited. 4 CA 451.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle

Highway UseSection 14-246. - Right-of-way at intersection turn.

Section 14-246 is repealed. (1955, S. 1398d; February, 1965, P.A. 448, S. 26; 1971, P.A. 66, S. 2.)

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 248 - Vehicle Highway UseSection 14-246a. - Right-of-way at junction of highways.

The driver of any vehicle on a highway which joins but does not cross another highway shall, unless otherwise directed by a traffic officer, grant the right-of-way at the point where such highways join to any vehicle approaching on the other highway from either direction when such vehicles are arriving at approximately the same time at the area which would be common to both highways if they crossed each other. Failure to grant the right-of-way as provided by this section shall be an infraction. (1971, P.A. 299, S. 2; P.A. 75-577, S. 90, 126.) History: P.A. 75-577 stated that failure to grant right-of-way is an infraction. See Sec. 14-111g re operator's retraining program.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 248 - Vehicle Highway UseSection 14-247. - Right-of-way at driveway or private road.

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on such highway. Failure to grant the right-of-way as provided by this section shall be an infraction. (1955, S. 1399d; P.A. 75-577, S. 91, 126.) History: P.A. 75-577 made failure to grant right-of-way an infraction. See Sec. 14-111g re operator's retraining program. See Sec. 14-295 re assessment of double or treble damages. Annotations to former section: Rule denying right-of-way to user of private way is not merely an exception to rule that car on right has right-of-way at intersection; duty of operator coming out of private way is to give vehicle on highway fair and reasonable opportunity to pass. 110 C. 358. Cited. 117 C. 699. User of private way has no right to drive out when this involves danger of collision. 127 C. 374. Cited. 9 CS 142. Entry onto public highway from a private driveway discussed. 10 CS 183. Annotations to present section: Cited. 206 C. 608. Cited. 4 CA 451.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 248 - Vehicle Highway UseSection 14-247a. - Right-of-way yielded by one emerging from alley, driveway or building.

The driver of a vehicle within a business or residence area, emerging from an alley, driveway or building, shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway. Violation of any provision of this section shall be an infraction. (February, 1965, P.A. 448, S. 27; P.A. 75-577, S. 92, 126.) History: P.A. 75-577 stated that violation of provisions is an infraction. See Sec. 14-111g re operator's retraining program.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 248 - Vehicle Highway UseSection 14-247b. - Right-of-way yielded to signaling motor bus.

The driver of a vehicle shall yield the right-of-way to a motor bus traveling in the same direction when such motor bus gives an appropriate signal in the manner provided in section 14-244 to reenter the flow of traffic. Violation of this section shall be an infraction. (P.A. 21-106, S. 37.)

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 248 - Vehicle Highway UseSection 14-248. - Cattle crossings.

Section 14-248 is repealed. (1955, S. 1400d; February, 1965, P.A. 448, S. 44.)

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 248 - Vehicle Highway UseSection 14-248a. - Cattle crossings.

The Commissioner of Transportation, or the local traffic authority on highways under its jurisdiction, shall control the placing of cattle crossing signs within the limits of the traveled portion of the roadway of any public highway. No such cattle crossing sign shall be so placed without the securing of a permit from said commissioner or such traffic authority, as the case may be, which permit shall specify the size, color, wording and placement of such signs. Cattle crossing signs shall be so placed only when animals are actually crossing or are about to cross the roadway. When such signs are in position, the operator of any vehicle shall appropriately reduce speed or stop if necessary to avoid endangering or striking any animal crossing the roadway. Failure to reduce speed or stop in accordance with the provisions of this section shall be an infraction. (February, 1965, P.A. 448, S. 28; 1969, P.A. 768, S. 141; P.A. 75-577, S. 93, 126.) History: 1969 act replaced highway commissioner with commissioner of transportation; P.A. 75-577 stated that failure to reduce speed or stop as specified in section is an infraction. See Sec. 14-111g re operator's retraining program.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 248 - Vehicle Highway UseSection 14-248b. - Livestock crossing paths. Right-of-way.

(a) The traffic authority, as defined in section 14-297, shall have power to designate, by appropriate devices or markers or by lines

upon the surface of the highway, such crossing paths and intersections as, in its opinion, constitute an especial danger to guided cattle or other livestock crossing the highway including, but not limited to, specially marked crossing paths in the vicinity of farms which shall have distinctive markings, in accordance with the regulations of the Office of the State Traffic Administration, to denote use of such crossing paths by guided cattle or other livestock. (b) Persons guiding cattle or other livestock across the highway shall yield the right-of-way to any authorized emergency vehicle, as defined in section 14-1, approaching such person and emitting any audible signal or displaying or making any visual signal reasonably indicating that such vehicle is being operated in an emergency situation. Nothing in this subsection shall be construed to relieve the driver of such an authorized emergency vehicle from any duty to drive with due regard for the safety of all persons using the highway or from the duty to exercise due care to avoid colliding with any person, cattle or other livestock. Each operator of a motor vehicle shall grant the right-of-way and slow or stop such vehicle if necessary to grant the right-of-way, to any person guiding cattle or other livestock across the roadway within a crossing path. No operator of a vehicle approaching from the rear shall overtake and pass any vehicle the operator of which has stopped at any crossing path marked, as provided in subsection (a) of this section, to permit guided cattle or other livestock to cross the roadway. A violation of this subsection shall be an infraction. (P.A. 02-57, S. 1; P.A. 12-132, S. 21.) History: P.A. 12-132 amended Subsec. (a) by replacing "State Traffic Commission" with "Office of the State Traffic Administration", effective July 1, 2012.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-249. - Stopping at grade crossings.

(a) An operator of a motor vehicle shall bring his or her motor vehicle to a full stop at a railroad grade crossing when warned of an approaching locomotive or a train by a law enforcement officer or flashing lights erected at such grade crossing pursuant to an order of the Commissioner of Transportation and shall refrain from passing over such crossing until the approaching locomotive or train has passed such crossing. (b) An operator of a commercial motor vehicle shall refrain from passing over such grade crossing, regardless of whether flashing lights are erected or are operable at such grade crossing, unless all tracks are clear. (c) An operator of a commercial motor vehicle shall, upon approaching a railroad grade crossing, drive such motor vehicle at a rate of speed that will enable such motor vehicle to be stopped when required by the provisions of subsection (a) or (b) of this section or section 14-250. (d) Violation of any provision of this section shall be an infraction. (1955, S. 1401d; P.A. 75-486, S. 42, 69; 75-577, S. 94, 126; P.A. 77-614, S. 571, 587, 610; P.A. 78-303, S. 85, 136; 78-372, S. 4, 5, 7; P.A. 87-449, S. 1; P.A. 05-218, S. 38.) History: P.A. 75-486 replaced public utilities commission with public utilities control authority; P.A. 75-577 replaced provision for \$100 maximum fine with statement that violation of section is an infraction and made technical grammatical change; P.A. 77-614 and P.A. 78-303 replaced public utilities control authority with commissioner of transportation, effective January 1, 1979; P.A. 78-372 expanded provisions by making failure "to refrain from passing over such crossing until the approaching locomotive or train shall have passed such crossing" an infraction; P.A. 87-449 increased penalty from an infraction to a \$150 fine; P.A. 05-218 designated existing provisions as Subsec. (a) and amended same by making technical changes, adding "law enforcement officer" and deleting penalty provision, added Subsec. (b) requiring operator of a commercial vehicle to refrain from passing over grade crossing unless all tracks are clear, added Subsec. (c) requiring operator of a commercial motor vehicle, upon approaching a railroad grade crossing, to drive at a speed that will enable motor vehicle to be stopped when required and added Subsec. (d) specifying that violation of section is infraction, effective July 1, 2005. See Sec. 14-111g re operator's retraining program. See Sec. 14-301(e) re stopping at stop signs posted at grade crossings.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-250. - Certain motor vehicles to stop at railroad crossing. Regulations. Penalty.

(a) The operator of each commercial motor vehicle transporting passengers, service bus or motor vehicle used for the transportation of school children and the operator of each commercial motor vehicle with a cargo tank or carrying hazardous materials, as defined in section 14-1, whether loaded or empty, before crossing at grade any track or tracks of a railroad, shall stop such vehicle not less than fifteen feet or more than fifty feet from the nearest rail of such track, and, while so stopped, shall listen and look in each direction along such track or tracks for approaching locomotives or trains before crossing such track or tracks; and such operator shall not, in any event, cross such track or tracks when warned by automatic signal, crossing gates, flagman, law enforcement officer or otherwise of the approach of a railroad locomotive or train. (b) The operator of any commercial motor vehicle shall not attempt to cross a railroad grade crossing if such vehicle cannot be driven completely through such crossing, without shifting gears, on account of insufficient undercarriage clearance. (c) The operator of any commercial motor vehicle shall not attempt to cross a railroad grade crossing if such vehicle does not have sufficient space to drive completely through such crossing and to clear the tracks without stopping. (d) The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section, including exemptions for certain crossings and vehicles that are allowed by the provisions of 49 CFR 392.10. (e) Any person who violates any provision of subsection (a) of this section shall be fined not less than one hundred fifty dollars or more than two hundred fifty dollars. Violation of any provision of subsection (b) or (c) of this section shall be an infraction. (1949 Rev., S. 2418; P.A. 76-381, S. 13; P.A. 87-449, S. 2; P.A. 90-263, S. 24, 74; P.A. 94-189, S. 15; P.A. 04-217, S. 17; P.A. 05-218, S. 39; 05-288, S. 61, 62.) History: P.A. 76-381 replaced provision for \$100 maximum fine and/or 30 days' maximum imprisonment with statement that violation of provisions is an infraction; P.A. 87-449 changed penalty from an infraction to a fine ranging from \$150 to \$250; P.A. 90-263 deleted reference to public service motor vehicle, inserting commercial motor vehicle transporting passengers, taxicab, motor vehicle in livery service, motor bus and service bus in lieu thereof and substituted commercial motor vehicle carrying

“hazardous materials as defined in section 14-1” for explosive substances or poisonous or compressed inflammable gases as cargo or used for the transportation of inflammable or corrosive liquids in bulk; P.A. 94-189 removed operators of taxicabs and motor vehicles in livery service from provisions of section; P.A. 04-217 designated existing provisions as Subsecs. (a) and (d) and amended Subsec. (a) to delete “motor bus”, to include a motor vehicle with a cargo tank, to change requirement to stop vehicle not less than 10 feet from nearest rail of railroad track to not less than 15 feet and to include warning by law enforcement officer in requirement for operator to stop when warned and added new Subsec. (b) prohibiting operator from crossing railroad crossing if vehicle cannot be driven completely through crossing and new Subsec. (c) authorizing commissioner to adopt regulations to implement provisions of section, effective January 1, 2005; P.A. 05-218 amended Subsec. (b) by inserting “commercial” re motor vehicle, deleting reference to Subsec. (a) and substituting “insufficient undercarriage clearance” for “its width or the clearance of its undercarriage”, added new Subsec. (c) requiring that commercial motor vehicle not attempt to cross railroad grade crossing if it does not have sufficient space to drive through and clear tracks without stopping, redesignated existing Subsecs. (c) and (d) as Subsecs. (d) and (e), respectively, amended new Subsec. (d) by inserting “and vehicles” and amended new Subsec. (e) by applying previously existing penalty to Subsec. (a) violations and making violations of Subsec. (b) or (c) an infraction, effective July 1, 2005; P.A. 05-288 made technical changes in Subsecs. (a) and (d), effective July 13, 2005. Violation of statute is negligence as a matter of law. 140 C. 319. Cited. 145 C. 714. Where plaintiff failed to stop at railway crossing, contributory negligence not established as matter of law. 17 CS 492; judgment reversed, see 140 C. 319.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-250a. - Vehicles prohibited on sidewalks.

(a) No person shall operate any motor vehicle upon, nor shall any motor vehicle be left parked, standing or stopped on or across, any public sidewalk except to cross such sidewalk to enter or leave adjacent areas or to perform necessary sidewalk construction, maintenance or snow removal. (b) The provisions of this section shall not apply to an electric personal assistive mobility device, as defined in section 14-289h. (c) Violation of any provision of this section shall be an infraction. (February, 1965, P.A. 448, S. 18; P.A. 75-577, S. 95, 126; May 9 Sp. Sess. P.A. 02-7, S. 68.) History: P.A. 75-577 made violation of provisions an infraction; May 9 Sp. Sess. P.A. 02-7 designated existing prohibition as Subsec. (a), added Subsec. (b) re electric personal assistive mobility devices and designated existing penalty as Subsec. (c), effective August 15, 2002. Cited. 30 CA 742. Exception permitting motorist to cross sidewalk if leaving adjacent area applies to entering or exiting a driveway but not to turning around to reverse direction. 154 CA 621.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-250b. - Obstructing intersection.

(a) No operator of a motor vehicle, other than a tractor-trailer unit, as defined in section 14-1, shall proceed into an intersection that has been designated, posted and marked by a municipality in accordance with subsection (b) of this section, except when making a turn, unless there is sufficient space on the opposite side of the intersection to accommodate such motor vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding the indication of a traffic control signal that would permit such operator to proceed into the intersection. (b) Any municipality may, by ordinance, designate one or more intersections within that municipality to which the provisions of subsection (a) of this section shall apply. The municipality shall (1) post signs at each such designated intersection indicating that blocking the intersection is prohibited and violators are subject to a fine, and (2) mark, in white paint, the boundary of such intersection with a line not less than one foot in width and the area within such boundary line with parallel diagonal lines not less than one foot in width. (c) Any person who violates the provisions of subsection (a) of this section shall have committed an infraction. (P.A. 09-171, S. 1.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-251. - Parking vehicles.

(a) No vehicle shall be permitted to remain stationary within ten feet of any fire hydrant, or upon the traveled portion of any highway except upon the right-hand side of such highway in the direction in which such vehicle is headed; and, if such highway is curbed, such vehicle shall be so placed that its right-hand wheels, when stationary, shall, when safety will permit, be within a distance of twelve inches from the curb, except if a bikeway, as defined in section 13a-153f, or such bikeway's buffer area, as described in the federal Manual on Uniform Traffic Control Devices, is in place between the parking lane and the curb, such vehicle shall be so placed that its right-hand wheels, when stationary, shall, when safety will permit, be within a distance of twelve inches from the edge of such bikeway or buffer area. (b) No vehicle shall be permitted to remain parked within twenty-five feet of an intersection or an approach to a marked crosswalk, except (1) within ten feet of such intersection or marked crosswalk if such intersection or marked crosswalk has a curb extension treatment with a width equal to or greater than the width of the parking lane, or (2) if there is an available parking space that was established on or before October 1, 2022. No vehicle shall be permitted to remain parked within twenty-five feet of a stop sign caused to be erected by the traffic authority in accordance with the provisions of section 14-301, except where permitted by the traffic authority of the city of New Haven at the intersection of one-way streets located in and comprised entirely of highways under the jurisdiction of the city of New Haven. (c) No vehicle shall be permitted to remain stationary upon the traveled portion of any highway at any curve or turn or at the top of any grade where a clear view of such vehicle may not be had from a distance of at least one hundred fifty feet in either direction. The Commissioner of Transportation

may post signs upon any highway at any place where the keeping of a vehicle stationary is dangerous to traffic, and the keeping of any vehicle stationary contrary to the directions of such signs shall be a violation of this section. No vehicle shall be permitted to remain stationary upon the traveled portion of any highway within fifty feet of the point where another vehicle, which had previously stopped, continues to remain stationary on the opposite side of the traveled portion of the same highway. No vehicle shall be permitted to remain stationary within the limits of a public highway in such a manner as to constitute a traffic hazard or obstruct the free movement of traffic thereon, provided a vehicle which has become disabled to such an extent that it is impossible or impracticable to remove it may be permitted to so remain for a reasonable time for the purpose of making repairs thereto or of obtaining sufficient assistance to remove it. (d) Nothing in this section shall be construed to apply to emergency vehicles and to maintenance vehicles displaying flashing lights or to prohibit a vehicle from stopping, or being held stationary by any officer, in an emergency to avoid accident or to give a right-of-way to any vehicle or pedestrian as provided in this chapter, or from stopping on any highway within the limits of an incorporated city, town or borough where the parking of vehicles is regulated by local ordinances. (e) Violation of any provision of this section shall be an infraction. (1949 Rev., S. 2509; 1959, P.A. 283, S. 3; 1969, P.A. 768, S. 142; P.A. 75-577, S. 96, 126; P.A. 15-41, S. 2; P.A. 16-55, S. 18; P.A. 17-230, S. 16; P.A. 18-167, S. 6; P.A. 22-40, S. 1.) History: 1959 act excepted emergency vehicles and maintenance vehicles displaying flashing lights from provisions of section; 1969 act replaced highway commissioner with commissioner of transportation; P.A. 75-577 made violation of provisions an infraction; P.A. 15-41 added provision re parking next to a bikeway and made a technical change, effective July 1, 2015; P.A. 16-55 made a technical change, effective May 31, 2016; P.A. 17-230 added provisions re exemptions for parked vehicles at intersections with curb extension treatments in New Haven and at stop signs where permitted by the traffic authority at one-way streets in New Haven; P.A. 18-167 added “and comprised entirely of highways under the jurisdiction of” re exemptions for parked vehicles in New Haven, effective June 14, 2018; P.A. 22-40 added Subsec. designators (a) to (e), amended Subsec. (b) to add “an approach to”, designate existing provision as Subdiv. (1) and added in same references to marked crosswalk, delete provision re exception for parked vehicles at intersections with curb extension treatments in New Haven and add Subdiv. (2) re parking space established on or before October 1, 2022. See Sec. 14-107 re liability of owner, operator or lessee of vehicle. See Sec. 14-307 re parking restrictions. Shoulder is not part of “traveled portion” of highway. 114 C. 336; Id., 651; 127 C. 340. Statute does not authorize parking on traveled portion without other precautions, if necessary, than those expressly required by it. 116 C. 574. Cited. 121 C. 439. What constitutes traveled portion is question of fact. 127 C. 341. Is not repealed by definition of “parked vehicle” in Sec. 14-1 but is intended to be read with it. 142 C. 592. Violation of section constitutes negligence as a matter of law; but for such negligence to be actionable, it must be proven to have been a proximate cause of decedent's injury. 153 C. 64. Cited. 162 C. 462; 170 C. 74; 174 C. 275. Cited. 17 CA 697. Statute supersedes local parking ordinance that does not address specific provisions of statute. 59 CA 434. City cannot enact ordinance prohibiting diagonal parking outside its limits on the public highway because of section; it can only enact legislation with respect to property within its legitimate control. 76 CA 222. Cited. 23 CS 211. Use of word “impracticable” as well as “impossible” in section implies other factors besides mechanical condition of car are involved in deciding whether disabled car exception in section applies; the word “disabled” in section which prohibits stationary vehicles on highways except those which are disabled must be construed as applying not only to vehicles which cannot be moved under their own power but also to those which cannot be removed with reasonable safety and without creating danger greater than that which exists from their being stationary. 33 CS 49. Court must find facts sufficient to support conclusion that plaintiff was negligent because of his violation of statute, including facts negating the application of any statutory exceptions. 37 CS 574. Cited. 4 Conn. Cir. Ct. 217.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-252. - Parking so as to obstruct driveway.

No person shall park or leave stationary on a public highway any vehicle in front of or so as to obstruct or interfere with the ingress to or egress from any private driveway or alleyway, except with the permission of the owner of such private driveway or alleyway. Such parking or stationary position of any vehicle with such permission shall be subject to existing parking regulations. Violation of any provision of this section shall be an infraction. (1949 Rev., S. 2510; February, 1965, P.A. 448, S. 29; P.A. 75-577, S. 101, 126.) History: 1965 act added provision requiring compliance with parking regulations when blocking drive or alley; P.A. 75-577 replaced provision for \$25 maximum fine with statement that violation of provisions is an infraction. See Sec. 14-107 re liability of owner, operator or lessee of vehicle.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-252a. - Removal of ice and snow from motor vehicle required. Penalty.

(a) The operator of any noncommercial motor vehicle, as defined in section 14-1, shall remove any accumulated ice or snow from such motor vehicle, including the hood, trunk and roof of such motor vehicle, so that any ice or snow accumulated on such vehicle does not pose a threat to persons or property while the vehicle is being operated on any street or highway of this state. Any such operator who fails to remove accumulated ice or snow that poses such a threat shall be fined seventy-five dollars and shall be deemed to have committed an infraction. (b) If the operator of a noncommercial motor vehicle violates the provisions of subsection (a) of this section and snow or ice is dislodged from such vehicle and causes personal injury or property damage, such operator shall be fined not less than two hundred dollars but not more than one thousand dollars for each offense. (c) On and after December 31, 2013, the operator of any commercial motor vehicle, as defined in section 14-1, shall remove any accumulated ice or snow from such motor vehicle, including the hood, trunk and roof of such motor vehicle, so that any ice or snow accumulated on such vehicle

does not pose a threat to persons or property while the vehicle is being operated on any street or highway of this state. Any such operator who fails to remove accumulated ice or snow that poses such a threat shall be fined seventy-five dollars and shall be deemed to have committed an infraction. (d) On and after December 31, 2013, if the operator of a commercial motor vehicle violates the provisions of subsection (c) of this section and snow or ice is dislodged from such vehicle and causes personal injury or property damage, such operator shall be fined not less than five hundred dollars but not more than twelve hundred fifty dollars for each offense. (e) This section shall not apply to (1) any operator of a motor vehicle during a period of snow, sleet or freezing rain if such period began and continued during the period of the motor vehicle's operation, or (2) any operator of a motor vehicle during the time such vehicle is parked. (P.A. 10-182, S. 1; P.A. 11-256, S. 19, 56; P.A. 13-102, S. 1.) History: P.A. 10-182 effective December 31, 2013; P.A. 11-256 changed effective date of P.A. 10-182, S. 1, from December 31, 2013, to October 1, 2011, made Subsec. (a) applicable to noncommercial vehicle operators, made technical changes and deleted provision re commercial vehicles in Subsec. (b), added new Subsecs. (c) and (d) re requirements and fines applicable to commercial vehicle operators on and after December 31, 2013, and redesignated existing Subsec. (c) as Subsec. (e); P.A. 13-102 amended Subsecs. (a) and (c) to add provisions re violation to be deemed an infraction.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-253. - Parking privileges of handicapped persons.

Section 14-253 is repealed. (1957, P.A. 415; P.A. 73-217; P.A. 76-427, S. 4.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-253a. - Special license plates and removable windshield placards for persons who are blind and persons with disabilities. Parking spaces. Penalty. Regulations.

(a) For the purposes of this section: (1) "Special license plate" means a license plate displaying the symbol of access in a size identical to that of the letters or numerals on the plate and in a color that contrasts with the background color of the plate; (2) "Removable windshield placard" means a two-sided, hanger-style placard which bears on both of its sides: (A) The symbol of access in a height of three inches or more centered on such placard and colored white on a blue background; (B) a unique identification number; (C) a date of expiration; (D) a statement indicating that the Connecticut Department of Motor Vehicles issued such placard; and (E) the words "Accessibility Parking Permit"; (3) "Temporary removable windshield placard" means a placard that is the same as a removable windshield placard except that the symbol of access appears on a red background; (4) "Person with disabilities" means a person with disabilities which limit or impair the ability to walk, as defined in 23 CFR Section 1235.2; and (5) "Symbol of access" means the symbol designated by the Commissioner of Administrative Services pursuant to section 29-269b used to indicate access for persons with disabilities. (b) The Commissioner of Motor Vehicles shall accept applications and renewal applications for removable windshield placards from (1) any person who is blind, as defined in section 1-1f; (2) any person with disabilities; (3) any parent or guardian of any person who is blind or any person with disabilities, if such person is under eighteen years of age at the time of application; (4) any parent or guardian of any person who is blind or any person with disabilities, if such person is unable to request or complete an application; and (5) any organization which meets criteria established by the commissioner and which certifies to the commissioner's satisfaction that the vehicle for which a placard is requested is primarily used to transport persons who are blind or persons with disabilities. Except as provided in subsection (c) of this section, on and after October 1, 2011, the commissioner shall not accept applications for special license plates, but shall accept renewal applications for such plates that were issued prior to October 1, 2011. No person shall be issued a placard in accordance with this section unless such person is the holder of a valid motor vehicle operator's license, or identification card issued in accordance with the provisions of section 1-1h. The commissioner is authorized to adopt regulations for the issuance of placards to persons who, by reason of hardship, do not hold or cannot obtain an operator's license or identification card. The commissioner shall maintain a record of each placard issued to any such person. Such applications and renewal applications shall be on a form prescribed by the commissioner. The application and renewal application shall include: (A) Certification by a licensed physician, a physician assistant, an advanced practice registered nurse licensed in accordance with the provisions of chapter 378, or a member of the driver training unit for persons with disabilities established pursuant to section 14-11b, that the applicant meets the definition of a person with a disability which limits or impairs the ability to walk, as defined in 23 CFR Section 1235.2; or (B) certification by a psychiatrist who is employed by, or under contract with, the United States Department of Veterans Affairs that the applicant (i) is a veteran, as defined in subsection (a) of section 27-103, who has post-traumatic stress disorder certified as service-connected by the United States Department of Veterans Affairs, and (ii) meets the definition of a person with a disability which limits or impairs the ability to walk, as defined in 23 CFR Section 1235.2. In the case of persons who are blind, the application or renewal application shall include certification of legal blindness made by the Department of Aging and Disability Services, an ophthalmologist or an optometrist. Any person who makes a certification required by this subsection shall sign the application or renewal application under penalty of false statement pursuant to section 53a-157b. The commissioner, in said commissioner's discretion, may accept the discharge papers of a disabled veteran, as defined in section 14-254, in lieu of such certification. The Commissioner of Motor Vehicles may require additional certification at the time of the original application or at any time thereafter. If a person who has been requested to submit additional certification fails to do so within thirty days of the request, or if such additional certification is deemed by the Commissioner of Motor Vehicles to be unfavorable to the applicant, the commissioner may refuse to issue or, if already issued, suspend or revoke such special license plate or placard. The commissioner shall not issue more than one placard per applicant,

except the commissioner shall issue one placard to each applicant who is a parent or guardian of any person who is blind or any person with disabilities, provided no more than two such placards shall be issued on behalf of such person. The fee for the issuance of a temporary removable windshield placard shall be five dollars. Any person whose application has been denied or whose special license plate or placard has been suspended or revoked shall be afforded an opportunity for a hearing in accordance with the provisions of chapter 54. (c) Any person who meets the requirements to obtain a removable windshield placard pursuant to subsection (b) of this section and who has a motorcycle registered in such person's name shall be issued, upon approval of the application, number plates in accordance with the provisions of subsection (a) of section 14-21b, which shall bear letters or numerals or any combination thereof followed by the symbol of access. The registration of any motorcycle for which a special license plate is issued shall expire and be renewed as provided in section 14-22 and be subject to the fee provisions of section 14-49. No person shall be issued such number plates for the registration of more than two motorcycles. Any person eligible to obtain a special license plate pursuant to this section who transfers the expired registration of a motorcycle owned by such person and replaces such number plate with a special license plate shall be exempt from payment of any fee for such transfer or replacement. A person who obtains a special plate or plates under this subsection may also obtain a removable windshield placard in accordance with subsection (b) of this section. (d) (1) Any placard issued pursuant to this section shall be displayed by hanging it from the front windshield rearview mirror of the vehicle when utilizing a parking space reserved for persons who are blind and persons with disabilities. If there is no rearview mirror in such vehicle, the placard shall be displayed in clear view on the dashboard of such vehicle. (2) On and after October 1, 2023, any placard issued pursuant to this section shall not bear the words "parking permit for persons with disabilities". Any placard issued prior to October 1, 2023, that is otherwise valid, shall remain valid, according to its terms, until the expiration of such placard. (e) Vehicles displaying a special license plate or a placard issued pursuant to this section or by authorities of other states or countries for the purpose of identifying vehicles permitted to utilize parking spaces reserved for persons who are blind and persons with disabilities, shall be allowed to park in an area where parking is legally permissible, for an unlimited period of time without penalty, notwithstanding the period of time indicated as lawful by any (1) parking meter, or (2) sign erected and maintained in accordance with the provisions of chapter 249, provided the operator of or a passenger in such motor vehicle is a person who is blind or a person with disabilities. A placard shall not be displayed on any motor vehicle when such vehicle is not being operated by or carrying as a passenger a person who is blind or a person with disabilities to whom the placard was issued. Vehicles bearing a special license plate shall not utilize parking spaces reserved for persons who are blind and persons with disabilities or the cross hatch abutting such spaces when such vehicles are not being operated by or carrying as a passenger a person who is blind or a person with disabilities to whom such special license plate was issued. (f) Only motor vehicles displaying a plate or placard issued pursuant to this section shall be authorized to (1) park in public or private areas reserved for exclusive use by persons who are blind or persons with disabilities, and (2) to use the cross hatch abutting such areas, except that any ambulance, as defined in section 19a-175, which is transporting a patient may park in such area for a period not to exceed fifteen minutes while assisting such patient. Any motor vehicle parked or using the cross hatch in violation of the provisions of this subsection for the third or subsequent time shall be subject to being towed from such designated area. Such vehicle shall be impounded until payment of any fines incurred is received. No person, firm or corporation engaged in the business of leasing or renting motor vehicles without drivers in this state may be held liable for any acts of the lessee constituting a violation of the provisions of this subsection. Any municipal police officer who observes a motor vehicle parked in violation of this subsection shall issue a written warning or a summons for such violation. (g) The Office of the State Traffic Administration, on any state highway, or local traffic authority, on any highway or street under its control, shall establish parking spaces in parking areas for twenty or more cars in which parking shall be prohibited to all motor vehicles except vehicles displaying a special license plate or a placard issued pursuant to this section. Parking spaces in which parking shall be prohibited to all motor vehicles except vehicles displaying such special plate or placard shall be established in private parking areas for two hundred or more cars according to the following schedule: Total NumberOf Parking Lot SpacesNumber of SpecialParking Spaces Required0 – 200Exempt201 – 10001.0% 1001 – 200010 plus 0.8% of spacesover 10002001 – 300018 plus 0.6% of spacesover 20003001 – 400024 plus 0.4% of spacesover 30004001 or more28 plus 0.2% of spacesover 4000 All such spaces shall be designated as reserved for exclusive use by persons who are blind and persons with disabilities and identified by the use of signs in accordance with subsection (h) of this section. Such parking spaces shall be adjacent to curb cuts or other unobstructed methods permitting sidewalk access to a person who is blind or a person with disabilities and shall be fifteen feet wide, including three feet of cross hatch, or be parallel to a sidewalk. The provisions of this subsection shall not apply (1) in the event the State Building Code imposes more stringent requirements as to the size of the private parking area in which special parking spaces are required or as to the number of special parking spaces required, or (2) in the event a municipal ordinance imposes more stringent requirements as to the size of existing private parking areas in which special parking spaces are required or as to the number of special parking spaces required. (h) Parking spaces designated for persons who are blind and persons with disabilities on or after October 1, 1979, and prior to October 1, 2004, shall be as near as possible to a building entrance or walkway and shall be fifteen feet wide including three feet of cross hatch, or parallel to a sidewalk on a public highway. On and after October 1, 2017, parking spaces for passenger motor vehicles designated for persons who are blind and persons with disabilities shall be as near as possible to a building entrance or walkway and shall be fifteen feet wide including five feet of cross hatch or parallel to a sidewalk on a public highway. On and after October 1, 2017, parking spaces for passenger vans designated for persons who are blind and persons with disabilities shall be as near as possible to a building entrance or walkway and shall be sixteen feet wide including eight feet of cross hatch or parallel to a sidewalk on a public highway. Such spaces shall be designated by above grade signs with white lettering against a blue background and shall bear the words "handicapped parking permit required" and "violators

will be fined". Such signs shall also bear the international symbol of access. Whenever such a sign is replaced, repaired or erected it shall bear the words "reserved parking permit required" and "violators will be fined", bear the symbol of access and indicate the minimum fine for a violation of subsection (f) of this section. Such indicator may be in the form of a notice affixed to such a sign. (i) Any public parking garage or terminal, as defined in the State Building Code, constructed under a building permit application filed on or after October 1, 1985, and prior to October 1, 2004, shall have nine feet six inches' vertical clearance at a primary entrance and along the route to at least two parking spaces which conform with the requirements of subsection (h) of this section and which have nine feet six inches' vertical clearance unless an exemption has been granted pursuant to the provisions of subsection (b) of section 29-269. Each public parking garage or terminal, as defined in the State Building Code, constructed under a building permit application filed on or after October 1, 2004, shall have eight feet two inches' vertical clearance at a primary entrance and along the route to at least two parking spaces for passenger vans which conform with the requirements of subsection (h) of this section and which have eight feet two inches' vertical clearance unless an exemption has been granted pursuant to the provisions of subsection (b) of section 29-269. (j) The commissioner may suspend or revoke any plate or placard issued pursuant to this section when, after affording the person to whom such plate or placard was issued an opportunity for a hearing in accordance with chapter 54, the commissioner or his representative determines that such person has used or permitted the use of such plate or placard in a manner which violates the provisions of this section. (k) Nothing in this section may be construed to allow a person who is blind or a person with disabilities who is a bona fide resident of the state to park in a public or private area reserved for the exclusive use of persons who are blind and persons with disabilities as provided in this section if such person does not display upon or within his vehicle a plate or placard issued pursuant to this section. (l) (1) Any person who violates any provision of this section for which a penalty or fine is not otherwise provided shall, for a first violation, be subject to a fine of two hundred fifty dollars, and for a subsequent violation, be subject to a fine of five hundred dollars. (2) No owner or lessee of a private parking area subject to the requirements of this section, or an agent of such owner or lessee, shall dump, or allow any other person to dump, or otherwise place accumulated snow in a special parking space reserved as required in this section. Any owner, lessee or agent who violates the provisions of this subdivision shall, for a first violation, be subject to a fine of two hundred fifty dollars, and for a subsequent violation, be subject to a fine of five hundred dollars. (m) Any placard or special license plate issued pursuant to this section shall be returned to the commissioner upon the subsequent change of residence to another state or death of the person to whom such placard or license plate was issued. Any person who uses a placard or a special license plate issued pursuant to this section after the death of the person to whom such placard or special license plate was issued shall be fined five hundred dollars. (n) The commissioner shall develop a procedure for the renewal of existing placards. The procedure may be implemented over a period of several years. Any renewal of such placards shall require the issuance of a new placard in accordance with the provisions of this section. (o) The commissioner shall check the Department of Public Health's state registration of deaths on a monthly basis and shall cancel any placard issued to an individual identified in such registry as deceased. (p) The Commissioner of Motor Vehicles shall adopt regulations in accordance with the provisions of chapter 54, to carry out the provisions of this chapter and to establish a uniform system for the issuance, renewal and regulation of special license plates, removable windshield placards and temporary removable windshield placards. Such plates and placards shall be used only by persons to whom such plates and placards are issued. (P.A. 76-427, S. 1-3; P.A. 77-366, S. 1, 2; P.A. 79-144; P.A. 80-367, S. 1-3; 80-466, S. 23, 25; P.A. 81-172, S. 14; P.A. 82-420, S. 1, 4; P.A. 83-412, S. 2, 5; P.A. 84-377, S. 1, 4; 84-546, S. 44, 173; P.A. 85-206; P.A. 86-103; 86-388, S. 27, 31; P.A. 87-304, S. 3; P.A. 88-32, S. 1, 2; P.A. 89-74, S. 2; P.A. 90-300, S. 1, 2, 8; P.A. 94-189, S. 16; P.A. 95-325, S. 12, 16; P.A. 99-268, S. 24, 25, 34, 44; P.A. 00-169, S. 18, 19, 22, 34, 36; P.A. 02-70, S. 55; P.A. 04-199, S. 19; 04-237, S. 1; P.A. 06-130, S. 14; P.A. 07-52, S. 1; P.A. 08-184, S. 14; P.A. 09-11, S. 1; 09-187, S. 37; Sept. Sp. Sess. P.A. 09-7, S. 105; P.A. 10-110, S. 24; P.A. 11-44, S. 45; 11-213, S. 39; P.A. 12-132, S. 22; June 12 Sp. Sess. P.A. 12-1, S. 64; P.A. 13-282, S. 3; June Sp. Sess. P.A. 15-5, S. 224; P.A. 16-78, S. 3-5; P.A. 17-79, S. 23; 17-230, S. 4; P.A. 19-119, S. 11, 12; 19-157, S. 37; 19-161, S. 37; P.A. 21-106, S. 36; P.A. 23-40, S. 33-35.) History: P.A. 77-366 included reference to vehicles with special license plates in Subsec. (c) and clarified parking permission for vehicles with special plates in Subsec. (e); P.A. 79-144 greatly expanded provisions, revising Subsec. (a), inserting new Subsec. (b), revising former Subsec. (b) and redesignating it as (c), inserting new Subsec. (d), revising former Subsec. (c) and redesignating it as (e), deleting former Subsecs. (d) and (e), inserting new Subsecs. (f) to (i), replacing former provision for \$99 maximum fine with statement that violation is an infraction in former Subsec. (f) and redesignating it as Subsec. (j); P.A. 80-367 amended Subsec. (c) to delete reference to plates in provision re display and to add provision prohibiting use of plate for special parking privileges when car not conveying handicapped person and amended Subsec. (e) to add provisions re parking spaces in parking areas for two hundred or more cars; P.A. 80-466 replaced references to set of plates in Subsec. (b) with reference to single plate; P.A. 81-172 amended Subsec. (a) by providing for a five-year, rather than one-year validity period for a special parking identification card; P.A. 82-420 allowed nonprofit organizations that transport handicapped persons to obtain special parking identification cards; P.A. 83-412 deleted all references to nonprofit organizations which transport handicapped persons, thereby eliminating their parking privileges, provided for the phase-out of the special "HP" license plate and its replacement by a special international symbol of access license plate and provided that the provisions of Subsec. (e) are not applicable where an ordinance or state building code specifies more stringent requirements re size of parking area or number of special parking spaces; P.A. 84-377 amended Subsec. (a) to provide for a fee of \$2 for the original issuance and renewal of special parking identification cards, a period of validity of two, rather than five, years for such cards and different colors for renewal cards, specific information in the physician's certification of impairment of ability to walk, authorization for commissioner to require additional certification, submission of notarized statement or personal appearance by applicant to request identification and issuance of temporary special parking identification cards, amended Subsec.

(b) to provide that special license plates may bear letters or any combination of numerals or letters and that identification issued be returned upon death or change in legal residence to another state, amended Subsec. (d) to provide for towing of vehicles parked in violation of Subsec. (d) for third or subsequent time and impounding of such vehicles, amended Subsec. (f) to require a warning and the international symbol of access in above grade signs, and amended Subsec. (g) to insert new language re required vertical clearance for parking garages or terminals constructed on and after October 1, 1985, relettering remaining Subsecs. accordingly; P.A. 84-546 made technical change in Subsec. (j); P.A. 85-206 amended Subsec. (g), requiring that parking spaces in garages or terminals conform with the requirements of Subsec. (f); P.A. 86-103 permitted the issuance of special parking identification cards to blind persons and permitted the issuance of special license plates to handicapped persons who own motorcycles; P.A. 86-388 amended Subsecs. (a) to (c), inclusive, substituting “number” plate for license plate and including reference to issuance of a set of plates in accordance with provisions of Sec. 14-21b(a); P.A. 87-304 amended Subsec. (b) to increase fee for issuance of special number plate from \$5 to \$10 and exempt any handicapped person who transfers an unexpired registration and replaces number plate with special plate from payment of fees for transfer or replacement; P.A. 88-32 amended Subsec. (a) to require M.D. certification of blindness or “permanent” impairment of ability to walk only at time of original application and amended Subsec. (k) to require that the fine for violation of Subsec. (d) be a minimum of \$85; P.A. 89-74 amended Subsec. (a) to permit optometrists to certify blindness at the time of original application and to delete requirement that permanent impairment of walking ability be certified at time original application is made; P.A. 90-300 amended Subsec. (e) to add two subdivision designations in the last sentence re exceptions and to insert new language as Subdiv. (2) “in the event a municipal ordinance imposes more stringent requirements as to the size of existing private parking areas ...” and amended Subsec. (g) to insert “public” before “parking garage or terminal” and “as defined in the state building code” thereafter, to require that vertical clearance be provided at a primary entrance and to add language concerning an exemption granted pursuant to Sec. 29-269(b); P.A. 94-189 substantially revised provisions of section deleting former Subsecs. (a), (b), (c) and (j) re special parking identification cards and license plates with new provisions, relettering former Subsecs. (d), (e), (f), (g), (h), (i) and (k) accordingly and making technical changes; P.A. 95-325 amended Subsec. (f) to specify when ambulances transporting patients may park in reserved area, effective July 13, 1995; P.A. 99-268 amended Subsec. (b) by allowing the commissioner to accept discharge papers of a disabled veteran for establishing that such veteran meets the definition of a person with disabilities which limit or impair the ability to walk, amended Subsec. (e) to revise provisions re parking without penalty in legally permissible parking areas for unlimited periods of time, notwithstanding periods indicated by parking meters or signs, and amended Subsec. (h) by increasing designated parking space size from 15 feet wide, including 3 feet of cross hatch, to 16 feet wide, including 7 feet of cross hatch, and by requiring parking space signs to indicate the minimum fine for a violation of Subsec. (f); P.A. 00-169 amended Subsec. (a)(2) by removing provision stating a placard is valid for a period of five years from the date of issuance, Subsec. (b) by deleting reference to the \$5 fee re applications and renewal applications for special license plates and removable windshield placards, and by adding a provision requiring a \$5 fee for temporary removable windshield placard, effective October 1, 2000, and Subsec. (h) by changing parking space size requirements from “sixteen feet wide including seven feet of cross hatch” to “fifteen feet wide including three feet of cross hatch”, effective June 1, 2000, and revised effective date of P.A. 99-268 but without affecting this section; P.A. 02-70 amended Subsec. (b) to make a technical change, effective July 1, 2002; P.A. 04-199 amended Subsec. (b) to permit advanced practice registered nurse to certify disabilities which limit or impair ability to walk re applications for special license plates and removable windshield placards and to certify that such disabilities meet definition under federal law, effective July 1, 2004; P.A. 04-237 amended Subsec. (h) to insert “and prior to October 1, 2004,” and to add requirements re parking spaces for passenger motor vehicles and passenger vans designated for the handicapped, and amended Subsec. (i) to make a technical change, to provide that requirement re 9 feet 6 inches' vertical clearance for public parking garages or terminals apply to those constructed under a building permit application filed on or after October 1, 1985, and prior to October 1, 2004, and to add 8 feet 2 inches vertical clearance requirements for public parking garages or terminals constructed under a building permit application filed on or after October 1, 2004; P.A. 06-130 amended Subsec. (b) to provide that commissioner is not required to issue more than one placard per applicant, amended Subsec. (d) by removing requirement that commissioner issue an additional placard to an applicant who has no special license plates and made a technical change in Subsec. (l), effective June 2, 2006; P.A. 07-52 amended Subsec. (l) by replacing infraction and minimum fine provisions with a fine of \$150 for a first violation and a fine of \$250 for a subsequent violation; P.A. 08-184 amended Subsec. (b) by adding “physician's assistant” to health care providers who may issue certification of disability; P.A. 09-11 made a technical change in Subsec. (b); P.A. 09-187 added Subsec. (a)(4) to define “persons with disabilities”, amended Subsec. (b) to add provision re applications from parent or guardian if person is unable to request or complete application, establish requirements for issuance of placards on and after January 1, 2010, add requirement re record, replace former certification language with provision re certification of legal blindness from board, and limit issuance to 1 placard per applicant, amended Subsec. (c) to limit issuance of plates to 2 vehicles per person, added new Subsecs. (m) to (o) re issuance, renewal and cancellation of placards, redesignated existing Subsec. (m) as Subsec. (p), changed “removable windshield placard” to “placard”, “blind persons” to “persons who are blind” and “handicapped person” to “person with disabilities” throughout, and made conforming and technical changes, effective July 8, 2009; Sept. Sp. Sess. P.A. 09-7 amended Subsec. (b) by authorizing certification of disability from a physician's assistant or advanced practice registered nurse, effective October 5, 2009; P.A. 10-110 amended Subsec. (a)(4) to revise reference to 23 CFR by replacing “Part” with “Section” and amended Subsec. (b) to restate application and renewal application process for persons with disabilities and persons with blindness and to provide that any person who makes a required certification shall sign application under penalty of false statement, effective June 5, 2010; P.A. 11-44 amended Subsec. (b) by replacing “Board of Education and Services for the Blind” with “Bureau of Rehabilitative Services” and

replacing “commissioner” with “Commissioner of Motor Vehicles”, effective July 1, 2011 (Revisor's note: In Subsec. (b), a reference to “handicapped driver training unit” was changed editorially by the Revisors to “driver training unit for persons with disabilities” to conform with changes made by P.A. 11-44, S. 46); P.A. 11-213 amended Subsec. (b) to authorize renewal of special plates issued prior to October 1, 2011, prohibit issuance of new special plates for motor vehicles on and after October 1, 2011, and make conforming changes, and amended Subsec. (c) to replace “motor vehicle” with “motorcycle”, authorize issuance and renewal of windshield placards and special plates for motorcycles, and make conforming and technical changes; P.A. 12-132 amended Subsec. (g) by replacing “State Traffic Commission” with “Office of the State Traffic Administration”, effective July 1, 2012; June 12 Sp. Sess. P.A. 12-1 amended Subsec. (b) by replacing “Bureau of Rehabilitative Services” with “Department of Rehabilitation Services”, effective July 1, 2012; P.A. 13-282 amended Subsec. (f) to add provision re municipal police officer who observes violation to issue written warning or summons; June Sp. Sess. P.A. 15-5 amended Subsec. (l) by designating existing provisions as Subdiv. (1) and adding Subdiv. (2) re dumping snow in a special parking space; P.A. 16-78 amended Subsec. (a) by adding Subdiv. (5) defining “symbol of access”, amended Subsecs. (a) and (c) by replacing “international symbol of access” and “international access symbol” with “symbol of access” and amended Subsec. (h) by adding provisions re requirements for parking space sign replaced, repaired or erected on and after January 1, 2017, effective January 1, 2017; P.A. 17-79 amended Subsec. (b) by deleting former Subpara. (A) re certification that applicant is disabled, redesignating existing Subpara. (B) re certification that applicant meets the definition of a person with a disability which limits or impairs ability to walk as Subpara. (A), and adding new Subpara. (B) re veteran with post-traumatic stress disorder and who meets definition of person with a disability, effective June 27, 2017; P.A. 17-230 amended Subsec. (h) by replacing “2004” with “2017”, adding “or parallel to a sidewalk on a public highway”, deleting reference to January 1, 2017, and making technical changes; P.A. 19-119 amended Subsec. (e) to add “or the cross hatch abutting such spaces”, amended Subsec. (f) to designate existing provision re parking in reserved public or private areas as Subdiv. (1), add Subdiv. (2) re use of cross hatch and make technical and conforming changes, amended Subsec. (l)(1) and (2) to increase fine for first violation from \$150 to \$250 and increase fine for subsequent violation from \$250 to \$500; P.A. 19-157 amended Subsec. (b) by replacing “Department of Rehabilitation Services” with “Department of Aging and Disability Services”; P.A. 19-161 amended Subsec. (b) to add provision re issuance of placard to applicant who is parent or guardian of person who is blind or person with disabilities and such person is under 18 years of age; P.A. 21-106 amended Subsec. (b) to remove “if such person is under eighteen at the time of application” re issuance of placard to applicant who is parent or guardian of person who is blind or person with disabilities; P.A. 23-40 amended Subsec. (a) by redefining “removable windshield placard”, amended Subsec. (d) by designating existing provision as Subdiv. (1) and adding Subdiv. (2) re content of placard issued on and after October 1, 2023, and re validity of placard issued prior to October 1, 2023, and amended Subsec. (o) by increasing check of state registration of deaths from periodically to monthly.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-253b. - Municipal police departments to report violations of handicapped parking laws.

Section 14-253b is repealed. (P.A. 84-377, S. 2, 4; P.A. 94-188, S. 29.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-253c. - Accessible Parking Advisory Council.

(a) There is established an Accessible Parking Advisory Council, which shall be within the Department of Motor Vehicles for administrative purposes only. The advisory board shall: (1) Develop a strategy to detect, deter and prevent fraud and misuse from occurring with regard to the issuance and use of removable windshield placards for persons who are blind and persons with disabilities from occurring without adversely impacting persons who are blind and persons with disabilities, (2) review the laws in other states concerning the issuance and use of such removable windshield placards, (3) recommend best practices for policies and regulations regarding the application for, and issuance and use of, removable windshield placards and the enforcement of subsection (l) of section 14-253a, (4) identify and make recommendations regarding streetscape issues that interfere with the ability of a person who is blind or person with disabilities to access and use public and private areas reserved for exclusive use by persons who are blind or persons with disabilities, (5) make educational materials available to medical professionals, law enforcement officers and the general public regarding the proper issuance and use of such removable windshield placards, and (6) review the status of such removable windshield placards issued to persons who are blind and persons with disabilities prior to January 1, 2010, for the lifetime of such persons. (b) The advisory council shall consist of (1) the Commissioner of Motor Vehicles or the commissioner's designee, (2) the Commissioner of Aging and Disability Services or the commissioner's designee, (3) two members appointed by the Commissioner of Motor Vehicles, who are licensed physicians, physician assistants or advanced practice registered nurses who certify applications for removable windshield placards while in the course of employment, (4) one member appointed by the Commissioner of Aging and Disability Services who represents an organization that advocates on behalf of persons with physical disabilities, (5) one appointed by the House chairperson of the joint standing committee of the General Assembly having cognizance of matters relating to transportation, who is a municipality planner, (6) one appointed by the Senate chairperson of the joint standing committee of the General Assembly having cognizance of matters relating to transportation, who uses or advocates on behalf of users of accessible parking, (7) one appointed by the House ranking member of the joint standing committee of the General Assembly having cognizance of matters relating to transportation, who uses or advocates on behalf of users of accessible parking, (8) one appointed by the Senate ranking member of the joint standing committee of the General Assembly having cognizance of

matters relating to transportation, who is a sworn member of a municipal police department, and (9) and such other members as the advisory council may prescribe. All initial appointments to the advisory council shall be made not later than September 1, 2023. Each member appointed pursuant to subdivisions (3) to (9), inclusive, of this subsection shall serve for a term of two years and may serve until such member's successor is appointed. Any vacancy shall be filled by the appointing authority. The Commissioner of Motor Vehicles, or the commissioner's designee, shall serve as chairperson of the advisory council. The advisory council shall meet at such times as it deems necessary and may establish rules governing its internal procedures. (c) Not later than January 1, 2025, and annually thereafter, the advisory council shall submit a report, in accordance with the provisions of section 11-4a, regarding the strategy developed pursuant to subsection (a) of this section, the findings of the advisory council and any recommendations for legislation to the joint standing committee of the General Assembly having cognizance of matters relating to transportation. (P.A. 23-40, S. 36.) History: P.A. 23-40 effective June 12, 2023.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-253d. - Prohibition re contingent fees for certification by health care professional for removable windshield placards. Penalty.

(a) As used in this section, "health care professional" and "removable windshield placard" have the same meanings as provided in section 14-253a. (b) No health care professional shall charge a fee for the provision of services to an applicant for a removable windshield placard that is contingent on such health care professional certifying that such applicant meets the definition of a person with a disability which limits or impairs the ability to walk, as defined in 23 CFR 1235.2, as amended from time to time. (c) No health care professional shall enter into any written or oral agreement or understanding with a person who utilizes the services of such health care professional that makes or has the effect of making the amount of the health care professional's commissions, fees or charges contingent upon the health care professional certifying an application or renewal application for a removable windshield placard that an applicant meets the definition of a person with a disability which limits or impairs the ability to walk, as defined in 23 CFR 1235.2, as amended from time to time. (d) Any person who violates any provision of this section may be assessed a civil penalty of not more than one thousand dollars. The Attorney General, upon complaint of the Commissioner of Motor Vehicles, shall institute a civil action to recover such penalty in the superior court for the judicial district of Hartford. (P.A. 24-20, S. 44.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-254. - Parking privileges of disabled veterans.

"Disabled veteran", as used in this section, means (1) any veteran, as defined in section 27-103, who performed service in time of war, as defined in section 27-103, and (2) (A) one or both of whose legs or arms or parts thereof have been amputated or the use of which has been lost, (B) who is blind, paraplegic or hemiplegic, or (C) who has traumatic brain injury, any such disability described in subdivision (2) of this section being certified as service-connected by the United States Department of Veterans Affairs. The Commissioner of Motor Vehicles, upon application of any disabled veteran accompanied by such certificate of United States Department of Veterans Affairs, shall issue without charge a special number plate or set of plates in accordance with the provisions of subsection (a) of section 14-21b to be attached to a passenger motor vehicle owned or operated by such disabled veteran and an identification card to be used in connection therewith. The card shall identify the disabled veteran and the motor vehicle and shall state that such disabled veteran is qualified to receive the card, that the card, plate or plates shall be returned to the commissioner if the registration of the motor vehicle is cancelled or transferred and that the card is for the exclusive use of the disabled veteran to whom it is issued, is not transferable and will be revoked if presented by any other person or if any privilege granted under this section is abused. If not so revoked, the card shall be renewable every four years at the time of registration of motor vehicles. No penalty shall be imposed for the overtime parking of any motor vehicle bearing a number plate issued under this section when it has been so parked by the disabled veteran to whom the plate and an identification card were issued or by any person operating such vehicle when accompanied by such disabled veteran, provided the length of time for which such vehicle may remain parked at any one location shall not exceed twenty-four hours. The surviving spouse of a disabled veteran issued such special registration may retain any such registration and number plates without charge for his or her lifetime or until such time as he or she remarries. (1957, P.A. 164; 1959, P.A. 80, S. 1; P.A. 82-138, S. 1; P.A. 86-388, S. 28, 31; P.A. 97-236, S. 17, 27; P.A. 01-191, S. 3; P.A. 18-47, S. 18; 18-72, S. 26; P.A. 21-79, S. 25.) History: 1959 act redefined disabled veteran to include person who has lost the use of his arms or legs; P.A. 82-138 changed the renewal period for the identification card from annually to every four years; P.A. 86-388 substituted "number" plate for identification plate and included reference to issuance of a set of plates in accordance with provisions of Sec. 14-21b(a); P.A. 97-236 added provision to permit the surviving spouse of a disabled veteran to retain the special registration without charge for lifetime or until remarriage, effective June 24, 1997; P.A. 01-191 redefined "disabled veteran" to include a veteran having traumatic brain injury and made a technical change for the purpose of gender neutrality; P.A. 18-47 redefined "Disabled veteran", replaced "the Veterans' Administration" with "United States Department of Veterans Affairs", and made technical changes; P.A. 18-72 redefined "Disabled veteran" and replaced "Veterans' Administration" with "United States Department of Veterans Affairs"; P.A. 21-79 redefined "disabled veteran".

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-255 and 14-256. - Use of multiple-beam road-lighting equipment. Following vehicle to dim lights.

Sections 14-255 and 14-256 are repealed. (1949 Rev., S. 2438; 1955, S. 1334d; 1957, P.A. 106; 1967, P.A. 834, S. 30.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-257. - Crowded seats. Riders on outside of vehicle. Aisle seats.

(a) No person shall operate any vehicle upon any public highway or other public place when the operator thereof is crowded or hampered by any person beside or in front of him or by reason of having in such vehicle more than the number of persons for whom reasonable and safe seating space is provided. No person shall operate any motor vehicle, except one in use by a fire or police department or in the regular conduct of business by any public utility or public or private refuse collection service or except a state or municipal maintenance vehicle, when any person is riding upon the running board, fender, hood or top of such vehicle. (b) No person shall operate any motor vehicle used for the transportation of passengers for hire having seats placed in any aisle. (c) Violation of any provision of this section shall be an infraction. (1949 Rev., S. 2426; February, 1965, P.A. 448, S. 30; P.A. 75-577, S. 102, 126; P.A. 84-292; P.A. 90-263, S. 51, 74.) History: 1965 act deleted restriction of provisions to crowded "front" seats, deleted provision authorizing repairmen to ride outside vehicles, deleted graduated penalty schedule and added provisions re hampering the driver and public utility and municipal maintenance exceptions; P.A. 75-577 replaced provision for \$100 maximum fine in Subsec. (c) with statement that violation of provisions is an infraction; P.A. 84-292 amended Subsec. (a), permitting riders on the outside of public or private refuse collection vehicles; P.A. 90-263 amended Subsec. (b) to substitute "motor vehicle used for the transportation of passengers for hire" for "public service motor vehicle or motor bus". Question of fact whether seating capacity of front seat is sufficient for 3 persons. 121 C. 96, see 123 C. 353. Cited. 40 CA 495.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-258 and 14-259. - Use of metal tires restricted. Use of radio telephones.

Sections 14-258 and 14-259 are repealed. (1949 Rev., S. 2495; 1949, 1955, S. 1338d; 1969, P.A. 446, S. 2; 768, S. 143; P.A. 73-544, S. 25; P.A. 75-577, S. 103, 126; P.A. 77-19, S. 1.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-260. - Filling tanks.

Placing gasoline or other fuel in the tank of any vehicle while the engine of such vehicle is running shall be an infraction. (1949 Rev., S. 2511; February, 1965, P.A. 448, S. 31; P.A. 75-577, S. 97, 126.) History: 1965 act deleted the word "motor" before the word "vehicle"; P.A. 75-577 replaced prohibition against filling tank while engine running with statement that doing so is an infraction. See Sec. 14-107 re liability of owner, operator or lessee of vehicle.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-260n. - Definitions.

As used in this section and sections 14-219, 14-240, 14-261, 14-261a and 14-262: (1) "Gross weight" means the light weight of a vehicle plus the weight of any load thereon, provided, in the case of a tractor-trailer unit, "gross weight" means the light weight of the tractor plus the light weight of the trailer or semitrailer plus the weight of the load thereon. (2) "Semitrailer" means any vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and load rests upon or is carried by another vehicle. (3) "Trailer" means any rubber-tired vehicle without motive power drawn or propelled by a motor vehicle, including, but not limited to, a semitrailer. (4) "Truck" means every motor vehicle designed, used or maintained primarily for the transportation of property. (5) "Tractor" or "truck tractor" means a motor vehicle that is a non-cargo-carrying power unit used for drawing a trailer or two trailers for commercial purposes, except that a truck tractor and semitrailer engaged in the transportation of automobiles may transport motor vehicles on part of the power unit. (6) "Tractor-trailer unit" means a combination of a tractor and trailer or a combination of a tractor and a semitrailer. (7) "Converter dolly" means an axle to which is attached a hook engaged to an eye at the rear of a trailer and normally used in conjunction with the last trailer of a commercial vehicle combination. (8) "Commercial vehicle combination" means a combination of vehicles consisting of a truck tractor and two trailers, with the length of each trailer being not more than twenty-eight feet, exclusive of safety and energy conservation devices, such as rear view mirrors, turn signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mudflaps and splash and spray suppressant devices, load-induced tire bulge, refrigeration units, air compressors or air shields and other devices, which the secretary of the federal Department of Transportation may interpret as necessary for the safe and efficient operation of such vehicles, provided no such device has by its design or use the capability to carry cargo. (9) "Class 1 license" means a license designated class 1 by the Commissioner of Motor Vehicles in accordance with the provisions of section 14-36a. (10) "Commercial driver's license" or "CDL" means a license issued by a state which has enacted into law legislation in conformity with the Commercial Motor Vehicle Safety Act of 1986, Title XII, P.L. 99-570, which has been issued to an individual in accordance with the standards specified in the Code of Federal Regulations Title 49, Part 383, as amended, and which authorizes such individual to operate a class of commercial motor vehicle. (11) "CDL equivalent license" means a license issued by a state which has not enacted into law legislation in conformity with the Commercial Motor Vehicle Safety Act of 1986, Title XII, P.L. 99-570, but which, in the judgment of the Commissioner of Motor Vehicles, has been issued to an individual in accordance with standards no less stringent than those specified in the Code of Federal Regulations Title 49, Part 383, as amended, with respect to the knowledge, skills and driving record necessary for the individual to safely operate a commercial vehicle combination. (12) "Endorsement" means an authorization to the commercial driver's license required to permit the individual to operate a commercial vehicle

combination pursuant to the Code of Federal Regulations Title 49, Section 383.93, as amended. (13) "Endorsed commercial driver's license" or "endorsed CDL" means a commercial driver's license as defined in subdivision (10) of this section with an endorsement as defined in subdivision (12). (14) "Person" means any individual, corporation, limited liability company, association, copartnership, company, firm or other aggregation of individuals. (15) "Fullmount" means a combination of vehicles as defined in the Code of Federal Regulations Title 23, Part 658, as amended. (16) "Saddlemount" means a combination of vehicles as defined in the Code of Federal Regulations Title 23, Part 658, as amended. (17) "Dromedary box" means a cargo-carrying container mounted on the frame of a tractor and located behind the cab. (18) "Articulated bus" means a motor vehicle designed and used for the purposes of carrying public transit passengers, with two separate passenger compartments connected by a kingpin or similar joint, and may be composed of a tractor section and a trailer section, or a forward portion with no motive power and a trailer section with a power unit. (P.A. 83-21, S. 1, 5; P.A. 84-372, S. 1, 9; P.A. 89-171, S. 2, 5; P.A. 93-307, S. 6, 34; P.A. 95-79, S. 41, 189; P.A. 97-304, S. 26, 31; P.A. 07-232, S. 6.) History: P.A. 84-372 excluded safety and energy conservation devices from consideration in determining length of trailers in Subdiv. (8); P.A. 89-171 added definitions of "class 1 license", "commercial driver's license", "CDL equivalent license", "endorsement" and "endorsed commercial driver's license"; P.A. 93-307 amended the section by adding new Subdivs. (15) and (16) defining "fullmount" and "saddlemount", effective June 29, 1993; P.A. 95-79 redefined "person" to include a limited liability company, effective May 31, 1995; P.A. 97-304 added definition of "dromedary box" in Subdiv. (17), effective July 8, 1997; P.A. 07-232 added Subdiv. (18) defining "articulated bus", effective July 1, 2007.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-261. - Towing and pushing of vehicles. Double trailers and semitrailers.

(a) When any occupied vehicle is drawn or towed by another vehicle upon any public highway, the distance between the towing vehicle and the vehicle being towed shall not exceed twenty feet. A rigid tow bar shall be used when towing any vehicle on any limited access highway and when towing any unoccupied vehicle on any other public highway. Except as provided under section 14-261a, no person shall operate on any public highway any vehicle which draws or tows at the same time more than one vehicle, including, but not limited to, a trailer which is designed or constructed so that no part of its weight except the towing device rests upon the towing vehicle, a semitrailer or a semitrailer equipped with an auxiliary front axle, but excluding a pole trailer, except that such limitation shall not apply to (1) a vehicle, other than a tractor or truck tractor as defined in subdivision (5) of section 14-260n, which tows a non-cargo-carrying vehicle having a gross weight not exceeding five thousand pounds coupled to the towing vehicle by a towing device designed exclusively for the towing of another vehicle, provided the overall length of the two vehicles and the towing device does not exceed fifty-five feet, or (2) a combination of vehicles coupled together by a saddlemount device used to transport motor vehicles in drive-away service when no more than three saddlemounts and one fullmount are used, provided equipment used in such combination shall have been approved by regulations adopted by the Commissioner of Motor Vehicles in accordance with the provisions of sections 4-166 to 4-174, inclusive, and shall comply with the safety regulations of the United States Department of Transportation, or (3) specialized equipment, as defined in the Code of Federal Regulations, Title 23, Part 658, as amended. No occupied vehicle shall be pushed or otherwise propelled from the rear by another vehicle except for the purpose of obtaining emergency service to start the engine of such vehicle or to perform the immediate function of removing such vehicle from the travel lanes to a place of safety at the roadside. (b) Any person pushing, propelling, drawing or towing a motor vehicle, except as authorized by the provisions of this section shall be deemed to have committed an infraction. (1949 Rev., S. 2513; February, 1965, P.A. 448, S. 32; 1969, P.A. 262; P.A. 73-272; P.A. 75-577, S. 98, 126; P.A. 81-366, S. 1; P.A. 83-21, S. 2, 5; P.A. 84-17; 84-372, S. 2, 9; P.A. 88-317, S. 60, 107; P.A. 93-307, S. 7, 34.) History: 1965 act deleted penalty provision and added limited access highway exception in first sentence, required wreckers to use rigid tow bars and added provision re pushing vehicles from the rear; 1969 act deleted exception re limited access highways and clarified requirement concerning rigid tow bars; P.A. 73-272 added exception re use of saddlemount devices; P.A. 75-577 made violation of provisions an infraction; P.A. 81-366 included specific vehicles in the general prohibition of towing more than one vehicle at a time; P.A. 83-21 divided section into Subsecs. and prohibited operation of commercial vehicle combinations and mandated fine and suspension of registration or license for such operation (Note: The U.S. District Court for the District of Connecticut granted the United States' motion for preliminary injunction enjoining the state from enforcing a prohibition on operation of commercial vehicle combinations on interstate highways and primary system highways designated pursuant to Section 411(e) of the Surface Transportation Assistance Act of 1982. U.S. v. State of Conn., D.C. Conn. 1983, 566 F. Supp. 571, affirmed 742 F.2d 1443); P.A. 84-17 inserted Subdivs. in Subsec. (a) adding new language as Subdiv. (1) permitting the towing of two vehicles at the same time with an overall length restriction; P.A. 84-372 eliminated prohibition on, and penalties for, operation of a commercial vehicle combination; P.A. 88-317 amended reference to Secs. 4-166 to 4-174 in Subsec. (a) to include new section added to Ch. 54, effective July 1, 1989, and applicable to all agency proceedings commencing on or after that date; P.A. 93-307 in Subsec. (a)(2) deleted the words "two saddlemounts" and inserted in lieu thereof the words, "three saddlemounts and one fullmount" and in Subsec. (a)(3) inserted a reference to "specialized equipment", effective June 29, 1993. Cited. 145 C. 141.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-261a. - Regulation of commercial vehicle combinations.

(a) A commercial vehicle combination may be operated by any person who holds an endorsed commercial driver's license or a CDL equivalent license on highways which are part of the National System of Interstate and Defense Highways and those sections of the

Federal-Aid Primary System which are divided highways with four or more lanes and full control of access, which highways and sections are designated by the Secretary of the federal Department of Transportation pursuant to the Surface Transportation Assistance Act of 1982, as amended, provided the Commissioner of Transportation shall impose reasonable restrictions consistent with federal law. The Commissioner of Transportation may permit the operation of a commercial vehicle combination, defined as “specialized equipment” in the Code of Federal Regulations Title 23, Part 658, as amended, by any person holding a license to operate a commercial vehicle combination as provided in this section and semitrailers, as described in subsection (c) of section 14-262, on any other highway in order to allow the vehicle reasonable access to terminals, facilities for food, fuel, repairs and rest, and points of loading and unloading for household goods carriers. If a commercial vehicle combination consists of two semitrailers or a trailer drawing a semitrailer, such trailers shall be coupled by a converter dolly or a type of dolly approved by the Commissioner of Motor Vehicles. (b) Any person operating a commercial vehicle combination or a semitrailer, as described in subsection (c) of section 14-262, in violation of any provision of subsection (a) of this section shall be fined one thousand dollars for each offense. The Commissioner of Motor Vehicles shall also suspend, for sixty days, the motor vehicle registration certificate, privilege to operate or operator's license of any such person. (P.A. 83-21, S. 3, 5; P.A. 84-372, S. 3, 9; 84-546, S. 45, 173; P.A. 85-254; 85-613, S. 134; P.A. 89-171, S. 3, 5; P.A. 93-307, S. 8, 34; P.A. 98-91, S. 3; P.A. 07-167, S. 12.) History: (Note re P.A. 83-21, S. 3: The U.S. District Court for the District of Connecticut granted the United States' motion for preliminary injunction enjoining the state from enforcing a prohibition on operation of commercial vehicle combinations on interstate highways and primary system highways designated pursuant to Section 411(e) of the Surface Transportation Assistance Act of 1982. U.S. v. State of Conn., D.C. Conn. 1983, 566 F. Supp. 571, affirmed 742 F.2d 1443); P.A. 84-372 deleted provision making section applicable only upon court enjoining enforcement of commercial vehicle combination prohibition, deleted Subdivs. (2) to (5), inclusive, changed numbering of remaining Subsecs. to lettering, authorized permits for operation of commercial vehicle combinations to license testing site and to reasonable access points in Subsec. (a), modified class 1A license requirements in Subsec. (b) and added Subsecs. (c), (d), (e) and (f), concerning, respectively, safety inspections, reporting, regulations and penalties; P.A. 84-546 made technical amendments to former Subdivs. (2) and (3) which failed to take effect, those Subdivs. having been deleted by P.A. 84-372; P.A. 85-254 amended Subsec. (b) by reducing the period during which an applicant must demonstrate he has not violated various traffic laws from five years to three years, inserted a new Subsec. (c) providing for recognition of reciprocal agreements governing licensing requirements and relettering the remaining subsections and amended Subdiv. (2) of the new Subsec. (d) by adding a Subpara. (C) allowing vehicles to operate with a certificate of inspection on the tractors only provided the operator of the vehicle has established a preventive maintenance program approved by the commissioner; P.A. 85-613 revised Subsec. (c) deleting former provision re recognition of reciprocal agreements between other states and adding language re issuance of Class 1A license to holder of license to operate a commercial vehicle combination issued by another state; P.A. 89-171 eliminated all references throughout the section to the issuance and holding of a class 1A license and authorized the operation of a commercial vehicle combination by any person who holds an endorsed commercial driver's license, CDL equivalent license, endorsed class 1 license or an operator's license issued by another state authorizing operation of such vehicle with an endorsement issued by the commissioner, required each person holding a valid class 1A license on June 1, 1989, to surrender such license to commissioner not later than December 31, 1989, who shall then issue an endorsement to such person, deleted Subsecs. (c) and (e) in their entirety, relettering remaining Subsecs., required the commissioner to adopt regulations to carry out purposes of this section and deleted reference to commissioner of transportation and made all technical changes as necessary; P.A. 93-307 amended Subsec. (a) by providing that the commissioner of transportation may permit the operation of a commercial vehicle combination defined as “specialized equipment” in the Code of Federal Regulations, effective June 29, 1993; P.A. 98-91 amended Subsecs. (a) and (e) to add references to semitrailers and increased fine in Subsec. (e) from \$500 to \$1,000; P.A. 07-167 amended Subsec. (a) by deleting former Subdivs. (3) and (4) re holder of endorsed class 1 license or license issued by another state together with endorsement issued by commissioner, deleting remaining subdivision designators and making technical changes, deleted former Subsecs. (b) re endorsement, (c) re inspections and (d) re regulations, redesignated existing Subsec. (e) as new Subsec. (b) and made conforming changes therein. Cited. 199 C. 667.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-261b. - Drug and alcohol testing of drivers of certain vehicles, mechanics and forklift operators.

(a) For the purposes of this section: (1) “Driver” means an employee driver or a contract driver under contract for ninety days or more in a period of three hundred sixty-five days; and (2) “Employer” means a person employing or contracting with a driver. (b) Notwithstanding the provisions of sections 31-51t to 31-51aa, inclusive, (1) any person employing a driver of a commercial motor vehicle, as defined in section 14-1, operating in intrastate commerce in the state shall require such driver to submit to testing as provided by federal law pursuant to 49 USC 31306 and 49 CFR Parts 382 and 391, and (2) any person employing a driver of a motor vehicle with a gross vehicle weight rating of ten thousand and one pounds or more but not more than twenty-six thousand pounds, a mechanic who repairs or services such a vehicle or a commercial motor vehicle, as defined in section 14-1, or a forklift operator may require such driver, mechanic or operator to submit to testing as provided by federal law pursuant to 49 USC 3102 and 49 CFR Parts 382 and 391. (c) Any employer who fails to comply with the provisions of this section shall be subject to a civil penalty of one thousand dollars which shall be imposed by the Commissioner of Motor Vehicles after notice and opportunity for a hearing pursuant to the provisions of chapter 54. The commissioner shall impose a civil penalty of two thousand five hundred dollars for any subsequent failure to comply by such employer. (P.A. 91-316, S. 1, 2; 91-406, S. 24, 29; P.A. 94-189, S. 17; P.A. 95-140; P.A. 00-169, S. 28; P.A. 07-224, S. 5.) History: P.A. 91-406 substituted reference to Subsec. (f) for (e) in Subsec. (a) and

“or” for “and” between Subdivs. (3) and (4) in Subsec. (d); P.A. 94-189 amended Subsec. (a) by adding a reference to Secs. 31-51u and 31-51v, changing the vehicle weight rating from “over twenty-six thousand pounds” to “twenty-six thousand and one pounds or more” and adding Subsec. (g) concerning a civil penalty; P.A. 95-140 reversed the order of Subsecs. (a) and (b), eliminating the definition of “urinalysis drug test” in Subsec. (a) and inserting in Subsec. (b) provisions requiring that all drivers of commercial motor vehicles, as defined, submit to alcohol and drug testing and authorizing the testing of drivers of motor vehicles with a GVWR of 10,001 pounds or more but not more than 26,000 pounds, mechanics who repair such vehicles or commercial motor vehicles and forklift operators and deleted Subsecs. (c) to (f), inclusive, re urinalysis drug tests, relettering the remaining Subsec. accordingly; P.A. 00-169 amended Subsec. (b) by making a technical correction; P.A. 07-224 amended Subsec. (c) by increasing civil penalties from \$300 to \$1,000 for failure to comply and from \$1,000 to \$2,500 for subsequent failure to comply, effective July 1, 2007.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-262. - Width and length of vehicles. Exceptions. Permits.

(a) The following vehicles shall not be operated upon any highway or bridge without a special written permit from the Commissioner of Transportation, as provided in section 14-270, specifying the conditions under which they may be so operated: (1) A vehicle, combination of vehicle and trailer or commercial vehicle combination, including each such vehicle's load, which is wider than one hundred two inches or its approximate metric equivalent of two and six-tenths meters or one hundred two and thirty-six-hundredths inches, including its load, but not including the following safety devices: Reasonably sized rear view mirrors, turn signals, steps and handholds for entry and egress, spray and splash suppressant devices, load-induced tire bulge and any other state-approved safety device which the Commissioner of Transportation determines is necessary for the safe and efficient operation of such a vehicle or combination, provided no such state-approved safety device protrudes more than three inches from each side of the vehicle or provided no such device has by its design or use the capability to carry cargo. Such permit shall not be required in the case of (A) farm equipment, (B) a vehicle or combination of vehicle and trailer loaded with hay or straw, (C) a school bus equipped with a folding stop sign or exterior mirror, as approved by the Commissioner of Motor Vehicles, which results in a combined width of bus and sign or bus and mirror in excess of that established by this subsection, (D) a trailer designed and used exclusively for transporting boats when the gross weight of such boats does not exceed four thousand pounds, (E) a recreation vehicle with appurtenances, including safety devices and retracted shade awnings, no greater than six inches on each side for a maximum allowance of twelve inches, or (F) a vehicle with an attached snow plow, provided the snow plow may not exceed one hundred forty-four inches in width; and (2) A combination of truck and trailer which is longer than sixty-five feet except (A) a combination of truck and trailer or tractor and semitrailer loaded with utility poles, both trailer and semitrailer having a maximum length of forty-eight feet, utility poles having a maximum length of fifty feet and the overall length not to exceed eighty feet, (B) a trailer designed and used exclusively for transporting boats when the gross weight of such boats does not exceed four thousand pounds, (C) a tractor-trailer unit, (D) a commercial vehicle combination, (E) combinations of vehicles considered as specialized equipment in 23 CFR 658.13(e), as amended, having a maximum overall length of sixty-five feet on traditional automobile transporters, with the fifth wheel located on the tractor frame over the rear axle or axles, including low boys, or a maximum overall length of seventy-five feet on stinger-steered automobile transporters, excluding front and rear cargo overhangs, provided the front cargo overhang shall not exceed three feet and the rear overhang shall not exceed four feet. Extendable ramps used to achieve such three-foot front overhang and four-foot rear overhang shall be excluded from the measurement of overall length and shall be retracted when they are not supporting vehicles, or (F) a tractor equipped with a dromedary box operated in combination with a semitrailer which tractor and semitrailer do not exceed seventy-five feet in overall length. (b) A special written permit may not be issued by the Commissioner of Transportation for a combination of vehicles consisting of a vehicle drawing a combination of three or more trailers or semitrailers, except any such combination engaged in the transportation of an indivisible load. (c) The maximum length, including load, of a single unit vehicle shall be forty-five feet and the maximum length, including load, of the semitrailer portion of a tractor-trailer unit shall be forty-eight feet. A trailer greater than forty-eight feet and less than or equal to fifty-three feet in length, that has a distance of no more than forty-three feet between the kingpin and the center of the rearmost axle with wheels in contact with the road surface, may be operated on (1) unless posted otherwise, United States and Connecticut routes numbered from 1 to 399, inclusive, 450, 476, 508, 693 and 695 and the national system of interstate and defense highways, and (2) state and local roads for up to one mile from the routes and system specified in subdivision (1) of this subsection for access to terminals, facilities for food, fuel, repair and rest, and points of loading and unloading. The Commissioner of Transportation shall permit additional routes upon application of carriers or shippers provided the proposed additional routes meet the permit criteria of the Department of Transportation. Such length limitation shall be exclusive of safety and energy conservation devices, such as refrigeration units, air compressors or air shields and other devices, which the Secretary of the federal Department of Transportation may interpret as necessary for the safe and efficient operation of such vehicles, provided no such device has by its design or use the capability to carry cargo. (d) Violation of any provision of this section shall be subject to a fine of five hundred dollars. (1949 Rev., S. 2500; 1959, P.A. 542, S. 1; February, 1965, P.A. 429; 1967, P.A. 42; 1969, P.A. 354, S. 1; 768, S. 144; P.A. 74-153; P.A. 75-577, S. 99, 126; P.A. 76-342; P.A. 81-366, S. 2; P.A. 82-354; P.A. 84-372, S. 4, 9; P.A. 85-126, S. 1, 2; P.A. 91-15; P.A. 93-307, S. 9, 34; P.A. 94-188, S. 10; P.A. 97-304, S. 27, 31; P.A. 99-181, S. 17, 18, 21, 40; P.A. 02-123, S. 10; P.A. 03-115, S. 80; P.A. 04-143, S. 8; P.A. 06-133, S. 1; P.A. 11-256, S. 10; P.A. 12-132, S. 49.) History: 1959 act extended permissible length from 45 to 50 feet, deleted exception in first sentence for combination of passenger motor vehicle and trailer for camping or living purposes and substituted “piling or structural units” for “structural steel or iron”; 1965 act added provision re trailers exceeding 40 feet and increased permissible length from 50 to 55 feet;

1967 act placed 80-foot length limit on vehicle or vehicle and trailer loaded with poles, lumber, piling or structural units; 1969 acts made all limits applicable to combination of vehicle and trailer and replaced highway commissioner with commissioner of transportation; P.A. 74-153 added exceptions re farm equipment and school buses; P.A. 75-577 stated that violation of provisions is an infraction; P.A. 76-342 exempted from permit requirement automobile trailers designed and used for transporting new or used vehicles; P.A. 81-366 clarified those types of vehicles which are prohibited on state highways without special permits and increased the maximum length of a vehicle not requiring a special permit to 60 feet provided that the trailer is no longer than 45 feet; P.A. 82-354 added Subsec. (b) providing for a special permit for vehicles towing trailers between 45 and 48 feet in length; P.A. 84-372 made provisions of section consistent with federal law governing width and length of vehicles and rearranged provisions for clarity; P.A. 85-126 amended Subsec. (a)(1) by changing the width of a vehicle from 8 feet 6 inches to 102 inches or its metric equivalent not including various safety devices, amended Subsec. (a)(2) by prohibiting vehicle combinations engaged in transporting automobiles from allowing such automobiles to overhang more than 3 feet from the front of the vehicle or more than 4 feet from the rear of the vehicle, and amended Subsec. (b) by deleting exclusions in computing the maximum length of a semitrailer for various safety devices; P.A. 91-15 added a new Subsec. (b) prohibiting the department from issuing a permit for vehicles drawing a combination of three or more trailers or semitrailers and relettered the remaining Subsecs.; P.A. 93-307 amended Subsec. (a)(2) by making the Subdiv. inapplicable to a single vehicle, deleting Subparas. (A), (D) and (E) in their entirety, relettering the remaining Subparas. (B) and (C) accordingly and adding a new Subpara. (C) re commercial vehicles defined as specialized equipment, amended Subsec. (c) to provide that the maximum length of a single unit vehicle shall be 45 feet and the maximum length of the semitrailer portion of a tractor-trailer unit shall be 48 feet, adding provision permitting trailers greater than 48 feet and less than or equal to 53 feet to be operated on state and local roads for various reasons as long as the "distance from the kingpin to the center of the rearmost axle" does not exceed 41 feet and providing that the commissioner of transportation "shall permit additional routes" upon the application of carriers or shippers provided the additional routes meet the permit criteria of the department of transportation, effective June 29, 1993; P.A. 94-188 amended Subsec. (a)(2)(C) to read "commercial vehicle combination", adding Subpara. (D) and changing the citation to the Code of Federal Regulations from "Part 658" to "658.13(d)"; P.A. 97-304 added Subsec. (a)(2)(E) re tractors equipped with a dromedary box operated in combination with a semitrailer, effective July 8, 1997; P.A. 99-181 amended Subsec. (a)(2) by making the provisions of subdivision applicable to a combination of a "truck and trailer" in lieu of a "vehicle and trailer" and added a new Subpara. (A) re a combination of truck and trailer or trailer and semitrailer loaded with utility poles, relettering existing Subparas. accordingly, amended Subsec. (c) by changing the maximum allowed distance from the kingpin to the center of the rearmost axle from 41 to 43 feet and amended Subsec. (d) by changing penalty for violation from an infraction to a fine of \$500, effective June 23, 1999; P.A. 02-123 amended Subsec. (c) to allow the operation of a trailer greater than 48 feet and less than or equal to 53 feet long that has a distance of no more than 43 feet between the kingpin and the center of the rearmost axle on US and CT routes 1 to 399, inclusive, 450, 476, 508, 693 and 695 and on state and local roads for up to one mile from the specified routes and system and to make technical and conforming changes; P.A. 03-115 amended Subsec. (c) to add "with wheels in contact with the road surface", effective June 18, 2003; P.A. 04-143 amended Subsec. (a)(2) to prohibit combination trucks and trailers longer than 65 feet, rather than 60 feet, from operation on any highway or bridge without a special written permit and to make a technical change; P.A. 06-133 added Subsec. (a)(1)(E) re recreation vehicles with appurtenances, effective June 6, 2006; P.A. 11-256 amended Subsec. (a)(2)(E) to insert description of vehicle combinations requiring special written permit from Commissioner of Transportation and amended Subsec. (c) to include "load" in maximum length determination of single unit vehicle and semitrailer portion of tractor-trailer unit; P.A. 12-132 amended Subsec. (a)(1) by adding Subpara. (F) re vehicle with attached snow plow, effective June 15, 2012.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-262a. - Towing or hauling of vehicles in excess of certain limits and federal requirements.

A wrecker, as defined in section 14-1 and operated in accordance with section 14-66 with a divisible or nondivisible load as referenced in 23 CFR 658.5, may tow or haul a vehicle or combination of vehicles, without regard to the limitations of length or distance contained in section 14-262. A wrecker that has been issued an annual wrecker towing or transporting permit pursuant to section 14-270 may tow or haul a motor vehicle or combination of vehicles in excess of the axle, gross combination vehicle weight limits or federal bridge formula requirements for vehicles with divisible or nondivisible loads as referenced in 23 CFR 658.17, as prescribed by section 14-267a, (1) from any highway, (2) if such vehicle was involved in an accident, (3) if such vehicle became disabled and remains where such vehicle became disabled, or (4) if such vehicle is being towed or hauled by order of a traffic or law enforcement authority. Any towing operations in excess of one hundred sixty thousand pounds and in excess of an axle, gross combination vehicle weight or federal bridge formula requirements for vehicles with divisible or nondivisible loads as referenced in 23 CFR 658.17, as prescribed by section 14-267a, shall require a single-trip permit in addition to the annual permit as defined in section 14-270. Violation of any provision of this section shall be an infraction. (February, 1965, P.A. 563; P.A. 75-577, S. 100, 126; P.A. 08-101, S. 5; P.A. 09-186, S. 11; P.A. 12-81, S. 50; P.A. 17-79, S. 26.) History: P.A. 75-577 made violation of provisions an infraction; P.A. 08-101 replaced provision authorizing licensed repair tow trucks to tow disabled trucks and trailers from highways to nearest garage where disabled vehicle can be repaired with provision authorizing wrecker to tow or haul a motor vehicle, if vehicle was involved in accident or became disabled and remains within limits of highway or is being towed or hauled by order of traffic or law enforcement authority, from highway to nearest licensed repair facility or motor carrier terminal where vehicle can be repaired; P.A. 09-186 deleted provisions limiting towing or hauling without regard to length, authorized wrecker with

annual permit to tow or haul motor vehicle or combination of vehicles in excess of weight limits of Sec. 14-267a from any highway under certain circumstances, and required a single-trip permit for all other towing operations in excess of such weight limits, effective July 20, 2009; P.A. 12-81 made provision authorizing towing or hauling of vehicle or combination of vehicles without regard to limitations in Sec. 14-262 applicable to a wrecker “with a divisible or nondivisible load as referenced in 23 CFR 658.5”, added exemption from limitations of distance contained in Sec. 14-262, replaced “permit” with “wrecker towing or transporting permit”, authorized towing or hauling of motor vehicle or combination of vehicles in excess of axle limits, gross combination vehicle weight limits or federal bridge formula requirements for vehicles with divisible or nondivisible loads as referenced in 23 CFR 658.17, designated provision re towing or hauling from any highway as Subdiv. (1), redesignated provision re vehicle involved in accident as Subdiv. (2), redesignated existing Subdiv. (2) as Subdiv. (3) and amended same to replace “within the limits of a highway” with “where such vehicle became disabled”, redesignated existing Subdiv. (3) as Subdiv. (4) and amended same to delete provision re vehicle towed or hauled to the nearest licensed repair facility or motor carrier terminal, provided towing operations requiring single-trip permit are those “in excess of one hundred sixty thousand pounds and in excess of an axle, gross combination vehicle weight or federal bridge formula requirements for vehicles with divisible or nondivisible loads as referenced in 23 CFR 658.17, as defined in section 14-267a”, rather than those “with a gross combination vehicle weight in excess of those defined in section 14-267a” and provided that the single-trip permit is in addition to the annual permit defined in Sec. 14-270, effective June 6, 2012; P.A. 17-79 made technical changes.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-262b. - Permits for operating or towing mobile homes. Width and length of vehicles. Regulations.

Notwithstanding section 14-270, the Commissioner of Transportation shall establish a program for the purpose of issuing permits allowing the following vehicles to be operated upon any highway or bridge: (1) A mobile home with a width greater than fourteen feet but no greater than sixteen feet; (2) a mobile home attached to a towing vehicle which has a combined length of one hundred feet or less if such mobile home has a length over eighty feet; or (3) a mobile home attached to a towing vehicle which has a combined length of one hundred four feet if such mobile home has a length of eighty feet or less. Such permit shall specify conditions under which such mobile home shall be permitted to operate, including, but not limited to, the period of time such operation shall be authorized. For the purposes of this section, “mobile home” has the same meaning as provided in section 21-64a. The Commissioner of Transportation shall adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section. (P.A. 03-96, S. 1; P.A. 11-256, S. 11; P.A. 14-122, S. 109.) History: P.A. 11-256 amended Subdivs. (2) and (3) to replace “towing vehicle” with “mobile home”, effective July 13, 2011; P.A. 14-122 made technical changes.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-262c. - Tow dolly.

A tow dolly shall be exempt from the registration requirements of chapter 246. As used in this section “tow dolly” means a two-wheeled trailer without motive power (1) that is towed by a motor vehicle, (2) that is designed and used to tow another motor vehicle, and (3) upon which the front or rear wheels of the towed motor vehicle are mounted while the other wheels of the towed motor vehicle remain in contact with the ground. (P.A. 10-110, S. 4.) History: P.A. 10-110 effective June 5, 2010.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-262d. - Permits for vehicles transporting mobile homes, modular homes, house trailers or sectional houses.

(a) The Commissioner of Transportation may grant a permit for vehicles transporting mobile homes, modular homes, house trailers or sectional houses. The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to prescribe standards for issuance of such permits, provided such standards include, but are not limited to, a requirement that (1) the towing vehicle have a minimum manufacturer's gross weight rating of ten thousand pounds and dual wheels on the drive axle; (2) travel for such vehicles be restricted to daylight hours, weekdays, and favorable weather and road conditions; (3) travel for such vehicles in excess of twelve feet wide be restricted to the hours between 9:00 a.m. and 4:00 p.m. on Tuesdays through Thursdays; (4) the maximum width for house trailers be fourteen feet, including all roof overhangs, sills, knobs and siding; (5) a safe passing distance be maintained between vehicles when the overall width of such vehicles exceeds ten feet; (6) the combined length of the unit when attached to the towing vehicle not exceed eighty-five feet, except that ninety feet is permitted when the towed unit does not exceed sixty-six feet in length excluding the hitch and the roof overhang. (b) Any person who violates the provisions of any permit issued under this section or fails to obtain such a permit shall be subject to the applicable penalties in subsection (g) of section 14-270. (P.A. 12-81, S. 55; June 12 Sp. Sess. P.A. 12-2, S. 118.) History: June 12 Sp. Sess. P.A. 12-2 amended Subsec. (a) to substitute “permits” for “vehicles” re standards for issuance and make technical changes.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-263. - Length of camp trailers.

Section 14-263 is repealed. (1949 Rev., S. 2498; 1955, S. 1380d; 1969, P.A. 354, S. 2; 768, S. 145.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle

Highway UseSection 14-264. - Special permits for vehicles of excessive height.

No vehicle, except a vehicle loaded with loose hay or straw, whose height, with its load, exceeds thirteen feet six inches, shall be operated upon any highway or bridge without a special written permit from the Commissioner of Transportation as provided in section 14-270, specifying the period for which and the other conditions under which such vehicle shall be permitted to be so operated. Violation of the provision of this section shall be subject to a fine of one thousand five hundred dollars. (1949 Rev., S. 2501; 1967, P.A. 153, S. 1; 1969, P.A. 354, S. 3; 768, S. 146; P.A. 75-577, S. 104, 126; P.A. 99-181, S. 22, 40.) History: 1967 act increased maximum height from 12 feet 6 inches to 13 feet 6 inches; 1969 acts deleted "commercial" with reference to vehicles, thus broadening applicability, added reference to Sec. 14-270 and replaced highway commissioner with commissioner of transportation; P.A. 75-577 replaced provision for maximum fine of \$25 with statement that violation of provisions is an infraction; P.A. 99-181 changed penalty for violation from an infraction to a fine of \$1,500, effective June 23, 1999. Violation constitutes negligence but to constitute contributory negligence it must be a proximate cause or substantial factor in bringing about the injuries. 145 C. 714.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 248 - Vehicle Highway UseSection 14-265. - Special permits for trailers.

Section 14-265 is repealed. (1949 Rev., S. 2502; 1969, P.A. 354, S. 4; 768, S. 147; P.A. 82-223, S. 17; P.A. 83-577, S. 22; P.A. 91-216, S. 3.)

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 248 - Vehicle Highway UseSection 14-266. - Operating vehicles of over four tons' capacity on restricted highways.

The Commissioner of Transportation may restrict the use of motor vehicles of over four tons' capacity on any state highway or portion thereof which, in his opinion, would be seriously injured by such use. No person shall operate any such motor vehicle on any such restricted highway or portion thereof. Any person who violates any provision of this section shall be fined not less than one hundred dollars nor more than five hundred dollars. (1949 Rev., S. 2499; 1969, P.A. 768, S. 148; P.A. 90-263, S. 25, 74.) History: 1969 act replaced highway commissioner with commissioner of transportation; P.A. 90-263 deleted reference to commercial motor vehicles. Cited. 22 CS 489.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 248 - Vehicle Highway UseSection 14-267. - Operating overweight commercial vehicles. Highway weighing required. Penalty.

Section 14-267 is repealed. (1949 Rev., S. 2422; 1953, S. 1317d; February, 1965, P.A. 240; 1969,P.A. 446, S. 3; 768, S. 149; 1971, P.A. 506; P.A. 75-194, S. 1, 2; P.A. 79-188, S. 9, 10.)

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 248 - Vehicle Highway UseSection 14-267a. - Weight restrictions for vehicles, trailers or other objects. Highway weighing procedure. Penalties for overweight violations. Fines for failure to comply. Regulations.

(a) A vehicle or combination of vehicle and trailer or semitrailer or any other object may be operated upon any highway or bridge, subject to the provisions of section 13a-151, provided such vehicle or combination of vehicle and trailer or semitrailer or other object meets all the applicable requirements of this section or has been granted a permit under section 14-270. (b) The axle weight on any axle and the gross weight of any vehicle or combination of vehicle and trailer or vehicle and semitrailer or any other object, including its load, may not exceed the lesser of the manufacturer's axle weight rating, the manufacturer's gross vehicle weight rating or the following axle and gross weight limits: (1) The weight on any single axle shall not exceed twenty-two thousand four hundred pounds or, in the case of axles spaced less than six feet apart, eighteen thousand pounds on each axle; (2) a two-axle vehicle shall comply with the axle requirements specified in subdivision (1) of this subsection, and shall not exceed a maximum gross vehicle weight of thirty-six thousand pounds; (3) a three-axle vehicle shall comply with the axle requirements specified in subdivision (1) of this subsection and shall not exceed a maximum gross vehicle weight of fifty-three thousand eight hundred pounds; (4) a three-axle combination of vehicle and trailer or vehicle and semitrailer shall comply with the axle requirements specified in subdivision (1) of this subsection and shall not exceed a maximum gross vehicle weight of fifty-eight thousand four hundred pounds; (5) a four-or-more-axle vehicle or combination of vehicle and trailer or vehicle and semitrailer shall comply with the axle requirements specified in subdivision (1) of this subsection and shall not exceed a maximum gross vehicle weight of sixty-seven thousand four hundred pounds; (6) a four-or-more-axle vehicle or combination of vehicle and trailer or vehicle and semitrailer where the distance between the first and last axle is not less than twenty-eight feet shall comply with the axle requirements specified in subdivision (1) of this subsection and shall not exceed a maximum gross vehicle weight of seventy-three thousand pounds; (7) the gross vehicle weight of (A) a bulk milk pickup tanker, or (B) a vehicle or combination of vehicle and trailer or vehicle and semitrailer hauling agricultural commodities shall not exceed one hundred thousand pounds, provided the weight of the bulk milk pickup tanker or such vehicle or combination is permitted under the federal-aid highway amendments of 1974, 88 Stat. 2281, 23 USC 101 et seq., as amended from time to time; and (8) notwithstanding the provisions of this subsection and subsection (e) of this section, a vehicle or combination of vehicle and semitrailer may be operated on any highway or bridge without a written permit, provided it is in compliance with the axle requirements specified in subdivision (1) of this subsection, and provided such vehicle or combination is in

compliance with the federal-aid highway amendments of 1974, 88 Stat. 2281, 23 USC 101 et seq., as amended from time to time, including the gross vehicle weight limit of eighty thousand pounds and the following weight distribution formula: Where W = overall gross weight on any group of two or more consecutive axles to the nearest five hundred pounds, L = distance in feet between the extreme of any group of two or more consecutive axles, and N = number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of sixty-eight thousand pounds, provided the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more. As used in this subsection, "agricultural commodity" means inputs limited to feed, seed and fertilizer and products of agriculture, as described in subsection (q) of section 1-1. (c) The weight per inch width of tire on any single vehicle or combination of vehicles equipped with pneumatic tires, when loaded, shall be not more than six hundred pounds. The sum of the widths of all the tires on a wheel or combination of wheels shall be taken in determining tire width. For the purposes of this section, the width of pneumatic tires shall be determined in conformity with the manufacturer's designated width on the tire. A vehicle or combination of vehicles equipped with any solid rubber tires shall not have weights more than eighty per cent of those permitted in this section for pneumatic tires. The width of solid rubber tires shall be ascertained by measuring the width of the tire base channel or between the flanges of the metal rim. No vehicle equipped with solid tires which have at any point less than one inch of rubber above the top or beyond the flange or rim shall be operated upon a public highway. (d) The owner of any vehicle or other object operated or moved over any highway or bridge in violation of any provision of this section shall be liable for all damages to such highway or bridge resulting from such violation and such damages may be recovered in an action at law by the authority in charge of the maintenance of such highway or bridge. (e) No person shall operate any commercial motor vehicle, nor shall the owner or lessee of any commercial motor vehicle allow such motor vehicle to be operated, on any public highway or bridge, when the combined weight of vehicle and load exceeds the gross weight, as registered with the Department of Motor Vehicles, the tire capacity or the axle load, except that the gross vehicle weight shall not exceed eighty thousand pounds, or as provided by statute, or, in the case of a vehicle registered in any other state or country, as so registered or provided in such state or country or as designated as legal for a like motor vehicle of Connecticut registration, whichever is the lesser, without a written permit from the Commissioner of Transportation, which shall prescribe the condition under which such vehicle shall be operated. (f) (1) The penalties provided for in this subsection shall be assessed against the owner of a commercial motor vehicle when the owner, the owner's agent or employee is the operator, or against the lessee of such vehicle when the lessee, the lessee's agent or employee is the operator of a leased or rented commercial motor vehicle. (2) Any person who violates any provision of this section shall be subject to the following penalties: (A) For an overweight violation of not more than five per cent of the gross weight or axle weight limits in subsection (b) of this section, a fine of three dollars per hundred pounds or fraction thereof of such excess weight; (B) for an overweight violation of more than five per cent and not more than ten per cent of either such weight limit, a fine of five dollars per hundred pounds or fraction thereof of such excess weight or a minimum fine of fifty dollars; (C) for an overweight violation of more than ten per cent but not more than fifteen per cent of either such weight limit, a fine of six dollars per hundred pounds or fraction thereof of such excess weight or a minimum fine of one hundred dollars; (D) for an overweight violation of more than fifteen per cent but not more than twenty per cent of either such weight limit, a fine of seven dollars per hundred pounds or fraction thereof of such excess weight or a minimum fine of two hundred dollars; (E) for an overweight violation of more than twenty per cent but not more than twenty-five per cent of either such weight limit, a fine of ten dollars per hundred pounds or fraction thereof of such excess weight or a minimum fine of three hundred dollars; (F) for an overweight violation of more than twenty-five per cent but not more than thirty per cent of either such overweight limit, a fine of twelve dollars per hundred pounds or fraction thereof of such excess weight or a minimum fine of five hundred dollars; and (G) for an overweight violation of more than thirty per cent of either such overweight limit, a fine of fifteen dollars per one hundred pounds or fraction thereof of such excess weight or a minimum fine of one thousand dollars. (3) The court shall note on the record any conviction for an overweight violation in excess of fifteen per cent of the gross weight limits in subsection (b) of this section with respect to any vehicle with a gross vehicle weight of eighteen thousand pounds or more and shall cause such information to be transmitted to the Commissioner of Motor Vehicles. Upon receipt of such information with respect to a third or subsequent conviction for such overweight violation in a calendar year, the commissioner may schedule a hearing, in accordance with the provisions of chapter 54, to review the record of the motor vehicle registrant and shall notify the registrant of the hearing. In such cases, the Commissioner of Motor Vehicles may review information and evidence presented at the hearing including, but not limited to, frequency of the registrant's commercial vehicle operations, the size of the registrant's fleet and the culpability, if any, of the shipper. After the hearing, the commissioner may impose a civil penalty on the owner or lessee of such motor vehicle in the amount of two thousand dollars or revoke the registration, for a period of thirty days, of any commercial motor vehicle so operated and may refuse to issue a registration for such motor vehicle during such further time as the commissioner deems reasonable. (4) An owner or lessee who is assessed penalties pursuant to this subsection for an overweight violation in excess of fifteen per cent of the gross weight limits in subsection (b) of this section five times during any calendar year shall be assessed by the court an additional five thousand dollars for the fifth violation and an additional five thousand dollars for each subsequent overweight violation in excess of fifteen per cent of such limits in such calendar year. (5) No more than twenty-five per cent of any fine imposed pursuant to this subsection may be remitted unless the court determines that there are mitigating circumstances and specifically states such circumstances for the record. (g) For the purpose of enforcing the provisions of this section, any state police officer, Department of Emergency Services and Public Protection employee designated by the Commissioner of Emergency Services and Public Protection, local police officer, Department of Motor Vehicles inspector, or Department of Transportation employee designated by the Commissioner of Transportation, may require the driver to stop and submit to a weighing by means of either portable or stationary

scales and may require that such vehicle be driven to a scale or safety inspection site. (h) Whenever signs are displayed on a public highway, indicating that a scale is in operation and directing the driver of a motor vehicle described in subsection (a) of section 14-163c to stop at the weighing area, the driver shall stop and, in accordance with the directions of any state police officer, local police officer, Department of Motor Vehicles inspector, or Department of Motor Vehicles employee designated by the Commissioner of Motor Vehicles, allow the vehicle to be weighed or inspected. (i) The driver of a vehicle which is weighed may remove from such vehicle any material, including, but not limited to, sand, debris, ice or snow, which may have accumulated on the outside of such vehicle, before any such official determines that the weight of such vehicle is unlawful. (j) Whenever such an official, upon weighing a vehicle and load, determines that the weight is unlawful, such official may require the driver to remove from the vehicle that portion of the load that may be necessary to reduce the gross or axle weight of such vehicle to the limit permitted under this chapter, provided if the vehicle is in violation of an axle weight limit in subsection (b) of this section but not a gross weight limit under said subsection, such official shall allow the driver to manually shift the load in order to comply with such axle weight limit without penalty. (k) (1) Any driver of a vehicle who fails or refuses when directed by such official, upon a weighing of the vehicle, to comply with such official's directions shall be fined not less than one hundred dollars or more than two hundred dollars for the first offense and not less than two hundred dollars or more than five hundred dollars for each subsequent offense. (2) Any driver of a vehicle who (A) exits a limited access highway on which a scale or safety inspection site is in operation with intent to circumvent the provisions of subsection (h) of this section, without a bona fide business purpose, (B) parks on a limited access highway on which a scale or safety inspection site is in operation with intent to circumvent the provisions of subsection (h) of this section, without a bona fide reason requiring such vehicle to be parked, or (C) fails to comply with the provisions of subsection (h) of this section shall be fined not less than two hundred fifty dollars or more than five hundred dollars for the first offense and not less than five hundred dollars or more than one thousand dollars for each subsequent offense. (l) The Commissioner of Transportation may adopt regulations in accordance with chapter 54 necessary to implement the purposes of this section. The Commissioner of Transportation, after consultation with the Commissioner of Emergency Services and Public Protection and the Commissioner of Motor Vehicles, shall adopt regulations in accordance with chapter 54 defining safety standards and inspection procedures to assure compliance with the safety requirements of 10 CFR 71 and 49 CFR 100 through 199 and the fines for noncompliance. The Department of Transportation shall coordinate development of state policy and regulations concerning the trucking industry. (P.A. 79-188, S. 1, 10; P.A. 80-71, S. 22, 30; P.A. 81-472, S. 23, 159; Oct. Sp. Sess. P.A. 83-1, S. 1, 4; P.A. 84-516, S. 2-4, 7; P.A. 85-198; 85-533, S. 1; P.A. 86-403, S. 30, 132; P.A. 88-320, S. 1; P.A. 94-188, S. 11; P.A. 02-70, S. 58, 59, 64; P.A. 03-190, S. 1; P.A. 07-217, S. 52; P.A. 11-51, S. 134; 11-213, S. 40; 11-256, S. 12; P.A. 13-271, S. 32; 13-277, S. 62.) History: P.A. 80-71 amended Subsec. (b) to include provisions re weight distribution formula, raised maximum weight in Subsec. (e) from 73,000 to 80,000 pounds, completely changed fine provisions of Subsec. (f), made technical corrections in Subsecs. (g) and (h) and expanded regulation powers in Subsec. (k); P.A. 81-472 made technical changes; Oct. Sp. Sess. P.A. 83-1 entirely replaced Subsec. (f) provisions re penalties with new provisions; P.A. 84-516 deleted Subsec. (b)(9), which required use of the federal bridge formula in computing gross weight for all commercial vehicles on and after January 1, 1990, completely changed the fines in Subsec. (f)(2), limited the applicability of Subsec. (f)(3) and (5) to violations of gross weight limits and added the provision in Subsec. (i) re shifting of loads; P.A. 85-198 inserted a new Subsec. (i) which allows drivers to remove material which may have accumulated on the outside of a vehicle before such vehicle is weighed and relettered former Subsecs. (i) to (k) accordingly; P.A. 85-533 amended Subsec. (f)(3) by requiring a bond of an out-of-state owner or lessee of a motor vehicle and requiring a fine of \$2,000 of an in-state owner or lessee upon a second conviction; P.A. 86-403 replaced numeric Subpara. indicators with alphabetic Subpara. indicators in Subsec. (f)(3); P.A. 88-320 added Subsec. (k)(2) to require a penalty for any driver of a vehicle who attempts to avoid a scale or safety inspection site or fails to comply with the provisions of Subsec. (h); P.A. 94-188 amended Subsec. (b) by eliminating the 2% tolerance in the weight calculation formula, providing that axle weight and gross weight, including load weight, may not "exceed the manufacturer's axle weight rating, the gross vehicle weight rating or the following gross weight limits", amended Subdiv. (1) by deleting language concerning a 26,000 pound weight limit for a two-axle vehicle equipped with solid tires, and making what was formerly Subdiv. (2) the new Subdiv. (1), renumbering the remaining Subdivs., eliminating language concerning "all enforcement tolerances", and increasing the gross load that two consecutive sets of tandem axles may carry from 34,000 pounds each to 68,000 pounds. Further, the act amended Subsec. (e) by eliminating the 2% tolerance in the weight calculation formula and revising Subsec. (j) to provide that the driver be allowed to shift the load manually; (Revisor's note: In 1997 references in Subsecs. (g) and (h) to "Motor Vehicles Department" and "Transportation Department" were changed editorially by the Revisors to "Department of Motor Vehicles" and "Department of Transportation" for consistency with customary statutory usage); P.A. 02-70 amended Subsec. (f) by making technical changes for purposes of gender neutrality in Subdiv. (1), by rewriting Subdiv. (3) to delete requirement that court note on the record any forfeiture of bond for failure to appear for an overweight violation, to require court to transmit to Commissioner of Motor Vehicles information re convictions for overweight violations in excess of 15% of the gross weight limits, to allow commissioner to schedule a hearing review record of the registrant upon receipt of information re a third or subsequent conviction for overweight violation in a calendar year, to allow commissioner to review information and evidence presented at the hearing including, but not limited to, frequency of registrant's operations, size of fleet and culpability of shipper, to allow commissioner, after hearing, to impose a civil penalty in amount of \$2,000, to delete former Subparas. (A) and (B) re out-of-state owners or lessees to provide a bond in the sum of \$2,000 and re commissioner to fine an in-state owner or lessee \$2,000 upon a second conviction, and to delete provisions re revocation of registration and bond requirements, by deleting former Subdiv. (4) re revocation of registration upon third conviction or forfeiture of a bond for failure to

appear for overweight violations re vehicles with a gross vehicle weight of less than 18,000 pounds, by redesignating existing Subdivs. (5) and (6) as Subdivs. (4) and (5) and by amending redesignated Subdiv. (4) to delete reference to “forfeits a bond for failure to appear” and to reduce the assessment by the court from \$10,000 to \$5,000 for a fifth, instead of a fourth, overweight violation in a calendar year, and amended Subsecs. (g) and (h) to make technical changes, effective July 1, 2002; P.A. 03-190 added new Subsec. (b)(7) increasing permissible weight of bulk milk pickup tankers to 99,000 pounds, subject to applicable federal law, redesignating existing Subdiv. (7) as Subdiv. (8); P.A. 07-217 made technical changes in Subsec. (k), effective July 12, 2007; pursuant to P.A. 11-51, “Commissioner of Public Safety” and “Department of Public Safety” were changed editorially by the Revisors to “Commissioner of Emergency Services and Public Protection” and “Department of Emergency Services and Public Protection”, respectively, in Subsecs. (g), (h) and (l), effective July 1, 2011; P.A. 11-213 amended Subsec. (b) to clarify that axle weight on any axle and gross weight of any vehicle or certain combinations may not exceed the lesser of manufacturer's axle weight rating, manufacturer's gross vehicle weight rating or axle and gross weight limits in Subdivs. (1) to (8) and, in Subdiv. (1), to establish weight limit on any axle of 22,400 pounds or, for axles spaced less than 6 feet apart, 18,000 pounds on each axle and, in Subdivs. (2) to (6) and (8), to delete maximum axle weights and substitute requirement for compliance with axle requirements in Subdiv. (1), effective July 1, 2011; P.A. 11-256 amended Subsec. (k)(2) to add new Subpara. (B) re parking with intent to circumvent Subsec. (h) and to redesignate existing Subpara. (B) as Subpara. (C), effective July 13, 2011; P.A. 13-271 amended Subsec. (h) to replace reference to commercial vehicle with reference to motor vehicle described in Sec. 14-163c(a), to replace reference to Department of Transportation employee with reference to Department of Motor Vehicles employee, to replace reference to Commissioner of Transportation with reference to Commissioner of Motor Vehicles and to delete “Department of Emergency Services and Public Protection employee designated by the Commissioner of Emergency Services and Public Protection”, effective July 1, 2013; P.A. 13-277 amended Subsec. (b) to define “agricultural commodity” and, in Subdiv. (7), to establish permissible weight of 100,000 pounds for vehicle, or combination of vehicle and trailer or vehicle and semitrailer, hauling agricultural commodities and to increase permissible weight of bulk milk pickup tanker from 99,000 pounds to 100,000 pounds. Cited. 25 CA 217. Trial under section was not a “criminal prosecution” as term is used in sixth amendment to federal constitution; defendant is therefore not entitled to a jury trial under federal constitution. 41 CA 454.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-267b. - Weight restrictions for motor buses. Penalties.

(a) The provisions of subdivisions (1), (2), (3), (4) and (8) of subsection (b) of section 14-267a shall not apply to any motor bus, as defined in section 14-1, if such motor bus complies with the weight limits specified in 23 CFR 658.17. (b) A person who violates any provision of subsection (a) of this section shall be subject to the penalties set forth in subsection (f) of section 14-267a. (P.A. 99-181, S. 38, 40; P.A. 04-217, S. 28; P.A. 10-110, S. 8.) History: P.A. 99-181 effective June 23, 1999; P.A. 04-217 amended Subsec. (a) to eliminate reference to Sec. 14-1(a)(44), effective January 1, 2005; P.A. 10-110 made technical changes in Subsec. (a), effective June 5, 2010.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-267c. - Vehicles equipped with auxiliary power or idle reduction technology unit. Weight tolerance exemption.

The owner of a commercial motor vehicle that is equipped with an auxiliary power or idle reduction technology unit shall, subject to the conditions described in this section, be granted a weight tolerance exemption from the gross, total axle, total tandem or bridge formula weight limits established by section 14-267a. Such weight tolerance exemption shall authorize the operation of such commercial motor vehicle with additional weight equal to the actual weight of the auxiliary power or idle reduction technology unit, but not exceeding five hundred fifty pounds. Such exemption may be granted by any official or law enforcement officer authorized to enforce the provisions of said section 14-267a. To qualify for a weight tolerance exemption, an owner may be required to produce a written certification of the weight of such unit, and to show, by means of a written certification or physical demonstration, that the unit is fully functional at all times. As used in this section, “auxiliary power or idle reduction technology unit” means an integrated system, other than the vehicle's engine, that provides heat, air conditioning, engine warming, electric components or power to do the work for which the vehicle is designed. (P.A. 09-187, S. 43; P.A. 13-271, S. 33.) History: P.A. 13-271 increased maximum weight tolerance exemption from 400 pounds to 550 pounds, effective July 1, 2013.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-267d. - Weight tolerance exemption for commercial motor vehicle powered primarily through use of electric battery.

The owner of a commercial motor vehicle that is powered primarily through the use of an electric battery shall be granted a weight tolerance exemption of two thousand pounds from the gross, total axle, total tandem or bridge formula weight limits established by section 14-267a. Such exemption shall be granted by any official or law enforcement officer authorized to enforce the provisions of section 14-267a. (P.A. 24-20, S. 41.) History: P.A. 24-20 effective July 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-268. - Weight of vehicles and trailers restricted.

Section 14-268 is repealed. (1949 Rev., S. 2496; 1949, S. 1376d; 1963, P.A. 488; 1967, P.A. 699; 1969, P.A. 446, S. 4; 1971, P.A. 515; P.A. 79-188, S. 9, 10.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-269. - Weight of vehicles and trailers engaged in construction work.

(a) The provisions of section 14-267a shall not apply to any four-wheeled motor vehicle equipped with pneumatic tires which is engaged in construction work or in supplying or transporting materials or equipment for public or private construction projects and which is operating upon a highway or bridge within twenty-five miles of such construction project. (b) No such motor vehicle may be operated upon any highway or bridge if its gross weight, including its load, exceeds forty thousand pounds. (c) The gross vehicle weight and wheel base limitations of section 14-267a shall not apply to any four-axled motor vehicle equipped with pneumatic tires which is engaged in construction work or in supplying or transporting materials or equipment for public or private construction projects, provided the Commissioner of Transportation may restrict or prohibit by signs, legal notices or direct notice the highways or bridges which may be used by such vehicles. (d) No such four-axled motor vehicle may be operated upon any highway or bridge if its gross weight, including its load, exceeds seventy-three thousand pounds. (e) Any person who violates the provisions of subsection (b) or (d) of this section shall be subject to the penalties set forth in subsection (f) of section 14-267a. (f) The owner of any such vehicle operated over any highway or bridge in violation of any provision of this section or of section 13a-151 shall be liable for all damages which such highway or bridge may sustain as a result of such violation, and such damages may be recovered in an action at law by the authority in charge of the maintenance of such highway or bridge. (g) The Commissioner of Motor Vehicles may require a special registration and may issue special and distinguishing number plates for each motor vehicle which is subject to the provisions of this section. (1953, S. 1377d; February, 1965, P.A. 574, S. 20; 1969, P.A. 446, S. 5; 1971, P.A. 546; P.A. 79-188, S. 7, 10; P.A. 80-71, S. 26, 30; Oct. Sp. Sess. P.A. 83-1, S. 2, 4.) History: 1965 act corrected obsolete statutory reference in Subsec. (c); 1969 act deleted references to combinations of motor vehicle and trailer or semitrailer, making provision applicable instead to four-wheeled vehicles with pneumatic tires and replaced various limits in Subsec. (b) with single weight limit of 40,000 pounds; 1971 act inserted new Subsecs. (c) and (d) providing exception for vehicles used in construction work and placing absolute weight limit of 73,000 pounds and redesignated former Subsecs. (c) and (d) as (e) and (f); P.A. 79-188 replaced reference to repealed Sec. 14-268 with reference to Sec. 14-267a; P.A. 80-71 added reference to wheel base limitations in Subsec. (c) and replaced "four-or-more axled" vehicles with "four axled" vehicles in Subsecs. (c) and (d); Oct. Sp. Sess. P.A. 83-1 inserted new Subsec. (e) re penalty for violation of Subsec. (b) or (d), relettering former Subsec. (e) as Subsec. (f). Cited. 22 CS 489.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-269a. - Weight of refuse vehicles.

Notwithstanding the provisions of section 14-267a, a motor vehicle which is owned or operated by any person, firm or corporation engaged in the business of collecting refuse and which is operated for the purpose of collecting such refuse or which is owned and operated by any town or municipality for such purpose, may be operated on any road or highway, if the axle weight on the rear axle or axles of such vehicle does not exceed the weight limits established pursuant to section 14-267a by more than seven thousand pounds and if the combined weight on the rear axles does not exceed forty-four thousand five hundred pounds. This exemption shall not apply to any such motor vehicle operated on any road or highway which is a part of the interstate highway system. (P.A. 86-125.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-270. - Permits for nonconforming vehicles. Regulations. Penalties.

(a) The Commissioner of Transportation or other authority having charge of the repair or maintenance of any highway or bridge is authorized to grant permits for transporting vehicles or combinations of vehicles or vehicles and load, or other objects not conforming to the provisions of sections 14-98, 14-262, 14-262a, 14-264, 14-267a and 14-269 but, in the case of motor vehicles, only the Commissioner of Transportation shall be authorized to issue such permits. Such permits shall be written, and may limit the highways or bridges which may be used, the time of such use and the maximum rate of speed at which such vehicles or objects may be operated, and may contain any other condition considered necessary by the authority granting the same, provided the Department of Transportation shall not suffer any loss of revenue granted or to be granted from any agency or department of the federal government for the federal interstate highway system or any other highway system. (b) Any permit issued in respect to any vehicle, self-propelled vehicle, or combination of vehicles or vehicle and trailer on account of its excessive weight shall be limited to the gross weight shown or to be shown on the commercial registration certificate or any commercial registration certificate issued on an apportionment basis. A permit granted under this section for a vehicle or load, greater than twelve feet, but no greater than thirteen feet six inches in width and traveling on undivided highways, shall require a single escort motor vehicle to precede such vehicle or load. No escort motor vehicle shall be required to follow such vehicle or load on such highways. (c) Any permit issued under this section or a legible copy or facsimile shall be retained in the possession of the operator of the vehicle, self-propelled vehicle or combination of vehicles or vehicle and trailer for which such permit was issued, except that an electronic confirmation of the existence of such permit or the use of the special number plates described in section 14-24 and any regulations adopted thereunder shall be sufficient to fulfill the requirements of this section. (d) (1) The owner or lessee of any vehicle may pay either a fee of thirty dollars for each permit issued for such vehicle under this section or a fee as described in subdivision (3) of this subsection for such

vehicle, payable to the Department of Transportation. (2) An additional transmittal fee of twelve dollars shall be charged for each permit issued under this section and transmitted via electronic means. (3) The commissioner may issue an annual permit for any vehicle transporting (A) a divisible load, (B) an overweight or oversized-overweight indivisible load, or (C) an oversize indivisible load. The owner or lessee shall pay an annual fee of nine dollars per thousand pounds or fraction thereof for each such vehicle. A permit may be issued in any increment up to one year, provided the owner or lessee shall pay a fee of one hundred dollars for such vehicle or vehicle and trailer for each month or fraction thereof. (4) The annual permit fee for any vehicle transporting an oversize indivisible load shall not be less than six hundred fifty dollars. (5) The commissioner may issue permits for divisible loads in the aggregate not exceeding fifty-three feet in length. (6) An additional engineering analysis fee of two dollars per thousand pounds or fraction thereof over two hundred thousand pounds shall be charged for an oversize-overweight vehicle and trailer or a commercial vehicle combination and load that exceeds a permit weight of two hundred thousand pounds. (e) (1) The Commissioner of Transportation shall adopt regulations, in accordance with chapter 54, prescribing standards for issuance of permits for vehicles with divisible or indivisible loads not conforming to the provisions of section 14-267a. (2) In adopting regulations pursuant to this section, the commissioner shall allow for the issuing of a wrecker towing or transporting emergency permit, provided such movement of a wrecked or disabled vehicle by a wrecker with a permit issued pursuant to this subdivision shall be in accordance with any limitations as to highway or bridge use and maximum rate of speed as specified by the commissioner. (f) The provisions of subsection (d) of this section shall not apply to the federal government, the state, municipalities or fire departments. (g) Any person who violates the provisions of any permit issued under this section or fails to obtain such a permit, when operating any motor vehicle or combination of vehicles described in section 14-163c, shall be subject to the following penalties: (1) A person operating a vehicle with a permit issued under this section that exceeds the weight specified in such permit shall be subject to a penalty calculated by subtracting the permitted weight from the actual vehicle weight and the rate of the fine shall be fifteen dollars per one hundred pounds or fraction thereof of such excess weight; (2) A person who fails to obtain a permit issued under section 14-262 or 14-264 and who is operating a vehicle at a weight that exceeds the statutory limit for weight shall be subject to a penalty calculated by subtracting the statutory limit for weight from the actual vehicle weight and the rate of the fine shall be fifteen dollars per one hundred pounds or fraction thereof of such excess weight; (3) A person operating a vehicle with a permit issued under this section that exceeds the length specified in such permit shall be subject to a minimum fine of three hundred dollars; (4) A person operating a vehicle with a permit issued under this section that exceeds the width specified in such permit shall be subject to a minimum fine of three hundred dollars; (5) A person operating a vehicle with a permit issued under this section that exceeds the height specified in such permit shall be subject to a minimum fine of one thousand dollars; (6) A person operating a vehicle with a permit issued under this section on routes not specified in such permit, shall be fined (A) one thousand five hundred dollars for each violation of the statutory limit for length, width, height or weight, and (B) shall be subject to a penalty calculated by subtracting the statutory weight limit of subsection (b) of section 14-267a from the actual vehicle weight and such weight difference shall be fined at the rate provided for in subparagraph (G) of subdivision (2) of subsection (f) of section 14-267a; or (7) A person (A) operating a vehicle with an indivisible load and violating one or more of the provisions of subdivisions (1) to (6), inclusive, of this subsection shall be required to obtain a permit, or (B) operating a vehicle with a divisible load and violating one or more of the provisions of subdivisions (1) to (6), inclusive, of this subsection shall be required to be off loaded to the permit limit. (h) (1) If the origin, destination, load description, tractor registration, trailer registration, hours of travel, number of escorts, signs or flags of a vehicle with a permit issued under this section differ from those stated on such permit or required by regulations adopted pursuant to this section, a minimum fine of two hundred dollars shall be assessed for each such violation. (2) If the days of travel of a vehicle with a permit issued under this section differ from those stated on such permit or the vehicle is operated under a false or fraudulent permit, a minimum fine of one thousand five hundred dollars shall be assessed for such violation in addition to any other penalties assessed. (i) A person operating a vehicle under a forged permit shall be subject to a minimum fine of ten thousand dollars, in addition to any other penalties which may be assessed, and such vehicle shall be impounded until payment of such fine or fines, or until order of the Superior Court. As used in this subsection, "forged permit" means a permit for a nonconforming vehicle that is subject to the provisions of this section, that has been falsely made, completed or altered, and "falsely made", "falsely completed" and "falsely altered" have the same meanings as provided in section 53a-137. (1949 Rev., S. 2497; 1951, 1955, S. 1378d; 1957, P.A. 514; 1959, P.A. 467; 1961, P.A. 361; 1963, P.A. 420; 1969, P.A. 354, S. 5; 768, S. 150; P.A. 79-188, S. 8, 10; P.A. 80-71, S. 27, 30; Oct. Sp. Sess. P.A. 83-1, S. 3, 4; P.A. 84-516, S. 5, 7; P.A. 92-177, S. 11, 12; P.A. 94-188, S. 12; P.A. 98-196, S. 1; P.A. 99-181, S. 19, 20, 40; P.A. 00-169, S. 12; P.A. 04-143, S. 9; P.A. 05-210, S. 32; P.A. 08-101, S. 7; P.A. 09-186, S. 54; 09-187, S. 22; P.A. 11-256, S. 13; P.A. 12-81, S. 51; 12-132, S. 51; May Sp. Sess. P.A. 16-3, S. 178; P.A. 19-161, S. 2; P.A. 22-40, S. 11.) History: Public acts of 1959, 1961 and 1963 each extended effective period of permits in effect April 30, 1947; 1969 acts added Subsecs. (b) to (d), deleted provisions re extensions of permits, made provisions applicable to "combinations of vehicles or vehicles and load", deleted requirement for written application, added reference to Secs. 14-98, 14-262, 14-264 and 14-265 and replaced highway commissioner and department with commissioner and department of transportation; P.A. 79-188 replaced reference to repealed Sec. 14-268 with reference to Sec. 14-267a; P.A. 80-71 inserted new Subsec. (d) re fees and relettered former Subsec. (d) as Subsec. (e); Oct. Sp. Sess. P.A. 83-1 inserted new Subsec. (e) requiring transportation commissioner to adopt regulations re standards for issuance of permits for vehicles with loads not conforming to provisions of Sec. 14-267a, relettering former Subsec. (e) as Subsec. (f); P.A. 84-516 applied penalties in Sec. 14-267a to permit violations, in Subsec. (f), where previously violators were "deemed to have no permit"; P.A. 92-177 amended Subsec. (a) to add reference to Sec. 14-269 and to delete reference to Sec. 14-265, amended Subsec. (c) to add phrase "and any regulations adopted thereunder" after Sec. 14-24, amended Subsec. (d)(1) to increase permit fee from \$15

to \$23 and to substitute a fee as described in Subdiv. (3) for an annual fee in amount equal to 30% of registration fee for such vehicle, amended Subsec. (d)(2) to eliminate requirement that owner of out-of-state vehicle pay \$15 fee per permit and to increase additional fee from \$2 to \$3, designating it as an additional transmittal fee, amended Subsec. (d) to add new Subdiv. (3), authorizing commissioner to issue annual permits for vehicles transporting various loads and requiring owner or lessee to pay annual fee for each such vehicle, and to add Subdiv. (4), requiring that annual permit fee for vehicle transporting oversize indivisible load be a minimum of \$500 and amended Subsec. (e) to delete obsolete phrase; P.A. 94-188 inserted a new Subsec. (f) re inapplicability of Subsec. (d) to federal government, the state, municipalities or fire departments, and relettered the remaining Subsec.; P.A. 98-196 amended Subsec. (g) by replacing penalties under Sec. 14-267a(f) with Subdivs. (1) to (4), inclusive; P.A. 99-181 amended Subsec. (g) by making provisions applicable to a person who fails to obtain a permit, by adding new Subpara. (2) re penalty for exceeding the statutory limit for weight, by adding new Subpara. (4) re penalty for exceeding width specified in permit, by adding new Subpara. (7) re requirements for permit on off loading, by changing the formula for the penalty for a person operating a vehicle on a route not specified in the vehicle's permit in Subpara. (6) (formerly (4)) and by renumbering existing Subparas. and making other technical changes and added Subsec. (h), effective June 23, 1999; P.A. 00-169 amended Subsec. (c) to allow a permit issued to be retained in the form of a "legible copy or facsimile" in the possession of the vehicle operator; P.A. 04-143 added Subsec. (d)(5) permitting commissioner to issue permits for divisible loads in the aggregate not exceeding 53 feet in length; P.A. 05-210 amended Subsec. (b) by adding provision re permit granted for vehicle or load greater than 12 feet but no greater than 13 feet 6 inches in width shall require a leading escort vehicle on undivided highways, but need not have a following escort vehicle, and made a technical change in Subsec. (d)(1) (Revisor's note: In Subsec. (b), a reference to "greater than" was changed editorially by the Revisors to "greater than", for accuracy); P.A. 08-101 amended Subsec. (c) to replace "telegraphic confirmation" with "electronic confirmation", effective July 1, 2008; P.A. 09-186 amended Subsec. (a) to include reference to Sec. 14-262a, effective July 20, 2009; P.A. 09-187 amended Subsec. (g) to replace reference to a commercial motor vehicle with reference to any motor vehicle or combination of vehicles, effective July 1, 2009; P.A. 11-256 added Subsec. (i) re operation of vehicle under forged permit, effective July 13, 2011; P.A. 12-81 amended Subsec. (e) to designate existing provision as Subdiv. (1) and add Subdiv. (2) re issuance of wrecker towing or transporting emergency permit and annual fee therefor, effective June 6, 2012; P.A. 12-132 amended Subsec. (e)(2) by deleting provision re annual fee for wrecker towing or transporting emergency permit, effective June 15, 2012; May Sp. Sess. P.A. 16-3 amended Subsec. (b) by adding reference to self-propelled vehicle, replacing "registration certificate" with "commercial registration certificate" and adding provision re commercial registration certificate issued on apportionment basis, amended Subsec. (c) by adding reference to self-propelled vehicle, amended Subsec. (d) by changing fee from \$23 to \$30 in Subdiv. (1), changing fee from \$3 to \$5 and replacing reference to transceiver or facsimile equipment with reference to electronic means in Subdiv. (2), changing annual fee from \$7 to \$9, changing increment permit fee from one-tenth of annual fee to \$100 and adding reference to vehicle and trailer in Subdiv. (3) and changing fee from \$500 to \$650 in Subdiv. (4), and added provisions, codified by the Revisors as Subsec. (j) re waiver of fee increase, effective July 1, 2016; P.A. 19-161 deleted former Subsec. (j) re waiver of fee increase and made technical changes, effective July 12, 2019; P.A. 22-40 amended Subsec. (d) to change transmittal fee from \$5 to \$12 in Subdiv. (2) and add Subdiv. (6) re engineering analysis fee for oversize-overweight vehicle and trailer or commercial vehicle combination and load that exceeds 200,000 pounds, effective July 1, 2022. Cited. 22 CS 489.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-270a. - Portable truck weight scales.

The Department of Transportation shall purchase a sufficient number of portable scales to implement a concentrated program of truck weight enforcement to comply with federal requirements in order to continue to qualify for federal highway funds. In no event shall the number of scales purchased in accordance with the provisions of this section be less than ten. (P.A. 78-356, S. 2, 5.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-270b. - Truck weight enforcement program.

The Department of Transportation shall implement a consistent program of truck weight enforcement on that portion of Route I-84 lying within the town of Danbury not later than July 1, 1978. (P.A. 78-356, S. 3, 5.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-270c. - Official weighing areas. Staffing requirements.

(a) The Commissioner of Motor Vehicles shall staff, and shall coordinate coverage and hours of operation of, the official weighing areas as follows: (1) Greenwich: Eight work shifts in each seven-day period from Sunday through Saturday. No such shifts shall be worked consecutively, except that two shifts may be worked consecutively on not more than three days; (2) Danbury: The Department of Motor Vehicles shall staff six work shifts in each seven-day period from Sunday through Saturday. The Commissioner of Motor Vehicles shall, whenever possible, coordinate coverage between this official weighing area and the official weighing area in Greenwich in order to ensure concurrent coverage; (3) Union: Between five and eight work shifts in each seven-day period from Sunday through Saturday; and (4) Portable scale locations: The Commissioner of Emergency Services and Public Protection shall assign troopers to work ten shifts in each seven-day period from Sunday through Saturday to conduct commercial motor vehicle enforcement throughout the four geographical areas established by the Commissioner of Motor Vehicles with concentration in areas that have fewer hours of operation for the permanent weighing areas. (b) The Commissioner of Motor

Vehicles shall adjust the work shifts required in subsection (a) of this section on a daily basis in order to effectuate an unpredictable schedule. (c) The Commissioner of Motor Vehicles may assign personnel to the permanent weighing areas in Waterford and Middletown or to the portable scale operations. (d) The Commissioner of Emergency Services and Public Protection, in consultation with the Commissioner of Motor Vehicles, shall assign one trooper to each weighing area working shift in each seven-day period from Sunday through Saturday to enforce laws relative to the safe movement of all vehicles on the highways of the state. (e) In addition to the weighing area commercial motor vehicle enforcement activities, the Department of Emergency Services and Public Protection shall perform roaming commercial motor vehicle enforcement on the highways of the state and such work shall be assigned to troopers trained in commercial motor vehicle enforcement. (P.A. 98-248, S. 1; Sept. Sp. Sess. P.A. 09-7, S. 59; P.A. 11-51, S. 38, 134.) History: Sept. Sp. Sess. P.A. 09-7 amended Subsec. (a)(2) by providing that Departments of Public Safety and Motor Vehicles shall each staff 3 work shifts in each 7-day period from Sunday through Saturday, effective September 1, 2010; P.A. 11-51 deleted references to Commissioner and Department of Public Safety, required Commissioner of Motor Vehicles to coordinate coverage and hours of operation and established responsibilities of Commissioner and Department of Emergency Services and Public Protection, effective July 1, 2011.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-270d. - Temporary closing of weigh stations.

The Commercial Vehicle Safety Division within the Department of Motor Vehicles shall temporarily close any weigh station located within the state that develops a backlog of traffic entering such weigh station and therefore creates a traffic hazard. (P.A. 98-248, S. 3; P.A. 11-51, S. 39, 134.) History: (Revisor's note: In codifying P.A. 98-248, the Revisors editorially changed the phrase "... and therefor creates a traffic hazard." to "... and therefore creates a traffic hazard."); P.A. 11-51 replaced Division of State Police within Department of Public Safety with Commercial Vehicle Safety Division within Department of Motor Vehicles, effective July 1, 2011.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-270e. - Program to implement regularly scheduled and enforced hours of operation for weigh stations.

On or before January 1, 2012, the Commissioner of Transportation, in consultation with the Department of Emergency Services and Public Protection and the Department of Motor Vehicles, shall establish a program to implement regularly scheduled and enforced hours of operation for weigh stations. Not later than October 1, 2012, and annually thereafter, the commissioner shall submit a report, in accordance with section 11-4a, on the planned program to the joint standing committee of the General Assembly having cognizance of matters relating to transportation. (June 30 Sp. Sess. P.A. 03-4, S. 6; P.A. 04-177, S. 10; P.A. 11-51, S. 40, 134.) History: June 30 Sp. Sess. P.A. 03-4 effective August 20, 2003; P.A. 04-177 required that commissioner's report be submitted on October 1, 2004, rather than October 1, 2003, and that report comply with Sec. 11-4a, effective June 1, 2004; P.A. 11-51 replaced "Department of Public Safety" with "Department of Emergency Services and Public Protection", replaced "January 1, 2004" with "January 1, 2012" and replaced "October 1, 2004" with "October 1, 2012", effective July 1, 2011.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-270f. - Weigh station logs.

(a) On and after January 1, 2008, logs shall be maintained for each shift at all weigh stations located in the state. Each log shall contain the following information with respect to each weigh station: (1) The location and date of each shift, (2) the hours the "OPEN" sign is illuminated, (3) the number of Department of Motor Vehicles and Department of Emergency Services and Public Protection officers or civilian technicians for each shift, (4) the number of all vehicles weighed, (5) the number and type of safety inspections, (6) the number and types of citations issued, (7) the amount of fines that may be imposed for overweight or other violations, and (8) the number of vehicles that pass through the weigh station during each shift. Each log shall be submitted to the Commissioner of Motor Vehicles. Not later than December 15, 2011, the Commissioner of Motor Vehicles shall develop and distribute a form for the recording of such information. (b) Not later than January 1, 2012, and semiannually thereafter, the Commissioner of Motor Vehicles shall submit, in accordance with section 11-4a, a written report that contains a summary of the information specified in subsection (a) of this section for the preceding six-month period to the joint standing committee of the General Assembly having cognizance of matters relating to transportation. Such report shall also be posted on the Internet web site of the Department of Motor Vehicles. (June Sp. Sess. P.A. 07-7, S. 99; P.A. 11-51, S. 41, 134.) History: June Sp. Sess. P.A. 07-7 effective November 2, 2007; P.A. 11-51 replaced "Department of Public Safety" with "Department of Emergency Services and Public Protection" or "Department of Motor Vehicles", replaced "Commissioner of Public Safety" with "Commissioner of Motor Vehicles", amended Subsec. (a) to delete former Subdiv. (8) re shift operating costs, redesignate existing Subdiv. (9) as Subdiv. (8), change "December 15, 2007" to "December 15, 2011" and make technical changes, and amended Subsec. (b) to change "January 1, 2008" to "January 1, 2012", effective July 1, 2011.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-271. - Securing of loads.

(a) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom in such manner or quantity as to constitute a hazard or nuisance to other users of the highway, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway. (b) No person shall operate on any highway any vehicle with any load unless such load and any covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. (c) No person shall operate on any highway any vehicle having a gross weight of five thousand pounds or more which is designed and used exclusively for the collection and transportation of refuse and which has a separable container with an open top unless the contents of such container are secured by the use of a screen or other material having perforations of a size not greater than two square inches when such container is attached to such vehicle. (d) The provisions of this section shall not apply to motor vehicles registered as farm motor vehicles or vehicles used for farming purposes. (e) Violation of any provision of this section shall be an infraction for each offense. (1957, P.A. 156, S. 1; February, 1965, P.A. 513; P.A. 75-577, S. 105, 126; P.A. 85-218.) History: 1965 act added hazard or nuisance qualification to Subsec. (a); P.A. 75-577 replaced provision for \$100 maximum fine with statement that violation is an infraction in Subsec. (d); P.A. 85-218 inserted new Subsec. (c) requiring the securing of containers attached to refuse collection vehicles and relettered remaining Subsecs. accordingly.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-271a. - Limits for weakening of vehicle frames. Regulations.

The Commissioner of Motor Vehicles shall adopt regulations, in accordance with the provisions of chapter 54, specifying limits for weakening of vehicle frames or equivalent structures, including weakening through loading, damage or corrosion or any combination thereof. (P.A. 99-268, S. 6; P.A. 00-169, S. 22.) History: P.A. 00-169 revised effective date of P.A. 99-268 but without affecting this section.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-272. - Projecting loads. Carrying of animals.

Section 14-272 is repealed. (1949 Rev., S. 2512; February, 1965, P.A. 448, S. 34; 1967, P.A. 834, S. 30.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-272a. - Carrying of children in pick-up trucks or open-bed vehicles. Restrictions.

(a) No person may operate on any public highway any truck type motor vehicle with a gross vehicle weight rating not exceeding seventy-five hundred pounds having an open rear section or any motor vehicle having an open bed when a child under the age of sixteen years is in such open rear section or open bed unless such child wears a properly adjusted and fastened safety belt which conforms to the provisions of the Code of Federal Regulations Title 49, Section 571.209, as amended from time to time. The provisions of this subsection shall not apply to any person who operates such a vehicle (1) in a parade authorized by the municipality or municipalities in which such parade is conducted, (2) used for farming purposes or registered pursuant to subsection (q) of section 14-49 or (3) in a recreational hayride conducted between the months of August and December. (b) Violation of any provision of subsection (a) of this section shall be an infraction. (P.A. 93-116.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-272b. - Transport of dogs in pick-up trucks. Restrictions.

No person operating a pick-up truck, as defined in section 14-1, on a public highway of this state shall transport a dog in the open rearward compartment of the pick-up truck unless the dog is secured in a cage or other container or otherwise protected or secured in such a manner as to prevent the dog from being thrown or falling or jumping from the pick-up truck. (P.A. 05-218, S. 18.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-273. - Operation of motor vehicles requiring a passenger endorsement or passenger and school endorsement.

(a) No person operating a motor vehicle for which a passenger endorsement or passenger and school endorsement is required shall carry any person upon the running board, mudguard, hood, roof or any exterior portion of such vehicle. No motor bus shall carry more passengers than the seating capacity thereof, except that, upon application to the Department of Transportation, said department may, after examination of such motor bus, issue to the owner thereof a license to carry such number of passengers in excess of the seating capacity of such bus as said department deems reasonable, which license may be issued upon such conditions and for such additional fee, payable to the Commissioner of Motor Vehicles, as said department prescribes. Any such license issued by the Division of Public Utility Control within the Department of Business Regulation prior to October 1, 1979, shall remain valid as long as the licensee meets the conditions prescribed by the Department of Transportation. The total number of persons carried at any time by any motor vehicle for which a passenger endorsement or passenger and school endorsement is required, other than a motor bus, shall not exceed the number specified in the certificate of registration. No motor vehicle used for the transportation of school children shall carry any number of passengers in excess of the seating capacity specified by the manufacturer of such vehicle.

No motor vehicle used for the transportation of school children shall be equipped with a longitudinal center seat. The commissioner may suspend the registration of any such motor vehicle for a violation of any provision of this section until such time as the requirements hereof have been complied with. (b) Any person who violates any provision of subsection (a) of this section shall be deemed to have committed an infraction. (1949 Rev., S. 2423; 1955, S. 1318d; 1957, P.A. 264, S. 1; P.A. 75-486, 43, 69; P.A. 77-614, S. 162, 610; P.A. 79-610, S. 6; P.A. 80-25, S. 1; P.A. 82-223, S. 18; P.A. 83-577, S. 23; P.A. 86-85, S. 2, 3; P.A. 90-263, S. 26, 74; P.A. 93-341, S. 23, 38; P.A. 94-189, S. 18, 34.) History: P.A. 75-486 replaced public utilities commission with public utilities control authority; P.A. 77-614 replaced authority with division of public utility control within the department of business regulation, effective January 1, 1979; P.A. 79-610 replaced division of public utility control with department of transportation and deleted reference to disbanded department of business regulation; P.A. 80-25 added provision in Subsec. (a) validating licenses issued by division of public utility control; P.A. 82-223 amended Subsec. (c) by specifying that violation of Subsec. (a) constituted an infraction and changing the fine from not less than \$5 nor more than \$25 to \$25; P.A. 83-577 amended Subsec. (c) by increasing the fine to \$35; P.A. 86-85 eliminated seventy-two person limit on seating capacity for school buses and prohibited the carrying of passengers in excess of manufacturer's specifications; P.A. 90-263 amended Subsec. (a) to substitute "person operating a motor vehicle for which a public passenger transportation permit is required" for public service motor vehicle and to add "roof or any exterior portion of such vehicle" after "hood", deleted provisions of Subsec. (b) re public service motor vehicles in entirety, relettering remaining Subsec. as (b) and amended Subsec. (b), formerly (c), to delete \$35 fine for each offense; P.A. 93-341 amended Subsec. (a) by replacing reference to public passenger transportation permits with reference to passenger endorsement or passenger and school endorsement, effective July 1, 1994; P.A. 94-189 amended Subsec. (a) by deleting the reference to "public passenger transportation permit" and inserting "passenger endorsement or passenger and school endorsement" in lieu thereof, effective July 1, 1994. See Sec. 14-250 re required stopping at railroad crossing.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-274. - Hours of operators of motor vehicles with commercial registration or requiring a passenger endorsement or a passenger and school endorsement.

(a) No person shall operate, nor shall the owner require or permit any person to operate, any motor vehicle with a commercial registration or a motor vehicle for which a passenger endorsement or passenger and school endorsement is required on the highways of this state, when such operator has been continuously on duty for more than twelve hours, and, after a driver has been continuously on duty for twelve hours, he shall not operate, nor shall the owner require or permit him to operate, any such motor vehicle on the highways of this state until he has had at least eight consecutive hours off duty. (b) No person shall operate, nor shall the owner require or permit any person to operate, any motor vehicle with a commercial registration or a motor vehicle for which a passenger endorsement or passenger and school endorsement is required on the highways of this state, when such operator has been on duty more than sixteen hours in the aggregate in any twenty-four-hour period, and, when an operator has been on duty sixteen hours in any twenty-four-hour period, he shall not operate, nor shall the owner require or permit him to operate, a motor vehicle with a commercial registration or a motor vehicle for which a passenger endorsement or passenger and school endorsement is required on the highways of this state, until he has had at least ten consecutive hours off duty. The periods of release from duty herein required shall be given at such places and under such circumstances that rest and relaxation from the strain of the duties of employment may be obtained. No period off duty shall be deemed to break the continuity of service unless it is for at least three consecutive hours at a place where there is opportunity for rest. In case of an unforeseen emergency, the driver may complete his run or tour of duty if such run or tour of duty, but for the delay caused by such emergency, would reasonably have been completed without a violation of the provisions of this section. The Commissioner of Motor Vehicles may make such regulations as he deems advisable to insure proper enforcement of this section. (c) The provisions of this section shall not apply to the owner or the driver of any utility service vehicle, as defined in 49 CFR Section 395.2, as amended. (d) Any person who violates any provision of this section shall, for a first offense, be deemed to have committed an infraction, and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars. (1949 Rev., S. 2425; P.A. 82-223, S. 19; P.A. 83-577, S. 24; P.A. 90-263, S. 27, 74; P.A. 92-131, S. 1; P.A. 93-341, S. 24, 38; P.A. 04-199, S. 29; P.A. 09-187, S. 21.) History: P.A. 82-223 amended Subsec. (c) by specifying that the commission of a first offense constituted an infraction and lowering the maximum fine therefor from \$100 to \$90; P.A. 83-577 amended Subsec. (c) by deleting the provision specifying the fine for an infraction is not less than \$25 nor more than \$90; P.A. 90-263 amended Subsecs. (a) and (b) to substitute "motor vehicle with a commercial registration or a motor vehicle for which a public passenger transportation permit is required" for "commercial motor vehicle or public service motor vehicle"; P.A. 92-131 added new language as Subsec. (c), exempting public service company vehicles operating in the case of major loss of utility service, disaster or other declared state of emergency from provisions of this section and relettered former Subsec. (c) accordingly; P.A. 93-341 amended Subsecs. (a) and (b) by replacing references to public passenger transportation permits with references to passenger endorsements and passenger and school endorsements, effective July 1, 1994; P.A. 04-199 amended Subsec. (c) by designating definition of "disaster" as Subdiv. (1) and adding Subdiv. (2) defining "major loss of utility service", effective July 1, 2004; P.A. 09-187 amended Subsec. (c) to replace public service company vehicle exemption and definitions with exemption re the owner or driver of any utility service vehicle, effective July 1, 2009. Cited. 144 C. 659; 152 C. 496.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-275. - Equipment and color of school buses. Information displayed on school buses and student

transportation vehicles.

(a) The term "school bus" means any motor bus painted, constructed, equipped and registered as hereinafter provided, which is regularly used for transporting school children to and from school or school activities whether or not for compensation or under contract to provide such service. No vehicle shall be registered as a school bus unless it complies with all requirements of sections 14-275 to 14-281, inclusive, as to color, markings, equipment and inspection, and each such vehicle shall be inspected prior to such registration in accordance with regulations prescribed by the Commissioner of Motor Vehicles, provided any new school bus that is registered between August first and the start of the next succeeding school year and is inspected prior to such registration, in accordance with such regulations, shall be exempt from further inspection until September of the following year. The commissioner or the commissioner's designee may also conduct random, unannounced inspections of any registered school bus. Any school bus that transports individuals in wheelchairs shall meet the requirements of subsection (e) of section 14-100a in order to pass inspection. The provisions of said sections requiring other vehicles to stop at the signal of the operator of a registered school bus shall not apply to a signal by the operator of any vehicle not registered as a school bus and not complying with all requirements for such registration. (b) Each school bus shall be painted a uniform yellow color known as "National School Bus Glossy Yellow", except for the fenders and trim which may be painted black and the roof which may be painted white, and shall have conspicuously painted on the rear and on the front of such vehicle, in black lettering of a size to be determined by the Commissioner of Motor Vehicles, the words "School Bus-Stop on Signal", except that each school bus equipped with an eight-light warning system shall have the words "School Bus" painted on the rear and on the front of such vehicle in such lettering. The sides of such vehicles may be inscribed with the words "School Bus", the school name or such other legend or device as may be necessary for purposes of identification or safety. Each school bus, and any student transportation vehicle, as defined in section 14-212, regularly used by any town, regional school district, private school or entity contracting with such town, regional school district or private school to transport school children to and from school or school activities, shall have conspicuously painted on the rear and sides of such bus or student transportation vehicle, in black lettering of a size to be determined by the commissioner, the name of the school bus company, the school bus company's telephone number and the school bus number or the name of the owner or operator of such student transportation vehicle, the telephone number of such owner or operator and the fleet number of such student transportation vehicle. (c) (1) Each school bus shall be equipped with special automatic, electrically-operated flashing stop signals, which shall be independent and separate from the braking, stop and tail lights of standard equipment. Such flashing lights may include automatic traffic signalling devices showing red and amber lights and shall be so located that adequate warning will be afforded to both oncoming and overtaking traffic, except that each school bus manufactured on and after October 1, 1984, and registered for use in this state shall be equipped with an eight-light warning system, showing two red flashing stop signals and two amber flashing warning signals on the front and rear of the bus, and a stop semaphore. The commissioner may adopt standards for an eight-light warning system and standards and specifications for the construction of school buses and for equipment to be maintained on school buses consistent with the provisions of this section, sections 14-275a to 14-281, inclusive. (2) Both public and private owners of school buses shall maintain a record of such kinds of repairs made to such buses as the commissioner may require and such work record shall be available at all times to the commissioner and the commissioner's designated assistants. All such maintenance records shall be retained for a period of two years. (3) Each school bus shall be equipped with emergency lighting equipment as provided by section 14-97a, with a defrosting device as provided by section 14-97, with a system of mirrors as provided in the Code of Federal Regulations Title 49, Section 571.111, as amended from time to time, or with an outside mirror as provided by section 14-99, and a system of crossover mirrors designed and mounted so as to give the driver a view of the road from the front bumper forward to a point where direct observation is possible and along the left and right sides of the bus, with a signalling device as provided by section 14-101, and with chain nonskid devices for immediate use on at least one outside or inside rear tire on each side or tires designed to prevent skidding on all rear wheels when weather and highway conditions require such use. (4) Commencing February 1, 1974, each new school bus with a vehicle air brake system shall be so equipped that the brake system is operated from a separate air reservoir tank other than the air reservoir tank used to operate any other compressed air or vacuum operated devices with which the school bus may be equipped. (5) The seating requirements of section 14-273 shall be observed. (6) Notwithstanding the provisions of section 14-98, school buses may be equipped with tires incorporating a metal nonskid device during the period from October fifteenth to April thirtieth, inclusive. (7) Each school bus that is model year 2007 or newer shall be equipped with a crossing control arm mounted on the right end of the front bumper. The commissioner shall establish additional standards and requirements for a crossing control arm in regulations adopted in accordance with the provisions of chapter 54. (8) A school bus may be equipped with an extended stop arm. For the purposes of this subdivision, "extended stop arm" means a device attached to a stop semaphore that when activated displays a stop sign and extends more than three feet but not more than six feet from the left side of a school bus. (d) Any person who violates any provision of this section shall, for a first offense, be deemed to have committed an infraction, and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars. (1955, S. 1319d; 1957, P.A. 481; 1959, P.A. 62, S. 8; 1961, P.A. 279; 1967, P.A. 395; 661; 1969, P.A. 639, S. 2; 1971, P.A. 149; 1972, P.A. 286, S. 1; P.A. 73-150; P.A. 75-161, S. 1, 2; P.A. 77-108; P.A. 81-182; 81-256, S. 2; S.A. 81-57, S. 4, 5; P.A. 82-223, S. 20; P.A. 83-577, S. 25; P.A. 84-18, S. 1, 3; P.A. 85-118; P.A. 87-169; P.A. 91-272, S. 3, 8; 91-272, S. 3, 8; P.A. 92-47; P.A. 93-341, S. 25, 38; P.A. 96-167, S. 37, 44, 49; P.A. 00-169, S. 9; P.A. 07-134, S. 4; 07-224, S. 6; P.A. 08-150, S. 44; P.A. 10-32, S. 50; P.A. 11-130, S. 1; P.A. 13-271, S. 57; P.A. 21-106, S. 38; P.A. 22-44, S. 28.) History: 1959 act amended Subsec. (c) by removing provision for approval by the commissioner of stop signs and signals; 1961 act deleted authority for manually or mechanically operated stop signs in lieu of automatic signals; 1967 acts required school buses to have at least one convex mirror in

Subsec. (c) and required maintenance of repair record on school buses; 1969 act replaced reference to repealed Sec. 14-95 with reference to Sec. 14-97a in Subsec. (c); 1971 act clarified requirement re chains and alternatively allowed use of studded tires in Subsec. (c); 1972 act replaced “applicable to lighting equipment on, and special warning devices to be carried by” with “for the construction of school buses and for equipment to be maintained on” school buses in Subsec. (c); P.A. 73-150 amended Subsec. (c) to require air brake systems operated by separate air reservoir tanks as of February 1, 1974; P.A. 75-161 amended Subsec. (a) to require inspection of buses before registration; P.A. 77-108 allowed use of studded tires on school buses regardless of any general prohibition against their use; P.A. 81-182 amended Subsec. (a) by authorizing the commissioner to conduct random, unannounced inspections of registered school buses; P.A. 81-256 added provision to Subsec. (c) prohibiting the commissioner from adopting or enforcing minimum seating width requirements for school children; S.A. 81-57 changed effective date of P.A. 81-256 from October 1, 1981, to its date of passage, June 2, 1981; P.A. 82-223 added Subsec. (d) concerning fines for violations of the section; P.A. 83-577 amended Subsec. (d) by deleting the provision specifying the fine for an infraction is not less than \$25 nor more than \$90; P.A. 84-18 amended Subsec. (c), requiring that school buses manufactured on and after October 1, 1984, be equipped with an eight light warning system and a stop semaphore and also deleted an obsolete reference to green flashing lights; P.A. 85-118 amended Subsec. (b), requiring that school buses with eight-light warning systems have the words “School Bus” painted thereon; P.A. 87-169 amended Subsec. (c) to permit the use of tire chains on the inside rear tires; P.A. 91-272 amended Subsec. (c) to require each school bus to be equipped with a system of crossover mirrors to give driver a view of the road from front bumper forward to a point where direct observation is possible and along left and right sides of the bus; P.A. 92-47 amended Subsec. (c) to authorize the use of tires designed to prevent skidding on rear wheels in lieu of studded snow tires; P.A. 93-341 amended Subsec. (a) to delete conditional definitions of “registered school bus” and “registered as a school bus”, effective July 1, 1994; P.A. 96-167 amended Subsec. (b) to allow the roof to be painted white, effective July 1, 1996, and amended Subsec. (c) to require each school bus to be equipped with a system of mirrors as provided in CFR Title 49, Sec. 571.111 as an alternative to an outside mirror as provided by Sec. 14-99, effective October 1, 1996; P.A. 00-169 amended Subsec. (b) to change the required color of school buses from “National School Bus Chrome” to “National School Bus Glossy Yellow”, Subsec. (c) to delete provision prohibiting commissioner from adopting or enforcing any standard or specification re seating width, and to require maintenance records be retained for a period of two years, and made technical changes for the purposes of gender neutrality; P.A. 07-134 amended Subsec. (a) by adding provision requiring that school buses that transport individuals in wheelchairs meet the requirements of Sec. 14-100a(e); P.A. 07-224 amended Subsec. (b) by adding provisions requiring name and telephone number of school bus company and bus number to be painted on rear and sides of school buses; P.A. 08-150 amended Subsec. (c) by requiring model year 2007 or newer school buses to be equipped with crossing control arm mounted on right end of the front bumper and by requiring commissioner to establish additional standards and requirements for such devices; P.A. 10-32 made technical changes in Subsec. (b), effective May 10, 2010; P.A. 11-130 amended Subsec. (a) to exempt new school bus registered between August first and start of school year, and inspected prior to such registration, from inspection until September of following year, effective July 1, 2011; P.A. 13-271 amended Subsec. (b) to require student transportation vehicle to display on rear and sides of vehicle the name and telephone number of the owner or operator and the fleet number of vehicle, effective July 1, 2013; P.A. 21-106 amended Subsec. (c) by designating existing provisions as Subdivs. (1) to (7), adding Subdiv. (8) re extended stop arm and making technical changes; P.A. 22-44 amended Subsec. (c)(3) to add “from time to time” and make a technical change, effective July 1, 2022. See Sec. 14-107 re liability of owner, operator or lessee of vehicle. State is not limited to proving a vehicle is a registered school bus by a certified copy of registration prepared by commissioner; it could prove this element by such other evidence as it sees fit. 4 Conn. Cir. Ct. 5.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-275a. - Use of standard school bus required, when. Use of mass transportation permitted, when. Use of certain motor vehicles prohibited.

(a) No town or regional school district shall transport or enter into a contract for the transportation of students under the age of twenty-one years to and from school in any motor vehicle accommodating more than fifteen students other than a school bus conforming to the provisions of section 14-275. (b) On and after July 1, 1990, no motor vehicle with a seating capacity of more than ten passengers other than a school bus conforming to the provisions of section 14-275 may be initially registered for use in this state for the transportation of students under the age of twenty-one years to and from school. On and after July 1, 1994, no motor vehicle with a seating capacity of more than ten passengers other than a school bus conforming to the provisions of section 14-275 may be used for the transportation of such students to and from school. (c) Notwithstanding the provisions of subsections (a) and (b) of this section, a town, regional school district, public, private or religious school may use the services of any mass transportation system to transport such students to and from school. (d) No motor vehicle having (1) on and after July 1, 1992, a wheel base of less than one hundred and one inches, or (2) on and after July 1, 1991, a convertible top or an open body may be used by a carrier for the transportation of students under the age of twenty-one years to and from school. (1972, P.A. 286, S. 2; P.A. 80-237, S. 2; P.A. 82-205; P.A. 89-320, S. 3, 12; P.A. 90-112, S. 4, 14; P.A. 91-272, S. 6, 8.) History: 1972 act effective September 1, 1974, but section not applicable to any contract for the transportation of students which existed prior to May 26, 1972; P.A. 80-237 added exception re use of mass transportation system to convey students to and from school; P.A. 82-205 increased from 9 to 15 the maximum number of students that may be transported in a motor vehicle other than a school bus; P.A. 89-320 subdivided the section into Subsecs. and inserted new language in (1) Subsec. (b) to prohibit initial registration of vans for the transportation of students under 21 to and from school on and after July 1, 1990, and on and after July 1, 1994, to prohibit use of such vans for the

transportation of such students and (2) Subsec. (c) to permit towns, regional school districts and schools to use services of mass transportation system to transport students to and from school; P.A. 90-112 added Subsec. (d), prohibiting use of certain motor vehicles by carriers for transportation of students under age 21 to and from school; P.A. 91-272 amended Subsec. (d)(1) and (2) to specify different effective dates for each Subdiv., deleting July 1, 1991, effective date applicable to both Subdivs.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-275b. - Transportation of students who have mobility impairments.

The provisions of section 14-275 and subsection (b) of section 14-275a shall not apply to any motor vehicle when used exclusively for the transportation of students under the age of twenty-one who have mobility impairments, provided such motor vehicle has been approved for such purpose by the commissioner. (1972, P.A. 286, S. 3; P.A. 78-10; P.A. 83-412, S. 4, 5; P.A. 89-320, S. 4, 12; P.A. 17-202, S. 44.) History: 1972 act effective September 1, 1974, but section not applicable to any contract for the transportation of students which existed prior to May 26, 1972; P.A. 78-10 deleted "physically" in phrase "physically handicapped students"; P.A. 83-412 provided that a town or school district shall not use any motor vehicle accommodating more than fifteen students (increased from nine), other than a school bus, for the transportation of handicapped students; P.A. 89-320 provided Sec. 14-275a(b) is applicable to motor vehicles used exclusively for transportation of mobility impaired students and deleted prohibition in proviso re use of motor vehicles accommodating more than fifteen students, other than school buses, for transportation of handicapped students; P.A. 17-202 replaced reference to mobility impaired students with reference to students who have mobility impairments.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-275c. - Regulations re school buses and motor vehicles used to transport students. Operators age seventy or older. Penalties.

(a) The Commissioner of Motor Vehicles may, in accordance with the provisions of chapter 54, make, alter or repeal regulations governing the inspection, registration, operation and maintenance of school buses and the licensing of the operators of such vehicles. Such regulations shall incorporate the requirements of 49 CFR 383.123 regarding the qualifications of each applicant for an endorsement to operate a school bus, issued in accordance with the provisions of section 14-44. (b) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, governing (1) the inspection, registration, operation and maintenance of motor vehicles used by any carrier to transport students, and (2) the licensing of operators of such vehicles. A person who has attained the age of seventy shall be allowed to hold a license endorsement to operate a student transportation vehicle provided such person meets the minimum physical requirements set by the commissioner and agrees to submit to a physical examination by a medical examiner, certified in accordance with 49 CFR 390.109, at least annually or more frequently if directed to do so by such medical examiner or the superintendent of the school system in which such person intends to operate such vehicle. (c) Any person who violates a provision of any regulation adopted pursuant to this section shall, for a first offense, be deemed to have committed an infraction, and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars. (d) Any carrier that violates a provision of any regulation adopted pursuant to this section with respect to the following shall be subject to a civil penalty of not more than twenty-five hundred dollars for each violation or each occurrence: (1) Failure to inspect, maintain or repair a school bus or motor vehicle used to transport students, on a schedule established by the commissioner; (2) failure to make, retain or make available for inspection by the department any record required by such regulations to be made, retained or made available for inspection; (3) refusal to allow the department to inspect any school bus or motor vehicle used to transport students; (4) removal of an out-of-service sticker placed on any such school bus or motor vehicle before repairs to such vehicle have been satisfactorily completed; (5) failure to inspect or repair a vehicle defect reported by a driver on a driver's vehicle inspection report; and (6) failure to require a driver to prepare and submit a driver's vehicle inspection report for each such school bus or motor vehicle operated by such driver. (P.A. 74-119; P.A. 80-237, S. 1; P.A. 83-340, S. 3, 4; P.A. 90-112, S. 10, 14; 90-263, S. 28, 74; P.A. 93-341, S. 26, 38; P.A. 00-169, S. 10; P.A. 04-217, S. 18; P.A. 10-110, S. 47; P.A. 16-55, S. 8; P.A. 17-79, S. 14.) History: P.A. 80-237 extended regulation power to cover vehicles used to transport children requiring special education and the operators of such vehicles; P.A. 83-340 divided section into Subsecs. and added a provision allowing a person age 70 or older to operate a motor vehicle to transport children requiring special education provided he meets physical requirements set by the commissioner and agrees to take a physical examination at least twice a year; P.A. 90-112 amended Subsec. (b) to substitute "carrier" for "local or regional board of education" in Subdiv. (1); P.A. 90-263 amended Subsec. (b) to substitute public passenger transportation permit for public service operator's license; P.A. 93-341 amended Subsec. (b) to replace reference to public passenger transportation permit with reference to license endorsement, effective July 1, 1994; P.A. 00-169 added Subsec. (c) re penalties; P.A. 04-217 amended Subsec. (a) to require regulations to include requirements of federal law re qualifications of applicants for endorsement to operate school bus issued in accordance with Sec. 14-44, effective January 1, 2005; P.A. 10-110 amended Subsec. (b) to replace "children requiring special education" with "students" in Subdiv. (1), made technical changes in Subsecs. (b) and (c) and added Subsec. (d) re civil penalty of not more than \$2,500 for carrier that violates any regulation re items enumerated in Subparas. (1) to (6) therein, effective July 1, 2010; P.A. 16-55 amended Subsec. (b) by adding reference to medical examiner and replacing provision re agreement by person age 70 or older to submit to physical examination at least twice a year or when requested with provision re agreement by such person to submit to physical examination annually or more frequently if directed to do so by medical examiner or superintendent, effective July 1, 2016; P.A. 17-79 amended Subsec. (b) by replacing reference to motor vehicle to transport children requiring special education with reference to student transportation vehicle, effective July 1, 2017.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-275d. - Program for funding to offset sales tax on purchase of school buses equipped with seat safety belts.

(a) The Department of Motor Vehicles shall administer a program to provide funding to offset a portion of sales tax on the purchase of school buses equipped with three-point lap and shoulder seat safety belts installed during the manufacture of such buses. On and after October 1, 2025, a local or regional school district may submit an application to the department, on a form provided by said department, which shall include a proposed agreement between such district and a private carrier under contract with such district for the provision of transportation of school children. Such agreement shall require such carrier to provide the district with at least one but not more than fifty school buses, each of which shall be equipped with such seat safety belts, and shall include a request by such carrier for funds in an amount equal to fifty per cent of the sales tax paid by the carrier for the purchase of any such bus purchased on or after October 1, 2025. Such agreement shall be contingent upon approval of the application and the payment of such amount by the department. The department shall make any such payments with funds available from the school bus seat belt account established pursuant to subsection (a) of section 14-50b. (b) A school district participating in the program shall provide written notice concerning the availability and proper use of such seat safety belts to a parent or legal guardian of each student who will be transported on such school bus. A school district shall instruct such students on the proper use, fastening and unfastening of such seat safety belts. (c) No local or regional school district, carrier with whom a local or regional school district has contracted for the transportation of students, or operator of a school bus shall be liable for damages for injury resulting solely from a student's use, misuse or failure to use a seat safety belt installed on a school bus used in the program established under this section. (d) The Department of Motor Vehicles, in collaboration with the Department of Education, shall inform local and regional school districts annually of the program established pursuant to subsection (a) of this section and how to apply to such program. (e) During the 2030 regular session of the General Assembly, the joint standing committees of the General Assembly having cognizance of matters relating to transportation and education shall conduct a joint public hearing on the level of participation in such program and its effectiveness with respect to the use of such seat safety belts. (P.A. 10-83, S. 1; P.A. 24-20, S. 40.) History: P.A. 10-83 effective July 1, 2010; P.A. 24-20 amended Subsec. (a) to replace "From July 1, 2011, to December 31, 2017, inclusive" with "On and after October 1, 2025," and replace "July 1, 2011" with "October 1, 2025", added new Subsec. (d) re annually informing local and regional school districts of program, redesignated existing Subsec. (d) as Subsec. (e) and amended same to replace "2018" with "2030" re regular session of the General Assembly and delete provision re joint standing committees recommendation to the General Assembly and made technical changes, effective January 1, 2025.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-276. - School bus operators to hold a valid passenger and school endorsement. Duties of carrier re registration and withdrawal, suspension or revocation of employee's operator's license or endorsement to operate a school bus or student transportation vehicles. Civil penalties.

(a) Registered school buses while transporting school children shall be operated by holders of a valid passenger and school endorsement issued in accordance with section 14-44. Such endorsement shall be held in addition to the commercial driver's license required for the operation of such motor vehicles. A person who has attained the age of seventy shall be allowed to hold a passenger and school endorsement for the purpose of operating a school bus, provided such person meets the minimum physical requirements set by the Commissioner of Motor Vehicles and agrees to submit to a physical examination at least twice a year or when requested to do so by the superintendent of the school system in which such person intends to operate a school bus. Any person to whom a town has awarded a contract for the transportation of school children who permits the operation of a registered school bus while transporting school children by any person who does not hold a passenger and school endorsement shall be fined not less than two thousand five hundred dollars or more than five thousand dollars. (b) On and after October 1, 2019, each carrier engaged in the transportation of students shall register with the Commissioner of Motor Vehicles in a manner prescribed by the commissioner. Registration shall include the carrier's name, address and the name of the employee or agent assigned to perform the carrier's responsibilities under subsection (c) of this section. A carrier shall file amendments to the registration to report to the commissioner any material change in any information contained in the registration not later than thirty calendar days after the carrier knows or reasonably should know of the material change. (c) Not less than once during the first and third week of each month, a carrier shall review the report made by the Commissioner of Motor Vehicles, in accordance with the provisions of subsection (h) of section 14-44, with reference to the name and motor vehicle operator's license number of each person such carrier employs to operate a school bus, as defined in section 14-275, or a student transportation vehicle, as defined in section 14-212. If, according to such report, any such employee's motor vehicle operator's license or endorsement to operate a school bus or student transportation vehicle has been withdrawn, suspended or revoked, such carrier shall immediately prohibit such employee from operating a school bus or student transportation vehicle. (d) Any carrier who fails to register with the Commissioner of Motor Vehicles, pursuant to subsection (b) of this section, or review the report made by the commissioner, pursuant to subsection (c) of this section, shall be subject to a civil penalty of one thousand dollars for the first violation, and two thousand five hundred dollars for each subsequent violation. Any carrier who fails to take immediate action to prohibit the operation of a school bus or student transportation vehicle by an operator who appears on a report, pursuant to subsection (c) of this section, shall be subject to a civil penalty of two thousand five hundred dollars for the first violation, and five thousand dollars for each subsequent violation. Upon appropriate justification

presented to the commissioner by any carrier, the commissioner may make a determination to reduce any such penalty. (1955, S. 1320d; 1967, P.A. 859; 1969, P.A. 110, S. 2; 1972, P.A. 127, S. 21; P.A. 81-256, S. 1; S.A. 81-57, S. 4, 5; P.A. 82-223, S. 21; P.A. 83-340, S. 1, 4; 83-577, S. 26; P.A. 90-263, S. 29, 74; P.A. 93-341, S. 27, 38; P.A. 94-189, S. 19, 34; P.A. 06-130, S. 11; P.A. 07-217, S. 53; 07-224, S. 3; P.A. 11-213, S. 41; P.A. 18-164, S. 12; P.A. 19-119, S. 7.) History: 1967 act prohibited persons 70 or older from holding license to operate school bus; 1969 act required minimum age of 19 for holding license to operate school bus; 1972 act deleted minimum age requirement; P.A. 81-256 removed provision which had made board of education members subject to fine for permitting unlicensed person to transport children and added Subsec. (b) requiring commissioner to furnish names of those whose licenses are suspended or revoked upon request; S.A. 81-57 revised effective date of P.A. 81-256 but did not change October 1, 1981, effective date of amendments to this section; P.A. 82-223 amended Subsec. (a) by lowering the maximum fine from \$100 to \$90 and added Subsec. (c) to specify that violation of the section is an infraction; P.A. 83-340 amended Subsec. (a) to allow a person age 70 or older to operate a school bus provided he meets physical requirements set by the commissioner and agrees to take a physical examination at least twice a year, where previously operation of bus by person 70 or older was prohibited; P.A. 83-577 amended Subsec. (a) by increasing the minimum fine from \$25 to \$35; P.A. 90-263 amended Subsecs. (a) and (b) to substitute public passenger transportation permits for public service operators' licenses and to insert commercial driver's license in lieu of regular operator's license in Subsec. (a); P.A. 93-341 amended Subsecs. (a) and (b) to replace references to public passenger transportation permits with references to passenger and school endorsements, effective July 1, 1994; P.A. 94-189 made technical changes in Subsec. (a), effective July 1, 1994; P.A. 06-130 deleted former Subsec. (b) which had required commissioner to furnish names of those whose passenger and school endorsements are suspended or revoked and redesignated existing Subsec. (c) as new Subsec. (b); P.A. 07-217 made technical changes in Subsec. (a), effective July 12, 2007; P.A. 07-224 amended Subsec. (a) by increasing minimum fine from \$35 to \$2,500 and maximum fine from \$90 to \$5,000, deleted former Subsec. (b) re infraction and added new Subsecs. (b) re review of report by carrier and prohibiting employees whose operator's license or school bus or student transportation vehicle endorsement has been withdrawn, suspended or revoked from operating such vehicles and (c) re civil penalties for failure to review report or remove employee as operator of a school bus or student transportation vehicle, effective July 1, 2007; P.A. 11-213 amended Subsec. (c) to change time limit for removal of operator from 10 days to 48 hours, effective July 1, 2011; P.A. 18-164 amended Subsec. (b) by replacing "twice per month" with "once during the first and third week of each month" re review of report, and add "immediately" re carrier to prohibit employee from operating school bus or student transportation vehicle, and amended Subsec. (c) by replacing provision re carrier who fails to remove operator not later than 48 hours after reviewing report employees whose license or endorsement to operate school bus or student transportation vehicle that has been withdrawn, suspended or revoked with provision re carrier who fails to take immediate action to prohibit operation of school bus or student transportation vehicle by operator who appears on report, effective July 1, 2018; P.A. 19-119 added new Subsec. (b) re registration of carrier, redesignated existing Subsecs. (b) and (c) as Subsecs. (c) and (d) and amended redesignated Subsec. (d) by adding provision re failure of carrier to register with commissioner and made conforming changes, effective July 1, 2019. See Sec. 14-44 re commissioner's authority to furnish names and license numbers of operators with withdrawn, suspended or revoked licenses or endorsements. See Sec. 14-107 re liability of owner, operator or lessee of vehicle. History: P.A. 18-185 effective July 1, 2018.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-276a. - School bus operators and operators of student transportation vehicles: Regulations; qualifications; training; drug testing.

(a) The Commissioner of Motor Vehicles shall adopt regulations, in accordance with the provisions of chapter 54, establishing a procedure for the safety training of school bus operators and operators of student transportation vehicles. Such regulations shall provide for minimum proficiency requirements for school bus operators. The safety training administered by the commissioner shall conform to the minimum requirements of number 17 of the National Highway Safety Standards. Such safety training shall include instruction relative to the location, contents and use of the first aid kit in the motor vehicle. A class or classroom instruction may be offered in person in a congregate setting, through distance learning or through a combination of both in-person and distance learning, provided such distance learning has interactive components such as mandatory interactions, participation or testing. (b) No person shall operate a school bus, as defined in section 14-275, or a student transportation vehicle, as defined in section 14-212, for the purpose of transporting school children unless such person has, prior to the issuance or renewal of such person's license endorsement: (1) Furnished evidence to the satisfaction of the commissioner that such person meets the physical qualification standards established in 49 CFR 391, as amended from time to time; and (2) successfully completed a course in safety training and, in the case of school bus operators, passed an examination in proficiency in school bus operation given by the commissioner. Such proficiency examination shall include a road test administered in either a type I school bus having a gross vehicle weight exceeding ten thousand pounds or a type II school bus having a gross vehicle weight of ten thousand pounds or less. The commissioner shall prioritize scheduling a road test for persons seeking or renewing a public passenger endorsement to operate a school bus. Any operator administered a road test in a type II school bus shall not be eligible for a license to operate a type I school bus. Any person who violates any provision of this subsection shall be deemed to have committed an infraction. (c) Any town or regional school district may require its school bus operators to have completed a safety training course in the operation of school buses, consisting of a minimum of ten hours of behind-the-wheel instruction and three hours of classroom instruction. Classroom instruction shall include instruction offered in person in a congregate setting, through distance learning or through a combination of both in-person

and distance learning, provided such distance learning has interactive components such as mandatory interactions, participation or testing. (d) A carrier shall require each person whom it intends to employ to operate a school bus, as defined in section 14-275, or a student transportation vehicle, as defined in section 14-212, to submit to a urinalysis drug test in accordance with the provisions of sections 31-51v and 31-51w and shall require each person it employs to operate such vehicles to submit to a urinalysis drug test on a random basis in accordance with the provisions of section 31-51x and the standards set forth in 49 CFR Parts 382 and 391. No carrier may employ any person who has received a positive test result for such test which was confirmed as provided in subdivision (2) of subsection (a) of section 31-51u. No carrier may continue to employ as a driver, for two years, any person who has received a positive test result for such test which was confirmed as provided in subdivision (2) of subsection (a) of section 31-51u. No carrier may continue to employ as a driver, permanently, any person who has received a second positive test result for such test which was confirmed as provided in subdivision (2) of subsection (a) of section 31-51u. The commissioner may, after notice and hearing, impose a civil penalty of not more than one thousand dollars for the first offense and two thousand five hundred dollars for each subsequent offense on any carrier which violates any provision of this subsection. (P.A. 73-503, S. 1, 2; P.A. 79-302, S. 1; P.A. 80-277, S. 1; P.A. 82-223, S. 22; P.A. 83-577, S. 27; P.A. 87-585, S. 2, 3; P.A. 88-317, S. 61, 107; P.A. 89-320, S. 6, 7, 12; P.A. 90-112, S. 5, 14; 90-263, S. 71, 74; P.A. 93-341, S. 28, 38; P.A. 96-167, S. 38; P.A. 07-224, S. 2; P.A. 08-150, S. 23; P.A. 19-119, S. 9; P.A. 21-106, S. 27, 28; P.A. 23-40, S. 38.) History: P.A. 79-302 deleted Subsec. (d) re appropriation to carry out purposes of section; P.A. 80-277 inserted new Subsec. (c) re safety training courses and relettered former Subsec. (c) as Subsec. (d); P.A. 82-223 amended Subsec. (d) by specifying that violation of the section constituted an infraction, establishing a minimum fine of \$25 and lowering the maximum fine from \$100 to \$90; P.A. 83-577 amended Subsec. (d) by deleting the provision specifying a fine of not less than \$25 nor more than \$90; P.A. 87-585 amended Subsec. (b), requiring examination re school bus operation to include a road test administered in either a type I or type II school bus; P.A. 88-317 amended reference to Secs. 4-166 to 4-174 in Subsec. (a) to include new section added to Ch. 54, effective July 1, 1989, and applicable to all agency proceedings commencing on or after that date; P.A. 89-320 amended Subsec. (a) to require that commissioner to adopt regulations re physical examination and safety training of operators of motor vehicles owned by or under contract to towns, regional school districts and schools and that safety training to include instruction re location, contents and use of first aid kit, and amended Subsec. (b) to prohibit persons from operating other school transportation vehicles unless such persons have satisfied the requirements in Subdivs. (1) and (2) prior to issuance or renewal of their public service operators' licenses, and to delete the definition of "school year", making technical changes as necessary, effective July 1, 1990; P.A. 90-112 amended Subsecs. (a) and (b) to substitute "student transportation vehicles" for references to motor vehicles owned by or under contract to a town, regional school district, public, private or religious school and used to transport students to and from school and inserted new Subsec. (d) requiring preemployment drug testing for prospective school bus operators and operators of student transportation vehicles, relettering former Subsec. (d) accordingly; P.A. 90-263 amended Subsec. (b) to substitute public passenger transportation permit for public service operator's license; P.A. 93-341 amended Subsec. (b) to replace reference to public passenger transportation permits and with reference to license endorsements, effective July 1, 1994; P.A. 96-167 eliminated Subsec. (e), imposing infraction as penalty for violation of any provision of section, and added in Subsec. (b) infraction as penalty and in Subsec. (d) provision authorizing commissioner to impose civil penalty of not more than \$1,000 for each offense on any carrier which violates provision of subsection; P.A. 07-224 amended Subsec. (d) by adding provisions re random drug testing of persons employed to operate school buses or student transportation vehicles and requirements applicable upon receipt of positive test results, making existing civil penalty applicable for the first offense and adding civil penalty of \$2,500 for each subsequent offense, effective July 1, 2007; P.A. 08-150 amended Subsec. (d) to provide that random drug test also be in accordance with "the standards set forth in 49 CFR Parts 382 and 391"; P.A. 19-119 amended Subsec. (a) by deleting provisions re procedures for physical examination and regulations re minimum physical requirements, amended Subsec. (b) by replacing provision re minimum physical requirements established by commissioner with provision re physical qualification standards established in 49 CFR 391, deleting provision re commissioner to administer course in safety training, amended Subsec. (d) by deleting references to Sec. 31-51u(a)(3) and made technical changes, effective July 1, 2019; P.A. 21-106 amended Subsecs. (a) and (c) to add provision re offering of instruction in-person, through distance learning or combination of in-person and distance learning, effective June 30, 2021; P.A. 23-40 amended Subsec. (b) to add provision re prioritizing road test for persons seeking or renewing public passenger endorsement to operate school bus and make a technical change, effective July 1, 2023.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-276b. - School bus driver training re life-threatening allergic reactions and administration of medication.

(a) As used in this section: (1) "Carrier" has the same meaning as provided in section 14-212; (2) "School bus driver" means any person who holds a commercial driver's license with a public passenger endorsement to operate a school bus pursuant to subsection (a) of section 14-44; (3) "School bus" has the same meaning as provided in section 14-1; and (4) "Cartridge injector" means an automatic prefilled cartridge injector or similar automatic injectable equipment used to deliver epinephrine in a standard dose for emergency first aid response to allergic reactions. (b) (1) Not later than June 30, 2019, each carrier shall provide the training described in subsection (c) of this section to all of its school bus drivers. (2) On and after July 1, 2019, each carrier shall provide the training described in subsection (c) of this section to a school bus driver as follows: (A) In the case of a school bus driver who is employed by such carrier, such training shall be provided to such school bus driver following the issuance or renewal of a public passenger endorsement to operate a school bus pursuant to subsection (a) of section 14-44, to such school bus driver; and (B) In the

case of a school bus driver who is not employed by such carrier at the time when such endorsement is issued or renewed to such school bus driver, upon the hiring of such school bus driver by such carrier, except such carrier shall not be required to provide such training to any school bus driver who has previously received such training following the most recent issuance or renewal of such endorsement to such school bus driver. (c) The training required under this section shall include, but need not be limited to, instruction on (1) the identification of the signs and symptoms of anaphylaxis, (2) the administration of epinephrine by a cartridge injector, (3) the notification of emergency personnel, and (4) the reporting of an incident involving a student and a life-threatening allergic reaction. Such training may be completed using an online module, provided such online module meets the requirements of this section. (P.A. 18-185, S. 3.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-277. - Operator's duties on stopping bus. Prohibition on idling of bus.

(a) Notwithstanding the provisions of subsections (a) to (c), inclusive, of section 14-242, the operator of any school bus, when about to bring his bus to a stop to receive or discharge passengers, shall signal his intention to do so by causing the flashing signal lights to be displayed for not less than fifty feet before he brings the bus to a stop so as to be clearly visible to the operator of any oncoming or overtaking vehicle or motor vehicle, except that the operator of any school bus equipped with amber flashing signal lights shall signal such intention by causing the amber flashing signal lights to be displayed for not less than one hundred feet before he brings the bus to a stop. The operator of any school bus, having brought his vehicle to a stop, shall not open the door to receive or discharge passengers until all vehicles approaching from the front and overtaking from the rear have stopped in compliance with the indicated signal to stop. The operator of any school bus equipped with amber flashing signal lights and a stop semaphore, having brought his vehicle to a stop, shall cause the red flashing signal lights to be displayed and the stop semaphore to be extended and shall not open the door until all vehicles approaching from the front and overtaking from the rear have stopped in compliance with the indicated signal to stop. After all passengers are safely aboard or discharged and safely off the highway, the operator shall extinguish the stop lights and the operator of any school bus equipped with a stop semaphore shall withdraw the stop semaphore. He may then permit all standing traffic to pass before resuming forward progress. While such school bus is in motion the doors shall remain closed at all times and all passengers shall be required to remain seated. No operator of any school bus shall stop his vehicle on the main traveled portion of the highway to receive or discharge passengers when existing highway shoulders or adequate highway width is available or where curbs, bus stops or special facilities exist. No such operator may receive or discharge any passenger on a highway with separate roadways unless (1) a boarding passenger may reach the bus stop and a discharged passenger may reach his residence or other destination without crossing such highway, or (2) he stops the bus at a location having a traffic control signal or crossing guard. (b) The operator of any school bus shall not operate the engine of any school bus for more than three consecutive minutes when the school bus is not in motion except (1) when the school bus is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control, (2) when it is necessary to operate heating, cooling or auxiliary equipment installed on the school bus when such equipment is necessary to accomplish the intended use of the school bus, including, but not limited to, the operation of safety equipment, (3) when the outdoor temperature is below twenty degrees Fahrenheit, (4) when it is necessary to maintain a safe temperature for students with special needs, (5) when the school bus is being repaired, or (6) when the operator is in the process of receiving or discharging passengers on a public highway or public road. (c) Any person who violates any provision of this section shall, for a first offense, be deemed to have committed an infraction and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars. (1955, S. 1321d; 1963, P.A. 642, S. 12; 1971, P.A. 467, S. 1; P.A. 82-223, S. 23; P.A. 83-577, S. 28; P.A. 84-18, S. 2, 3; P.A. 85-212; P.A. 96-167, S. 39; P.A. 02-56, S. 1.) History: 1963 act deleted references to use of stop signs in lieu of signals; 1971 act required use of "flashing" signal lights "for not less than 50 feet before he brings the bus to a stop" by bus driver rather than requiring that driver "immediately" signal intention to stop; P.A. 82-223 specified the penalties for a first and subsequent violation of the section; P.A. 83-577 deleted provision specifying the fine for an infraction is not less than \$25 nor more than \$90; P.A. 84-18 specified operator's duties re stopping a bus equipped with amber flashing signal lights and a stop semaphore; P.A. 85-212 specified operator's duties re receipt and discharge of passengers on highways with separate roadways; P.A. 96-167 added phrase "Notwithstanding the provisions of subsections (a) to (c), inclusive, of section 14-242,"; P.A. 02-56 designated existing provisions re stopping a school bus as Subsec. (a), making a technical change therein, added Subsec. (b) to prohibit the idling of a school bus for more than three consecutive minutes with certain exceptions and designated existing provisions re penalties as Subsec. (c). See Sec. 14-107 re liability of owner, operator or lessee of vehicle. See Sec. 14-281d re permitted locations for boarding and discharge of school children. Evidences legislative intent to create a safety zone for children alighting from a school bus; defendant satisfied duty of care by complying with statute. 180 C. 302.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-278. - Hours of operation. Placement of seats. No extra exemption or authority for operators.

The provisions of section 14-274 as to hours of operation of such motor vehicles and of section 14-257 as to placement of seats in such motor vehicles shall apply to the operation of school buses. Nothing in sections 14-275 to 14-281, inclusive, shall exempt the operator of any school bus from compliance with all laws governing the operation of motor vehicles upon the public highway, including the passing of other school buses similarly engaged. Nothing in said sections shall be construed as giving the operator of any school bus the authority to control traffic manually or by any other means than those specifically stated herein. (1955, S. 1322d;

P.A. 90-263, S. 52, 74.) History: P.A. 90-263 deleted references to public service motor vehicles. See Sec. 14-107 re liability of owner, operator or lessee of vehicle.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-279. - Vehicles to stop for school bus. Penalties. Written warning or summons.

(a) The operator of any vehicle or motor vehicle, including an authorized emergency vehicle, as defined in section 14-1, shall immediately bring such vehicle to a stop not less than ten feet from the front when approaching and not less than ten feet from the rear when overtaking or following any registered school bus on any highway or private road or in any parking area or on any school property when such bus is displaying flashing red signal lights, except at the specific direction of a traffic officer. Vehicles so stopped for a school bus shall not proceed until such school bus no longer displays flashing red signal lights, except that a stopped authorized emergency vehicle may proceed as long as such authorized emergency vehicle is operated pursuant to section 14-283. At the intersection of two or more highways vehicular turns toward a school bus receiving or discharging passengers are prohibited. The operator of a vehicle upon a highway with two or more lanes for traffic separated by a safety island or physical barrier may proceed without stopping upon meeting or passing a school bus which is on the opposite side of such island or barrier. (b) Any person who violates any provision of subsection (a) of this section shall be fined four hundred fifty dollars for the first offense and for each subsequent offense, not less than five hundred dollars nor more than one thousand dollars or imprisoned not more than thirty days or both. (c) Upon receipt of a written report from any school bus operator specifying the number plate, color and type of any vehicle observed by such operator violating any provision of subsection (a) of this section and the date, approximate time and location of such violation, a police officer shall issue a written warning or a summons to the owner of any such vehicle. (1955, S. 1323d; February, 1965, P.A. 574, S. 21; 1967, P.A. 380; P.A. 80-245; P.A. 85-71; P.A. 86-155; P.A. 01-192, S. 3; P.A. 04-217, S. 29; P.A. 11-255, S. 1; P.A. 14-221, S. 2; P.A. 18-164, S. 18; P.A. 24-107, S. 1.) History: 1965 act deleted “stop signal” as alternative to signal lights on school buses; 1967 act prohibited vehicle's moving until bus no longer displays “flashing” lights; P.A. 80-245 added Subsec. (b) re penalties for violation of provisions; P.A. 85-71 amended Subsec. (a) to include reference to flashing “red” signal lights and added Subsec. (c), providing for the issuance of a written warning to the owner of a vehicle violating Subsec. (a) upon receipt of a written report; P.A. 86-155 amended Subsec. (a) to require vehicle operator to stop when overtaking or following a school bus on any highway, private road or in any parking area or on school property when bus is displaying flashing red lights, and amended Subsec. (c) to eliminate reference to “other person eighteen years of age or older” making written report and to require police officer to issue written warning or summons upon receipt of written report; P.A. 01-192 amended Subsec. (a) by adding provision re authorized emergency vehicle, as defined in Sec. 14-1(a)(4) and making a technical change for the purpose of gender neutrality (Revisor's note: In Subsec. (a), “subsection (a) of” was added editorially by the Revisors before “section 14-1” for accuracy); P.A. 04-217 amended Subsec. (a) to eliminate reference to Sec. 14-1(a)(4), effective January 1, 2005; P.A. 11-255 amended Subsec. (b) to replace minimum \$100 and maximum \$500 fine for first offense with \$450 fine, and amended Subsec. (c) to require issuance of warning or summons upon receipt of evidence file from live digital video school bus violation detection monitoring system, to add provision re vehicle observed by operator or recorded by camera and to add provision re criteria for sufficient proof for purposes of Sec. 14-107(b), effective July 1, 2001; P.A. 14-221 amended Subsec. (a) to add provision re emergency vehicle stopped for school bus may proceed as long as the authorized emergency vehicle is operated pursuant to Sec. 14-283 and to make technical changes; P.A. 18-164 amended Subsec. (c) to delete provisions re evidence file from live digital video school bus violation detection monitoring system, re vehicle recorded by camera affixed to school bus and re criteria for sufficient proof for purposes of Sec. 14-107(b), effective July 1, 2018; P.A. 24-107 amended Subsec. (a) to replace provision re passing school bus on highway with separate roadways with provisions re highway with 2 or more lanes separated by island or barrier and made a technical change in Subsec. (c), effective July 1, 2024. See Sec. 14-111g re operator's retraining program. Evidences legislative intent to create a safety zone within which school children can safely cross a street after alighting from a school bus. 180 C. 302. State is not limited to proving a vehicle is a registered school bus by a certified copy of registration prepared by commissioner; it could prove this element by such other evidence as it sees fit. 4 Conn. Cir. Ct. 5.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-279a. - Operation of school bus monitoring system by board of education or municipality. Vendor agreement. Report.

(a) As used in this section and section 14-279b, “live digital video school bus violation detection monitoring system” or “monitoring system” means a system with one or more camera sensors and computers that produce live digital and recorded video images of motor vehicles being operated in violation of section 14-279. A monitoring system shall produce a live visual image that is viewable remotely and a recorded image of the number plate of a motor vehicle violating section 14-279. Such recorded image shall indicate the date, time and location of the violation. (b) A municipality or local or regional board of education may install, operate and maintain live digital video school bus violation detection monitoring systems, or may enter into an agreement with a private vendor for the installation, operation and maintenance of such monitoring systems. Such agreement shall provide for the compensation to the vendor for the expense of the monitoring services and cost of equipment provided by the vendor and for the reimbursement of the vendor for the expenses of installing, operating and maintaining the monitoring system. Such agreement shall provide that the vendor shall, on an annual basis, submit a report to such municipality or local or regional board of education that includes, but is not limited to: (1) The total number of citations issued pursuant to section 14-279b as a result of a violation detected and recorded by the

monitoring system, and (2) the total amount of funds collected from such citations. The municipality or local or regional board of education shall, not later than thirty days after receipt of such report, submit such report to the joint standing committees of the General Assembly having cognizance of matters relating to transportation and public safety and security. A municipality or local or regional board of education serving a municipality that has entered into an agreement with a private vendor for the installation, operation and maintenance of a live digital video school bus violation detection monitoring system shall use amounts remitted to such municipality in accordance with subsection (e) of section 51-56a, in respect to the violation of section 14-279, to reimburse the private vendor for the expenses for installing, operating and maintaining the monitoring system. (c) A warning sign shall be posted on all school buses in which a monitoring system is installed and operated pursuant to this section indicating the use of such system. (d) A monitoring system installed pursuant to this section shall record images of the number plate of a motor vehicle only, and shall not record images of the occupants of such motor vehicle or of any other persons or vehicles in the vicinity at the time the images are recorded. (e) (1) A municipality or local or regional board of education that is not operating a live digital video school bus violation detection monitoring system pursuant to subsection (b) of this section prior to July 1, 2024, shall not (A) commence operation of such a system on or after July 1, 2024, or (B) enter into an agreement with a private vendor pursuant to subsection (b) of this section for the installation, operation and maintenance of such a system on or after July 1, 2024. (2) A municipality or local or regional board of education, or a private vendor under an agreement pursuant to subsection (b) of this section, that is operating a live digital video school bus violation detection monitoring system pursuant to subsection (b) of this section on July 1, 2024, shall cease operation of such system not later than July 1, 2026, except as provided in subdivision (3) of this subsection. (3) A private vendor operating a live digital video school bus violation detection monitoring system may continue operating such system on or after July 1, 2026, provided (A) the agreement regarding such operation was entered into pursuant to subsection (b) of this section prior to July 1, 2024, (B) no option to renew or extend such agreement is exercised on or after July 1, 2024, that would extend such operation to include any period of time on or after July 1, 2026, and (C) such operation ceases upon termination of such agreement. (P.A. 11-255, S. 2; P.A. 18-164, S. 19; P.A. 22-44, S. 20; P.A. 24-107, S. 2.) History: P.A. 11-255 effective July 1, 2011; P.A. 18-164 amended Subsec. (a) to delete reference to Sec. 14-279(c) and make technical changes, effective July 1, 2018; P.A. 22-44 amended Subsec. (d) to change "license plate number" to "number plate"; P.A. 24-107 amended Subsec. (b) to add requirement to submit report to committee having cognizance of matters related to public safety and security and added reference to Sec. 14-279b in Subdiv. (1), added Subsec. (e) re use and termination of use of live digital video school bus violation detection monitoring systems and made minor and technical changes, effective July 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-279b. - Review of evidence file. Summons. Defenses.

(a) Whenever a violation of section 14-279 is detected and recorded by a live digital video school bus violation detection monitoring system operated pursuant to section 14-279a, a state or municipal police officer shall review the evidence file which shall include two or more digital photographs, recorded video or other recorded images. If, after such review, such officer determines that there are reasonable grounds to believe that a violation of section 14-279 has occurred, such officer shall authorize the issuance of a summons for such alleged violation. If such officer authorizes the issuance of a summons for such alleged violation, the law enforcement agency shall, not later than thirty days after the alleged violation, mail a summons to the registered owner of the motor vehicle together with a copy of two or more digital photographs, recorded video or other recorded images. (b) As provided in subsection (b) of section 14-107, proof of the registration number of the motor vehicle therein concerned shall be prima facie evidence that the owner was the operator thereof, except that, in the case of a leased or rented motor vehicle, such proof shall be prima facie evidence that the lessee was the operator thereof. A photographic or digital still or video image produced by a live digital video school bus detection monitoring system operating pursuant to section 14-279a that clearly shows the number plate of a vehicle violating section 14-279 shall be sufficient proof of the identity of such vehicle for purposes of subsection (b) of section 14-107. (c) Any person who is alleged to have committed a violation of section 14-279 and receives a summons pursuant to subsection (a) of this section shall follow the procedures set forth in section 51-164n. (d) A recorded image produced by a monitoring system operating pursuant to section 14-279a shall be sufficient evidence of a violation of section 14-279 and shall be admitted without further authentication. (e) All defenses shall be available to any person who is alleged to have committed a violation of section 14-279 that is detected and recorded by a monitoring system operating pursuant to section 14-279a, including, but not limited to, that (1) the violation was necessary to allow the passage of an emergency vehicle, (2) the violation was necessary to avoid injuring the person or property of another, (3) the violation was incurred while participating in a funeral procession, (4) the violation was incurred during a period of time in which the motor vehicle had been reported as being stolen to an organized local police department or the state police and had not been recovered prior to the time of the violation, (5) the operator was convicted of a violation of section 14-279 for the same incident based upon a separate and distinct summons issued by a sworn police officer, or (6) the violation was necessary in order for the operator to comply with any other general statute or regulation concerning the operation of a motor vehicle. (f) No recorded image produced by a monitoring system pursuant to this section may be introduced as evidence in any other civil or criminal proceedings. (g) A recorded image produced by a monitoring system operated pursuant to section 14-279a shall be destroyed the later of: (1) Ninety days after the date of the alleged violation if a summons is not issued for such alleged violation pursuant to subsection (a) of this section, or (2) upon final disposition of the case to which it pertains if a summons is issued for such alleged violation pursuant to subsection (a) of this section. (P.A. 11-255, S. 3; P.A. 18-164, S. 20; P.A. 19-161, S. 6; P.A. 21-106, S. 42; P.A. 22-44, S. 21; P.A. 24-107, S. 3.) History: P.A. 11-255 effective July 1, 2011; P.A. 18-164

amended Subsec. (a) to make a technical change and amended Subsec. (b) to add provision re sufficient proof for purposes of Sec. 14-107(b), effective July 1, 2018; P.A. 19-161 amended Subsec. (b) to replace “identify” with “identity”, effective July 12, 2019; P.A. 21-106 amended Subsec. (a) to remove provisions re signed affidavit of person who witnessed violation live and replace 10 days with 30 days re period of time to mail summons after alleged violation; P.A. 22-44 amended Subsec. (b) to change “license plate number” to “number plate”; P.A. 24-107 added references to system operating pursuant to Sec. 14-279a in Subsecs. (a), (b), (d), (e) and (g) and made a technical change, effective July 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-279c. - Ordinance re illegally passing a school bus and municipal school bus violation enforcement system.

(a) As used in this section, “municipal school bus violation enforcement system” means a system with one or more camera sensors and computers that produce: (1) Digital and recorded video images of motor vehicles being operated in violation of an ordinance adopted pursuant to subsection (b) of this section, (2) a visual image that is viewable remotely and a recorded image of the number plate of a motor vehicle violating an ordinance adopted pursuant to subsection (b) of this section, and (3) a recorded image that indicates the date, time and location of the violation. (b) (1) Any municipality, as defined in section 7-148, may, by vote of its legislative body, adopt an ordinance to authorize the use of a municipal school bus violation enforcement system to enforce the provisions of subsection (a) of section 14-279, provided such ordinance: (A) Specifies that the owner of a motor vehicle commits a violation of the ordinance if the person operating such motor vehicle violates the provisions of subsection (a) of section 14-279, unless an affidavit is filed pursuant to subsection (j) of this section, (B) adopts the procedures described in this section and establishes a citation hearing procedure pursuant to section 7-152c, which may include an option for in-person and virtual citation hearings, (C) establishes a fine for committing a violation of such ordinance in the amount of two hundred fifty dollars, (D) permits the municipality or its designated agent to collect such fines, with proceeds credited to the municipality, and (E) requires funds received by the municipality from such fines to be used for the purposes of improving public safety in such municipality, compensating any private vendor that installs, operates or maintains a municipal school bus violation enforcement system or both. Any such ordinance may require proof of a violation by a preponderance of the evidence. (2) No ordinance adopted by a municipality pursuant to subdivision (1) of this subsection shall be effective if such municipality, the local or regional board of education serving such municipality or a private vendor under an agreement with such municipality or such board of education is operating a live digital video school bus violation detection monitoring system pursuant to section 14-279a. (c) (1) A municipal school bus violation enforcement system installed to enforce an ordinance adopted pursuant to subsection (b) of this section shall, to the extent practicable, record images of the number plate of a motor vehicle only, and shall not record images of the occupants of such motor vehicle or of any other persons or vehicles in the vicinity at the time the images are recorded. A citation issued under an ordinance adopted pursuant to subsection (b) of this section may not be dismissed in a citation hearing solely because a recorded video or digital still image reveals images of such occupants or other persons or vehicles, as long as the operator of such system has made reasonable efforts to comply with the provisions of this subsection. (2) A warning sign shall be posted on all school buses in which a municipal school bus violation enforcement system is installed and operated indicating the use of such system. (d) (1) Upon receipt of an evidence file from a municipal school bus violation enforcement system that captures an alleged violation of an ordinance adopted pursuant to subsection (b) of this section, a police officer or authorized municipal employee shall review such file. If such officer or employee has reasonable grounds to believe that such a violation occurred and such file captures the number plate, color and type of vehicle allegedly violating such ordinance and the date, approximate time and location of such violation, such officer or employee shall issue a written warning or citation to the owner of such vehicle. Such officer or employee shall electronically certify a citation, and such citation shall only be issued if mailed within the time period described in subdivision (2) of this subsection. (2) In the case of an alleged violation involving a motor vehicle registered in the state, the municipality, or its designated agent, shall send a copy of a citation to the owner of the motor vehicle observed in the alleged violation not later thirty days after the date of the alleged violation. In the case of an alleged violation involving a motor vehicle registered in another jurisdiction, the municipality, or its designated agent, shall send a copy of a citation to the address of the owner that is in the records of the official in the other jurisdiction issuing such registration not later than sixty days after the alleged violation. (3) A citation issued pursuant to subdivision (1) of this subsection shall include: (A) The name and address of the owner of the motor vehicle; (B) the number plate of the motor vehicle; (C) the ordinance allegedly violated; (D) the date, location and time of the alleged violation; (E) a copy of or information on how to view, through electronic means, the recorded images described in this section; (F) a statement or electronically generated affirmation by the police officer or authorized employee who reviewed the recorded images and determined that the motor vehicle violated an ordinance adopted pursuant to subsection (b) of this section; (G) the fine imposed pursuant to the ordinance and how to pay such fine; (H) notice of the right to contest the citation and instructions for how to request a citation hearing; and (I) information advising the owner of the motor vehicle of the procedure for disclaiming liability by submitting an affidavit as described in subsection (j) of this section to the municipality or its designated agent. (e) A citation shall be sent by first class mail. A manual or automated record prepared by the police officer, authorized employee or vendor in the ordinary course of business shall be prima facie evidence of such mailing and shall be admissible in any citation hearing as to the facts contained in the citation. (f) A certificate or facsimile of a certificate of the review of the evidence produced by the municipal school bus violation enforcement system, sworn to by the police officer or authorized municipal employee who conducted such review, shall be prima facie evidence of the facts contained in such certificate. (g) The owner of a motor vehicle shall be liable for any fine

imposed pursuant to an ordinance adopted pursuant to subsection (b) of this section, unless (1) the vehicle identified by a municipal school bus violation enforcement system is a leased or rented motor vehicle, in which case the lessee of such vehicle shall be liable for any such fine, or (2) an affidavit is filed pursuant to subsection (j) of this section, in which case the operator shall be liable for any such fine. (h) A digital still or video image produced by a municipal school bus violation enforcement system shall be sufficient evidence of a violation of an ordinance adopted pursuant to subsection (b) of this section and shall be admitted at a citation hearing proceeding without further authentication. (i) All defenses shall be available to any person who is alleged to have committed a violation of an ordinance adopted pursuant to subsection (b) of this section, including, but not limited to, that: (1) The operator was driving an emergency vehicle in accordance with the provisions of subdivision (1) of subsection (b) of section 14-283, (2) the violation was necessary to allow the passage of an emergency vehicle, (3) the violation was necessary in order for the operator to comply with an order or direction from a law enforcement officer, which is observable on the recorded images, (4) the violation was necessary to avoid injuring the person or property of another, (5) the violation took place during a period of time in which the motor vehicle had been reported as being stolen to a law enforcement unit, as defined in section 7-294a, and had not been recovered prior to the time of the violation, or (6) the operator received a citation for a violation of section 14-279, for the same incident. (j) Not later than thirty days after the mailing of a citation pursuant to subdivision (2) of subsection (d) of this section, the owner of a motor vehicle may submit a notarized affidavit, executed by such owner and the operator of such vehicle at the time of the alleged violation, stating that such operator is the party who may be responsible for the alleged violation and providing the name and address of such operator. If the municipality or its designated agent receives such an affidavit, the municipality shall mail a citation to such operator not later than thirty days after receipt of the affidavit. (k) No recorded image produced by a municipal school bus violation enforcement system may be introduced as evidence in any other civil or criminal proceedings. (l) A digital still or video image produced by a municipal school bus violation enforcement system to enforce an ordinance adopted pursuant to subsection (b) of this section shall be destroyed the later of: (1) Ninety days after the date of the creation of such digital still or video image, or (2) upon payment or final disposition of all matters related to a citation issued for a violation of an ordinance adopted pursuant to subsection (b) of this section, to which such digital still or video image pertains. (m) Violations of an ordinance adopted pursuant to subsection (b) of this section shall not be made part of the driving control record, as described in section 14-1111, of such owner and may not be used for any purpose in the provision of a motor vehicle insurance policy. (n) A municipality or local or regional board of education may enter into an agreement with a private vendor for the installation, operation or maintenance, or any combination thereof, of a municipal school bus violation enforcement system for purposes of enforcing an ordinance adopted pursuant to subsection (b) of this section. Any such agreement that requires a vendor to operate such a system shall require such vendor to report to the municipality in which such system operates and the appropriate local or regional board of education, not later than August first following the vendor's first operation of such system pursuant to such agreement, and not later than August first in each year thereafter in which the operation of such system continues pursuant to such agreement: (1) The total number of citations issued in the prior fiscal year for violations of an ordinance adopted pursuant to subsection (b) of this section that were detected and recorded by the municipal school bus violation enforcement system, and (2) the total amount of funds collected for such violations in the prior fiscal year. (o) (1) Each municipality that adopts an ordinance pursuant to subsection (b) of this section shall, not later than October first following adoption of such an ordinance, and not later than October first in each year thereafter in which such ordinance is in effect, submit a report to the Department of Transportation, which shall include, but need not be limited to: (A) A copy of such ordinance, (B) the total number of citations issued for a violation of such ordinance in the prior fiscal year, (C) the total amount of funds collected for such violations in the prior fiscal year, and (D) how the municipality spent such funds in the prior fiscal year. (2) Not later than January 1, 2026, and annually thereafter, the Department of Transportation shall submit a report, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to public safety and security and transportation. Such report shall include copies of the ordinances and a summary of the information submitted to the department pursuant to subdivision (1) of this section. (P.A. 24-107, S. 4.) History: P.A. 24-107 effective July 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-280. - Display of signs and signals by school bus and student transportation vehicle. Portable signs. Penalty.

(a)(1) When a school bus is used for any purpose other than the transportation of children to and from schools or school activities, private or public camps or any other activities for which groups of children are transported, the special signals normally used when so engaged shall be left unused or disconnected. (2) Any student transportation vehicle when engaged in the transportation of children to and from private or public camps or the transportation exclusively of children to activities, except school activities, may display a sign or signs, as described in subsection (b) of this section. Any motor vehicle, other than a registered school bus, not owned by a public, private or religious school, or under contract to such school, when engaged in the transportation of school children to and from school or school activities, may display a sign or signs, as described in subsection (b) of this section. (3) Any student transportation vehicle, when engaged in the transportation of school children to and from school or school activities, shall display a sign or signs, as described in subsection (b) of this section, except a student transportation vehicle, when engaged in the transportation of students aged eighteen to twenty-one, inclusive, who, as part of an individualized education program, are participating in community-based transition services, may display a sign or signs, as described in subsection (b) of this section. (4) Any portable signs, as described in subsection (b) of this section, that are permitted or required under this section may be removed

or covered when the vehicle is not being used for the purposes requiring or allowing the use of such signs as specified in this section. (b) The sign or signs permitted or required under subsection (a) of this section may be portable signs securely mounted on the roof or decal or painted signs, either of which shall be placed at a height of at least four feet and shall display the wording "CARRYING SCHOOL CHILDREN" in black lettering at least three inches high on yellow background visible to operators of vehicles approaching from front and rear. The words "Stop" or "Stop on signal" shall not be used. The Commissioner of Motor Vehicles shall adopt regulations in accordance with the provisions of chapter 54 establishing standards for the construction and attachment of such portable signs. (c) Any person who violates any provision of this section shall, for a first offense, be deemed to have committed an infraction, and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars. (1955, S. 1324d; 1959, P.A. 418, S. 1; P.A. 79-331, S. 1, 2; P.A. 81-172, S. 15; P.A. 82-223, S. 24; P.A. 83-577, S. 29; P.A. 89-320, S. 5, 12; P.A. 90-112, S. 6, 14; P.A. 11-213, S. 42; P.A. 14-130, S. 28; P.A. 17-79, S. 16.) History: 1959 act included transportation of children to other than school activities; P.A. 79-331 divided section into subsections, clarified provisions re use of portable signs and specified wording of signs; P.A. 81-172 allowed for decal or painted signs on vehicles transporting school children in addition to portable signs mounted on the roof and reduced required size of lettering "CARRYING SCHOOL CHILDREN" from four to three inches; P.A. 82-223 added Subsec. (c) specifying the penalties for a first and subsequent violation; P.A. 83-577 amended Subsec. (c) by deleting the provision specifying the fine for an infraction is not less than \$25 nor more than \$90; P.A. 89-320 amended Subsec. (b) to require that portable signs be securely mounted on roof and that commissioner adopt regulations establishing standards for construction and attachment of portable signs; P.A. 90-112 amended Subsec. (a) to substitute "student transportation vehicle" for reference to motor vehicle, other than a registered school bus; P.A. 11-213 amended Subsec. (a) to delete requirement to cover identifying lettering on bus when used for purposes other than transportation of children, to limit requirement to remove or cover signs to "portable" signs and to rephrase existing provisions, effective July 1, 2011; P.A. 14-130 amended Subsec. (a) by replacing "shall" with "may" re removing or covering portable signs, effective July 1, 2014; P.A. 17-79 amended Subsec. (a) by designating existing provisions re school bus, student transportation vehicle transporting children to camps or activities, student transportation vehicle transporting children to school or school activities and portable signs as Subdivs. (1) to (4), respectively, and amending Subdiv. (3) by adding provision re exception to signage display for student transportation vehicle transporting students aged 18 to 21 in an individualized education program, effective July 1, 2017. See Sec. 14-107 re liability of owner, operator or lessee of vehicle.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-281. - Penalties.

Any person who violates any provision of sections 14-275 to 14-280, inclusive, for which no other penalty is provided shall be fined not less than twenty-five dollars or more than one hundred dollars for the first offense, and not less than one hundred dollars or more than five hundred dollars for each subsequent offense. (1955, S. 1325d; P.A. 07-217, S. 54.) History: P.A. 07-217 made technical changes, effective July 12, 2007.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-281a. - Speed of school buses. Display of head lamps.

(a) Every school bus shall be operated at a safe rate of speed, consistent with the volume of traffic, intersections, curves, railway crossings and any other condition requiring special caution. The maximum speed shall not exceed fifty miles per hour on divided limited access highways and forty miles per hour on all other highways or, where highway signs indicate lower speeds, shall not exceed such posted speed limits. (b) Each school bus and student transportation vehicle shall display lighted head lamps while transporting school children. (c) Violation of any provision of this section shall be an infraction. (1967, P.A. 324; P.A. 75-577, S. 106, 126; P.A. 90-112, S. 7, 14.) History: P.A. 75-577 stated that violation of provisions is an infraction; P.A. 90-112 divided section into Subsecs. and inserted new language as Subsec. (b), requiring school buses and student transportation vehicles to display lighted head lamps while transporting school children.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-281b. - Summons issued to holder of license endorsement while operating school bus or student transportation vehicles; copy to be sent to employer and local board of education; notification of disposition of case.

(a) Within two days after a summons is issued to a holder of a license endorsement while the holder is operating a school bus or student transportation vehicle, a copy of the summons shall be transmitted to the employer of the license endorsement holder and the board of education for which such school bus or student transportation vehicle is performing contract services. (b) Within five days of the conviction, forfeiture, nolle or other disposition of a holder of a license endorsement for any violation while operating a school bus or student transportation vehicle, a report of the conviction, forfeiture, nolle or other disposition shall be transmitted by the court to the employer of the license endorsement holder and the board of education for which such school bus or student transportation vehicle is performing contract services. (P.A. 80-277, S. 2, 3; P.A. 90-263, S. 30, 74; P.A. 93-341, S. 29, 38.) History: P.A. 90-263 substituted public passenger transportation permit for public service operator's license, inserted "student transportation vehicle" after "school bus" and required copy of summons and report of disposition to be furnished to board of education for which school bus or student transportation vehicle is performing contract services in lieu of town in which summons was issued; P.A. 93-341 replaced references to public passenger transportation permits with references to license endorsements, effective July 1,

1994.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-281c. - Report of serious accidents involving school buses or student transportation vehicles.

In each serious accident involving a school bus or a student transportation vehicle as defined in section 14-212, the police officer who, in the regular course of duty, investigates such accident, shall immediately report such accident by telephone or otherwise to the Commissioner of Motor Vehicles. In the event of any accident in which an occupant of a school bus or student transportation vehicle is injured resulting in admission of such occupant to a hospital overnight, the police officer investigating the accident shall report such accident to the commissioner within twenty-four hours thereafter. For the purposes of this section, the term "serious accident" means any accident in which (1) any occupant of the school bus or student transportation vehicle is killed, or (2) a fire occurs in, or there is a roll-over of, the school bus or student transportation vehicle. (P.A. 90-112, S. 1, 14.) See Sec. 14-277 re operator's duties on stopping bus.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-281d. - Duties of operators of student transportation vehicles re receipt or discharge of school children.

No operator of a student transportation vehicle, as defined in section 14-212, while engaged in the transportation of school children to and from school or school activities may receive or discharge any child in a location where such child may cross any highway to board the vehicle or to reach his residence or other destination, except as approved by the Commissioner of Education. (P.A. 89-320, S. 10, 12; P.A. 90-112, S. 9, 14.) History: P.A. 90-112 substituted "student transportation vehicle" for "motor vehicle, other than a registered school bus, owned by or under contract to a town, regional school district, public, private or religious school".

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-282. - Vehicle formerly used as a school bus to be repainted. Penalty.

(a) Any person who is the owner or becomes the owner of a motor vehicle formerly used as a school bus who discontinues the use of such vehicle for the transportation of school children as stated in sections 14-275 and 14-280 shall cause the same to be painted another color, readily distinguishable from "National School Bus Chrome". (b) Violation of any provision of this section shall be an infraction. (1955, S. 1326d; 1957, P.A. 418; P.A. 75-577, S. 107, 126; P.A. 89-320, S. 8, 12; P.A. 02-70, S. 60; P.A. 22-44, S. 9.) History: P.A. 75-577 stated that violation of provisions is an infraction; P.A. 89-320 subdivided the section into Subsecs. and required each former school bus 10 years old or older to be inspected every 2 years at the motor vehicle department on and after July 1, 1990; (Revisor's note: In 1997 references throughout the general statutes to "Motor Vehicle(s) Commissioner" and "Motor Vehicle(s) Department" were replaced editorially by the Revisors with "Commissioner of Motor Vehicles" or "Department of Motor Vehicles", as the case may be, for consistency with customary statutory usage); P.A. 02-70 amended Subsec. (a) to make a technical change, effective July 1, 2002; P.A. 22-44 amended Subsec. (a) by deleting provision re former school bus 10 years or older to be presented for inspection at department, effective July 1, 2022.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-282a. - School bus and student transportation vehicle inspectors.

The Commissioner of Motor Vehicles shall assign the necessary number of inspectors for the purpose of maintaining a system of continuing inspection of school buses and student transportation vehicles, investigation of accidents involving school buses and student transportation vehicles and investigation of complaints against the owners and drivers of school buses and student transportation vehicles, and to coordinate the various school bus safety programs. (1967, P.A. 608, S. 1, 2; P.A. 90-112, S. 11, 14; P.A. 14-130, S. 26.) History: P.A. 90-112 amended Subsec. (a) to require commissioner to establish inspection districts for maintaining a system of continuing inspection of student transportation vehicles; P.A. 14-130 deleted Subsec. (a) designator, replaced "establish eight inspection districts" with "assign the necessary number of inspectors" and deleted former Subsec. (b) re commissioner's authority to add six inspectors to present staff, effective June 6, 2014.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-283. - Rights and duties re emergency vehicles. Obstruction of emergency vehicle.

(a) As used in this section, "emergency vehicle" means (1) any ambulance or vehicle operated by a member of an emergency medical service organization responding to an emergency call or taking a patient to a hospital, (2) any vehicle used by a fire department or by any officer of a fire department while on the way to a fire or while responding to an emergency call but not while returning from a fire or emergency call, (3) any state or local police vehicle operated by a police officer or inspector of the Department of Motor Vehicles answering an emergency call or in the pursuit of fleeing law violators, (4) any Department of Correction vehicle operated by a Department of Correction officer while in the course of such officer's employment and while responding to an emergency call, or (5) any Department of Energy and Environmental Protection vehicle operated by a Department of Energy and Environmental Protection employee authorized to operate such vehicle while in the course of such employee's employment and while on the way to a fire or responding to an emergency call but not while returning from a fire or emergency call.

(b) (1) The operator of any emergency vehicle may (A) park or stand such vehicle, irrespective of the provisions of this chapter, (B) except as provided in subdivision (2) of this subsection, proceed past any red light, stop signal or stop sign, but only after slowing down or stopping to the extent necessary for the safe operation of such vehicle, (C) exceed the posted speed limits or other speed limits imposed by or pursuant to section 14-218a, 14-219 or 14-307a as long as such operator does not endanger life or property by so doing, and (D) disregard statutes, ordinances or regulations governing direction of movement or turning in specific directions. (2) The operator of any emergency vehicle shall immediately bring such vehicle to a stop not less than ten feet from the front when approaching and not less than ten feet from the rear when overtaking or following any registered school bus on any highway or private road or in any parking area or on any school property when such school bus is displaying flashing red signal lights and such operator may then proceed as long as he or she does not endanger life or property by so doing. (c) The exemptions granted in this section shall apply only when an emergency vehicle is making use of an audible warning signal device, including, but not limited to, a siren, whistle or bell which meets the requirements of subsection (f) of section 14-80, and visible flashing or revolving lights which meet the requirements of sections 14-96p and 14-96q, and to any state or local police vehicle properly and lawfully making use of an audible warning signal device only. (d) The provisions of this section shall not relieve the operator of an emergency vehicle from the duty to drive with due regard for the safety of all persons and property. (e) Upon the immediate approach of an emergency vehicle making use of such an audible warning signal device and such visible flashing or revolving lights or of any state or local police vehicle properly and lawfully making use of an audible warning signal device only, the operator of every other vehicle in the immediate vicinity shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the emergency vehicle has passed, except when otherwise directed by a state or local police officer or a firefighter. (f) Any person who is (1) operating a motor vehicle that is not an emergency vehicle, and (2) following an ambulance that is using flashing lights or a siren, shall not follow such ambulance more closely than one hundred feet. (g) Any officer of a fire department may remove, or cause to be removed, any vehicle upon any highway or private way which obstructs or impedes any fire department, or any officer thereof, in controlling or extinguishing any fire. (h) Any person who wilfully or negligently obstructs or impedes an emergency vehicle or any vehicle used by the state or local police shall be fined not more than two hundred fifty dollars. (i) Nothing in this section shall be construed as permitting the use of a siren upon any motor vehicle other than an emergency vehicle or an authorized emergency medical services vehicle that is registered with the Department of Motor Vehicles pursuant to section 19a-181. (j) A police officer may issue a written warning or a summons to the owner of a vehicle based upon an affidavit signed by the operator of an emergency vehicle specifying (1) the license plate number, color and type of any vehicle observed violating any provision of subsection (e) or (h) of this section, and (2) the date, approximate time and location of such violation. (1949 Rev., S. 2424; 1957, P.A. 542, S. 1, 2; March, 1958, P.A. 27, S. 7; 1963, P.A. 112; 1969, P.A. 452, S. 7; 1971, P.A. 538; P.A. 77-340, S. 9; 77-614, S. 486, 587, 610; P.A. 78-303, S. 85, 136; P.A. 79-3; P.A. 80-483, S. 64, 186; P.A. 84-429, S. 66; P.A. 85-217, S. 3; P.A. 00-169, S. 11; P.A. 01-59; 01-192, S. 2; P.A. 05-288, S. 238, 239; P.A. 11-51, S. 134; 11-256, S. 17; P.A. 12-80, S. 6; P.A. 14-221, S. 1; P.A. 21-28, S. 11; 21-106, S. 34.) History: 1963 act included fire department vehicles responding to emergency calls; 1969 act increased fine from \$50 to \$500 maximum and imprisonment from seven days to one year maximum in Subsec. (c); 1971 act replaced previous provisions with new provisions re right-of-way granted to emergency vehicles; P.A. 77-340 added reference to Sec. 14-218a in Subsec. (b); P.A. 77-614 and P.A. 78-303 made state police department a division within the department of public safety, effective January 1, 1979; P.A. 79-3 replaced reference to ambulances and vehicles used by police and fire departments with reference to emergency vehicles and rescue service vehicles in Subsec. (h); P.A. 80-483 replaced reference to Sec. 14-96g with reference to Sec. 14-96q in Subsec. (c); P.A. 84-429 made technical changes for statutory consistency; P.A. 85-217 amended Subsecs. (a) and (g), including emergency medical service organization vehicles in the definition of "emergency vehicle" and imposing a fine on persons who obstruct such vehicles while answering emergency calls; P.A. 00-169 redefined "emergency vehicle" to include vehicles operated by inspectors of the Department of Motor Vehicles; P.A. 01-59 amended Subsec. (a) to redefine "emergency vehicle" to include any Department of Correction vehicle operated by a Department of Correction officer while in the course of such officer's employment and while responding to an emergency call and amended Subsec. (b) to make a technical change for purposes of gender neutrality; P.A. 01-192 amended Subsec. (g) by changing the fine from \$50 to \$200, added Subsec. (i) re allowing a police officer to issue a written warning for violations of Subsec. (e) or (g) and made technical changes for the purposes of gender neutrality in Subsecs. (b) and (c); P.A. 05-288 amended Subsecs. (a) and (g) by replacing "emergency medical service organization vehicle" with "vehicle operated by a member of an emergency medical service organization" and made a technical change in Subsec. (g), effective July 13, 2005; pursuant to P.A. 11-51, "Department of Public Safety" was changed editorially by the Revisors to "Department of Emergency Services and Public Protection" in Subsec. (g), effective July 1, 2011; P.A. 11-256 added new Subsec. (f) re following of ambulance, redesignated existing Subsecs. (f) to (i) as Subsecs. (g) to (j), and amended Subsec. (j) to make a technical change; P.A. 12-80 amended Subsec. (h) to replace penalty of a fine of not more than \$200 or imprisonment of not more than 7 days or both with a fine of not more than \$250; P.A. 14-221 amended Subsec. (b) to designate existing provisions as Subdiv. (1) and add Subdiv. (2) re operator of emergency vehicle to stop when overtaking or following school bus when bus is displaying flashing red lights and to proceed as long as operator does not endanger life or property, and made technical and conforming changes in Subsecs. (a), (b) and (c); P.A. 21-28 amended Subsec. (b)(1) by adding reference to Sec. 14-307a; P.A. 21-106 amended Subsec. (a) by designating existing provisions as Subdivs. (1) to (4) and adding Subdiv. (5) re Department of Energy and Environmental Protection vehicle, amended Subsec. (h) by replacing provision re ambulance or vehicle operated by emergency medical service organization or fire department with provision re emergency vehicle or vehicle used by state or local police, amended Subsec. (i) to replace reference to

rescue service vehicle with reference to authorized emergency medical services vehicle and made technical changes, effective June 30, 2021. See Sec. 14-80(f) re use of sirens, whistles or bells as warning signal devices. The provisions of this section create an exception to Sec. 14-299(b) concerning traffic lights at intersections. 114 C. 400. If a person is preparing for a left turn at an intersection, it may not be practicable to drive to the right-hand side and a jury should be so charged; under section, sounding of the siren of the cruiser is essential to its right-of-way. 150 C. 349. Effect of statute is merely to displace the conclusive presumption of negligence that ordinarily arises from the violation of traffic rules. 189 C. 601. Cited. 41 CA 476. Though ambulance had right-of-way, driver still had duty to look to right on entering intersection. 15 CS 232. Fact that police officer in answering an emergency call had right-of-way did not excuse him from operating his car with reasonable care. 19 CS 32. Cited. 34 CS 555; 38 CS 377. Subsec. (b): Since Subdiv. (4) does not include a safe driving provision, it provides immunity to drivers of emergency vehicles from criminal liability for violating statutes governing direction of movement or turning in specific directions. 60 CA 647. Subsec. (d): Provisions require officers to exercise judgment in determining whether to pursue a fleeing motorist and therefore the duty imposed is discretionary and the phrase “due regard”, rather than mandating a particular response to specific conditions, imposes a general duty on officers to exercise their judgment and discretion in a reasonable manner. 336 C. 1. Subsec. (e): Court found that “immediate vicinity” included police car with its lights flashing while it was within 1/4 mile of vehicle in question. 108 CA 447.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-283a. - Pursuits by police officers. State-wide policy. Prohibitions. Reports.

(a) As used in this section, “police officer” and “law enforcement unit” have the same meanings as provided in section 7-294a, and “pursuit” means an attempt by a police officer in an authorized emergency vehicle to apprehend any occupant of another moving motor vehicle, when the driver of the fleeing motor vehicle is attempting to avoid apprehension by maintaining or increasing the speed of such vehicle or by ignoring the police officer's attempt to stop such vehicle. (b) (1) The Commissioner of Emergency Services and Public Protection, in conjunction with the Chief State's Attorney, the Police Officer Standards and Training Council, the Connecticut Police Chiefs Association and the Connecticut Coalition of Police and Correctional Officers, shall adopt, in accordance with the provisions of chapter 54, a uniform, state-wide policy for handling pursuits by police officers. Such policy shall specify: (A) The conditions under which a police officer may engage in a pursuit and discontinue a pursuit, (B) alternative measures to be employed by any such police officer in order to apprehend any occupant of the fleeing motor vehicle or to impede the movement of such motor vehicle, (C) the coordination and responsibility, including control over the pursuit, of supervisory personnel and the police officer engaged in such pursuit, (D) in the case of a pursuit that may proceed and continue into another municipality, (i) the requirement to notify and the procedures to be used to notify the police department in such other municipality or, if there is no organized police department in such other municipality, the officers responsible for law enforcement in such other municipality, that there is a pursuit in progress, and (ii) the coordination and responsibility of supervisory personnel in each such municipality and the police officer engaged in such pursuit, (E) the type and amount of training in pursuits, that each police officer shall undergo, which may include training in vehicle simulators, if vehicle simulator training is determined to be necessary, and (F) that a police officer immediately notify supervisory personnel or the officer in charge after the police officer begins a pursuit. The chief of police or Commissioner of Emergency Services and Public Protection, as the case may be, shall inform each officer within such chief's or said commissioner's department and each officer responsible for law enforcement in a municipality in which there is no such department of the existence of the policy of pursuit to be employed by any such officer and shall take whatever measures that are necessary to assure that each such officer understands the pursuit policy established. (2) Not later than January 1, 2021, and at least once during each five-year period thereafter, the Commissioner of Emergency Services and Public Protection, in conjunction with the Chief State's Attorney, the Police Officer Standards and Training Council, the Connecticut Police Chiefs Association and the Connecticut Coalition of Police and Correctional Officers, shall adopt regulations in accordance with the provisions of chapter 54, to update such policy adopted pursuant to subdivision (1) of this subsection. (c) No police officer engaged in a pursuit shall discharge any firearm into or at a fleeing motor vehicle, unless such officer has a reasonable belief that there is an imminent threat of death to such officer or another person posed by the fleeing motor vehicle or an occupant of such motor vehicle. (d) No police officer shall intentionally position his or her body in front of a fleeing motor vehicle, unless such action is a tactic approved by the law enforcement unit that employs such police officer. (e) If a pursuit enters the jurisdiction of a law enforcement unit other than that of the unit which initiated the pursuit, the law enforcement unit that initiated the pursuit shall immediately notify the law enforcement unit that has jurisdiction over such area of such pursuit. (f) (1) Not later than December 1, 2018, the Police Officer Standards and Training Council, established under section 7-294b, shall develop and promulgate a standardized form for (A) reporting pursuits by police officers pursuant to subdivision (2) of this subsection, and (B) submitting annual reports pursuant to subdivision (3) of this subsection. (2) On and after January 1, 2019, the chief of police or the Commissioner of Emergency Services and Public Protection, as the case may be, shall require each police officer who engages in a pursuit to report such pursuit on the standardized form developed and promulgated under subdivision (1) of this subsection. (3) Not later than January 31, 2020, and annually thereafter, each chief of police and the Commissioner of Emergency Services and Public Protection shall submit an annual report to the Police Officer Standards and Training Council regarding pursuits by police officers on the standardized form developed and promulgated under subdivision (1) of this subsection. (4) Not later than April 30, 2020, and annually thereafter, the Police Officer Standards and Training Council shall compile, analyze and summarize the annual reports and submit, in accordance with section 11-4a, a consolidated report regarding police pursuits and any recommendations for legislation to the joint standing committee of the General Assembly having cognizance of matters relating to public safety and security. The council may partner

with an institution of higher education in this state or a professional police organization to prepare or to assist in the preparation of the consolidated report. (P.A. 78-372, S. 1, 2, 7; P.A. 99-171, S. 1, 5; P.A. 11-51, S. 155; P.A. 18-161, S. 3; P.A. 19-90, S. 5.) History: P.A. 99-171 defined “police officer” in Subsec. (a), amended Subsec. (b) by changing the requirement that each police department adopt a pursuit policy to a requirement that a uniform, state-wide pursuit policy be adopted, adding Subdivs. (1) to (6), inclusive, and made technical changes, effective July 1, 1999; P.A. 11-51 amended Subsec. (b) by removing “Not later than January 1, 2000,” and by replacing “Commissioner of Public Safety” with “Commissioner of Emergency Services and Public Protection”, effective July 1, 2011; P.A. 18-161 amended Subsec. (a) by redefining “police officer”, amended Subsec. (b) by making technical changes and added Subsec. (c) re standardized forms and reports; P.A. 19-90 defined “law enforcement unit” and made technical changes in Subsec. (a), amended Subsec. (b) by designating existing provisions re policy for handling pursuits as new Subdiv. (1), redesignating existing Subdivs. (1) to (6) as Subparas. (A) to (F), redesignating existing Subdivs. (4)(A) and (4)(B) as Subdivs. (1)(D)(i) and (1)(D)(ii) and adding new Subdiv. (2) re update of policy at least once every 5 years, added new Subsec. (c) re discharge of firearm into or at fleeing motor vehicle, added Subsec. (d) re positioning of body in front of fleeing motor vehicle, added Subsec. (e) re pursuit entering jurisdiction of another unit and redesignated existing Subsec. (c) as Subsec. (f). Cited. 208 C. 94. Cited. 31 CA 669.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-283b. - Motor vehicle operator required to move over or reduce speed when approaching emergency vehicle that is stationary or traveling significantly below speed limit and nonemergency vehicle that is stationary and located on shoulder.

(a) For the purpose of this section, “emergency vehicle” means any vehicle with activated flashing lights (1) operated by a member of an emergency medical service organization responding to an emergency call, (2) operated by a fire department or by any officer of a fire department responding to a fire or other emergency, (3) operated by a police officer, (4) that is a maintenance vehicle, as defined in section 14-1, or (5) that is a wrecker, as defined in section 14-1, “police officer” has the meaning set forth in section 7-294a, and “highway” has the meaning set forth in section 14-1, provided such highway has two or more travel lanes that proceed in the same direction. (b) (1) Any operator of a motor vehicle on a highway when approaching one or more emergency vehicles that are stationary or traveling significantly below the posted speed limit and located on the shoulder, lane or breakdown lane of such highway shall (A) immediately reduce speed to a reasonable level below the posted speed limit, and (B) if traveling in the lane adjacent to the shoulder, lane or breakdown lane containing such emergency vehicle, move such motor vehicle over one lane, unless such movement would be unreasonable or unsafe. (2) Any operator of a motor vehicle on a road that provides for two lanes of undivided traffic proceeding in the opposite direction when approaching one or more emergency vehicles that are stationary or traveling significantly below the posted speed limit and located on the shoulder, lane or breakdown lane of such road shall immediately reduce speed to a reasonable level below the posted speed limit until safely clear of the emergency vehicle. (c) Any operator of a motor vehicle on a highway when approaching one or more nonemergency vehicles that are stationary and located on the shoulder, lane or breakdown lane of such highway shall, if traveling in the lane adjacent to the shoulder, lane or breakdown lane containing such nonemergency vehicle, move such motor vehicle over one lane, unless such movement would be unreasonable or unsafe. (d) (1) Any person who violates the provisions of subsection (b) of this section shall have committed an infraction, except that if such violation results in the injury of the operator or any occupant of an emergency vehicle, such person shall be fined not more than two thousand five hundred dollars and, if such violation results in the death of the operator or any occupant of an emergency vehicle, such person shall be fined not more than ten thousand dollars. (2) Any person who violates the provisions of subsection (c) of this section shall have committed an infraction. (P.A. 09-121, S. 1; 09-187, S. 44; P.A. 12-19, S. 1; P.A. 16-151, S. 3; P.A. 17-230, S. 14; P.A. 23-40, S. 32.) History: P.A. 09-187 redefined “police officer” in Subsec. (a); P.A. 12-19 amended Subsec. (a) to redefine “highway” and amended Subsec. (c) to rephrase provisions and make technical changes; P.A. 16-151 amended Subsec. (b) by replacing provision re stationary emergency vehicles with provision re emergency vehicles that are stationary or traveling significantly below posted speed limit, effective July 1, 2016; P.A. 17-230 added new Subsec. (c) re moving over for nonemergency vehicles that are stationary and redesignated existing Subsec. (c) re violation of Subsec. (b) as Subsec. (d)(1) and amended same by adding Subdiv. (2) re violation of Subsec. (c); P.A. 23-40 amended Subsec. (b) to designate existing provision as new Subsec. (1), redesignate existing Subdivs. (1) and (2) as Subparas. (A) and (B) and add Subdiv. (2) re reducing speed when approaching emergency vehicle on a road with two lanes of undivided traffic proceeding in opposite direction, amended Subsec. (d)(1) to add “or any occupant” and made a technical change.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-283c. - Definitions.

For the purposes of this section and sections 14-283d to 14-283h, inclusive: (1) “Frozen dessert truck” means a motor vehicle in which frozen desserts are carried for purposes of retail sale on the highway; (2) “Vend” means offering frozen desserts for sale from a frozen dessert truck; (3) “Frozen desserts” has the same meaning as provided in section 21a-48; and (4) “Highway” has the same meaning as provided in section 14-1. (P.A. 21-20, S. 1.) History: P.A. 21-20 effective July 1, 2021.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-283d. - Motor vehicle operator required to stop when approaching frozen dessert truck with flashing

red signal lights and extended arms.

(a) Except as provided in subsection (b) of this section, the operator of a vehicle shall stop such vehicle not less than ten feet from the front when approaching and not less than ten feet from the rear when overtaking any frozen dessert truck on a highway when the frozen dessert truck is displaying flashing red signal lights and extending the stop signal arm and the front crossing arm. The operator may then proceed past the frozen dessert truck at a reasonable and prudent speed, not exceeding five miles per hour, and shall yield the right-of-way to any pedestrian who crosses the highway to or from the frozen dessert truck. (b) The operator of a vehicle on a highway with two or more lanes for traffic separated by a safety island or physical barrier may proceed without stopping upon approaching or overtaking a frozen dessert truck on another lane. (c) (1) On and after July 1, 2021, and until September 30, 2021, any person who violates any provision of this section shall receive a warning. (2) On and after October 1, 2021, any person who violates any provision of this section shall, for a first offense, be deemed to have committed an infraction, and for a subsequent offense, shall be fined not more than one hundred dollars. (P.A. 21-20, S. 2.) History: P.A. 21-20 effective July 1, 2021.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-283e. - Equipment of frozen dessert truck. Penalty.

(a) On and after May 1, 2022, each frozen dessert truck shall be equipped in the following manner: (1) Signal lamps mounted at the same level and as high and as widely spaced laterally as practicable. The signal lamps shall be not less than five and not more than seven inches in diameter and shall display two alternately flashing red signal lights visible at a distance of not less than five hundred feet to the front and rear in normal sunlight upon a straight level highway. (2) A stop signal arm that can be extended horizontally from the left side of the frozen dessert truck. When such arm is extended, the side of such arm nearest the truck shall be seven and one-quarter inches long and parallel to the side of the truck. The side farthest from the truck shall be eighteen inches long and parallel to the side nearest the truck. The two sides shall be eighteen inches apart creating a symmetrical, trapezoidal shape. Two alternately flashing red lights shall be located in the outside corners of the extended signal arm and such corners shall be rounded to conform with the shape of the lights. Each red light shall be not less than three and not more than five inches in diameter and visible at a distance of not less than three hundred feet to the front and rear in normal sunlight upon a straight level highway. Both sides of the signal arm shall have a red reflectorized background and the following legend: The word "STOP" shall appear in six-inch-high white letters not to exceed four inches in length in the middle of the signal arm; above the word "STOP", the phrase "IF SAFE" shall appear in two-inch-high white letters not to exceed one and three-fourths inches in length; below the word "STOP", the phrase "THEN GO" shall appear in two-inch-high white letters not to exceed one and three-fourths inches in length. The colors of the background and legend shall conform to the requirements set forth in the Manual on Uniform Traffic Control Devices for Streets and Highways published by the Federal Highway Administration, as amended from time to time. The bottom of the extended signal arm shall be approximately forty-two inches above the street. (3) A convex mirror mounted on the front of the frozen dessert truck so the operator in a normal seating position is capable of seeing the area in front of the truck that is obscured by the hood. (4) A front crossing arm attached to the front bumper of the frozen dessert truck hinged from the truck's right side. The bottom of the front crossing arm shall be not less than sixteen and not more than twenty inches above the street. The front crossing arm shall be made of any durable material covered with a yellow or white reflective material and shall extend in conjunction with the stop signal arm described in subdivision (2) of this subsection. When extended outward in front of the truck, the front crossing arm shall extend not less than four and not more than six feet parallel to the ground. When retracted against the front of the truck, the front crossing arm shall not extend past the width of the truck on the operator's left side. (b) Any person who operates a frozen dessert truck without equipping such truck as required by subsection (a) of this section shall, for a first offense, be deemed to have committed an infraction, and for a subsequent offense, shall be fined not less than one hundred dollars and not more than five hundred dollars. (P.A. 21-20, S. 3; P.A. 22-44, S. 30.) History: P.A. 21-20 effective July 1, 2021; P.A. 22-44 deleted Subsec. (c) re operation of frozen dessert truck on and after September 1, 2021, until April 30, 2022.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-283f. - Operation of frozen dessert truck. Penalty.

(a) On and after May 1, 2022, or when a frozen dessert truck is equipped as required by subsection (a) of section 14-283e, whichever is earlier, the operator of any frozen dessert truck shall display flashing red signal lights and extend the stop signal arm and the front crossing arm (1) for not less than fifty feet before the operator brings the frozen dessert truck to a stop to vend, (2) while vending, and (3) until all customers are safely off the highway. (b) The operator of any frozen dessert truck shall not display the flashing red signal lights or extend the stop signal arm and the front crossing arm when the frozen dessert truck is in motion, except as provided in subdivision (1) of subsection (a) of this section, or stopped for a purpose other than vending. (c) Violation of any provision of this section shall, for a first offense, be deemed to have committed an infraction, and for a subsequent offense, shall be fined not less than one hundred dollars and not more than five hundred dollars. (P.A. 21-20, S. 4.) History: P.A. 21-20 effective July 1, 2021.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-283g. - Restrictions on vending from frozen dessert truck. Penalty.

(a) Except as provided in subsection (b) of this section, no person shall vend from a frozen dessert truck that is stopped or parked on

any highway: (1) When the posted speed limit on such highway is greater than twenty-five miles per hour; (2) When such highway is less than one hundred feet from an intersection with another highway that has a posted speed limit greater than twenty-five miles per hour; (3) Located less than five hundred feet from any property used as an elementary or middle school, one hour before and one hour after the regular school day, unless that day is not a school day and the local or regional board of education approves such vending in writing; (4) When such person does not have a free and unobstructed view for at least two hundred feet in both directions of the highway where the frozen dessert truck is stopped or parked; or (5) To a person standing in the highway. (b) A local traffic authority, as defined in section 14-297, may authorize vending from a frozen dessert truck that is stopped or parked on a highway (1) that has a posted speed limit not greater than thirty-five miles per hour, or (2) that is less than one hundred feet from an intersection with another highway that has a posted speed limit not greater than thirty-five miles per hour. (c) No person shall (1) stop on the left side of a one-way highway to vend, or (2) back up a frozen dessert truck to vend or attempt to vend. (d) A person shall vend (1) when the frozen dessert truck is lawfully stopped or parked, and (2) from the side of the frozen dessert truck facing away from moving vehicular traffic and as close as practicable to the curb or edge of the highway. (e) (1) On and after July 1, 2021, and until September 30, 2021, any person who violates any provision of this section shall receive a warning. (2) On and after October 1, 2021, any person who violates any provision of this section shall, for a first offense, be deemed to have committed an infraction, and for a subsequent offense, shall be fined not more than one hundred dollars. (P.A. 21-20, S. 5.) History: P.A. 21-20 effective July 1, 2021.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-283h. - Information concerning equipment and operation of frozen dessert truck.

Not later than July 1, 2021, the Commissioner of Motor Vehicles shall publish on the Internet web site of the Department of Motor Vehicles information concerning (1) the equipment required of a frozen dessert truck pursuant to subsection (a) of section 14-283e, and (2) the operation of and vending from a frozen dessert truck as specified in sections 14-283f and 14-283g. (P.A. 21-20, S. 6; P.A. 22-44, S. 31.) History: P.A. 21-20 effective June 2, 2021; P.A. 22-44 amended Subdiv. (2) to delete reference to Sec. 14-283e(c), effective July 1, 2022.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-284. - Use of restricted highway by livery service vehicles.

The restriction of any highway to use by passenger motor vehicles shall not prohibit the use thereof by motor vehicles in livery service as defined in chapter 244b, provided such vehicles comply with the regulations of the Office of the State Traffic Administration, pursuant to subsection (f) of section 13a-26, for the length, height and width requirements of vehicles authorized to operate on the Merritt and Wilbur Cross Parkways. (1955, S. 1402d; 1957, P.A. 109; P.A. 07-167, S. 30; P.A. 12-132, S. 23.) History: P.A. 07-167 replaced provision re vehicles having a maximum capacity of seven passengers with provision re vehicles complying with State Traffic Commission regulations re length, height and width requirements for operation on Merritt and Wilbur Cross Parkways, effective July 1, 2007; P.A. 12-132 replaced "State Traffic Commission" with "Office of the State Traffic Administration", effective July 1, 2012.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-285. - Use of mirrors by vehicles other than motor vehicles.

Each vehicle, except a motor vehicle, which is so constructed or which is so loaded that the driver is prevented from having a free and unobstructed view of the highway immediately to the rear and at the sides of the same, shall be equipped with a mirror or reflector attached to and so located and adjusted on such vehicle as to give the operator thereof a clear reflected view of the highway directly to the rear on a line parallel to the side of the body of such vehicle. Any person operating such a vehicle shall make observations for the approach of vehicles from the rear and, when so approached, shall drive to the right of the center line of the traveled way as promptly as safety will permit, giving the vehicle approaching from the rear opportunity to pass in safety. Any person who violates any provision of this section shall be deemed to have committed an infraction and be fined fifty dollars for each offense. (1949 Rev., S. 2503; P.A. 82-223, S. 25; P.A. 83-577, S. 30; P.A. 10-3, S. 63.) History: P.A. 82-223 specified that violation of the section constituted an infraction and increased the minimum fine from \$10 to \$25; P.A. 83-577 increased the minimum fine to \$35; P.A. 10-3 replaced fine of not less than \$35 nor more than \$50 with fine of \$50, effective April 14, 2010. See Sec. 14-99 re mirror requirement.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-286. - Use of bicycles, electric bicycles, electric foot scooter, motor-driven cycles and high-mileage vehicles.

(a) Each person operating a bicycle, an electric bicycle or an electric foot scooter upon and along a sidewalk or across any roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal within a reasonable distance before overtaking and passing a pedestrian. Each person operating a bicycle, an electric bicycle, an electric foot scooter or a motor-driven cycle upon a roadway shall, within a reasonable distance, give an audible signal before overtaking and passing a pedestrian or another person operating a bicycle, an electric bicycle, an electric foot scooter or a motor-driven cycle. No person shall

operate a bicycle, an electric bicycle or an electric foot scooter upon or along a sidewalk or across a roadway upon and along a crosswalk if such operation is prohibited by any ordinance of any city, town or borough or by any regulation of the Office of the State Traffic Administration issued or adopted pursuant to the provisions of section 14-298. (b) Except as provided in subsection (c) of this section, no person shall ride a motor-driven cycle unless that person holds a valid motor vehicle operator's license. No person shall operate a motor-driven cycle on any sidewalk, limited access highway or turnpike. (c) (1) The Commissioner of Motor Vehicles may issue to a person who does not hold a valid operator's license a special permit that authorizes such person to ride a motor-driven cycle if (A) such person presents to the commissioner a certificate by a physician licensed to practice medicine in this state, a physician assistant licensed pursuant to chapter 370 or an advanced practice registered nurse licensed pursuant to chapter 378 that such person is physically disabled, as defined in section 1-1f, other than blind, and that, in the physician's, physician assistant's or advanced practice registered nurse's opinion, such person is capable of riding a motor-driven cycle, and (B) such person demonstrates to the Commissioner of Motor Vehicles that he is able to ride a bicycle on level terrain, and a motor-driven cycle. (2) Such permit may contain limitations that the commissioner deems advisable for the safety of such person and for the public safety, including, but not limited to, the maximum speed of the motor such person may use. No person who holds a valid special permit under this subsection shall operate a motor-driven cycle in violation of any limitations imposed in the permit. Any person to whom a special permit is issued shall carry the permit at all times while operating the motor-driven cycle. Each permit issued under this subsection shall expire one year from the date of issuance. (d) Notwithstanding any provision of the general statutes, the Office of the State Traffic Administration shall adopt regulations in accordance with the provisions of chapter 54 determining the conditions and circumstances under which the operation of bicycles, electric bicycles and electric foot scooters may be permitted on those bridges in the state on limited access highways which it designates to be safe for such operation. The operation of bicycles, electric bicycles and electric foot scooters shall not be prohibited on any such bridges under such conditions and circumstances. (e) As used in this section: (1) "Sidewalk" means any sidewalk laid out as such by any town, city or borough, and any walk which is reserved by custom for the use of pedestrians, or which has been specially prepared for their use. "Sidewalk" does not include crosswalks and does not include footpaths on portions of public highways outside thickly settled parts of towns, cities and boroughs, which are worn only by travel and are not improved by such towns, cities or boroughs or by abutters; (2) "bicycle" includes all vehicles propelled by the person riding the same by foot or hand power; and (3) "motor-driven cycle" means any motorcycle other than an auticycle, motor scooter or bicycle with an attached motor with a seat height of not less than twenty-six inches and a motor having a capacity of less than fifty cubic centimeters piston displacement. (f) A person shall operate a motor-driven cycle on any public highway, the speed limit of which is greater than the maximum speed of the motor-driven cycle, only in the right hand lane available for traffic or upon a usable shoulder on the right side of the highway, except when preparing to make a left turn at an intersection or into or from a private road or driveway. (g) Any person who pleads not guilty of a violation of any provision of this section shall be prosecuted within fifteen days of such plea. (h) No person may operate a high-mileage vehicle on any sidewalk, limited access highway or turnpike. (i) A person may park an electric foot scooter on any sidewalk provided (1) such electric foot scooter is parked in a manner that does not impede the reasonable movement of pedestrians and other traffic on such sidewalk, and (2) such parking is not prohibited by any ordinance of any city, town or borough or by any regulations of the Office of the State Traffic Administration issued or adopted pursuant to the provisions of section 14-298. (j) Violation of any provision of this section shall be an infraction. (1949 Rev., S. 2505; 1957, P.A. 13, S. 75; 1971, P.A. 119; P.A. 75-577, S. 108, 126; P.A. 76-250, S. 1, 4; 76-381, S. 5; P.A. 77-375, S. 1; P.A. 81-394, S. 6; P.A. 82-88; P.A. 96-167, S. 46, 49; P.A. 97-321, S. 2; P.A. 03-171, S. 13; P.A. 06-130, S. 16; P.A. 08-150, S. 16; P.A. 12-132, S. 24; P.A. 13-271, S. 34; P.A. 15-46, S. 5; P.A. 16-39, S. 12; P.A. 19-162, S. 9; P.A. 21-196, S. 14.) History: 1971 act clarified ban on use of bicycles and tricycles on sidewalks; P.A. 75-577 deleted provision requiring that prosecutions for violations be instituted within 15 days after offense committed and added statement that violation is infraction unless not guilty plea made in which case prosecution to be made within 15 days; P.A. 76-250 added provisions re bicycles with helper motors; P.A. 76-381 replaced provision for \$20 maximum fine with statement that violator deemed to have committed an infraction and deleted the later provision re commission of infraction now rendered redundant; P.A. 77-375 excluded tricycles from consideration under provisions, restated rules governing operation of bicycles, deleting ten m.p.h. speed limit and allowing operation on sidewalks if allowed by ordinance or state traffic commission regulation, deleted definition of "park" and "square" and placed statement re violation as infraction in separate Subsec. (b); P.A. 81-394 inserted new Subsec. (b) limiting the operation of high-mileage vehicles and relettered former Subsec. (b) accordingly; P.A. 82-88 included provision regarding the adoption of regulations concerning bicycles on bridges; P.A. 96-167 amended Subsec. (a), deleting requirement of operable pedals in definition of "bicycle", effective July 1, 1996; P.A. 97-321 reorganized Subsec. divisions, inserted new Subsec. (c) re issuance of special permit to ride bicycle with helper motor and amended Subsec. (e) clarifying definition of "sidewalk" and "helper motor" (Revisor's note: In Subsec. (c) references to "helper's motor" were replaced editorially by the Revisors with "helper motor" to conform language with existing references); P.A. 03-171 amended Subsec. (b) to delete "or motorcycle operator's license"; P.A. 06-130 amended Subsec. (e)(3) by removing definition of "helper motor" and defining "bicycle with a helper motor", effective June 2, 2006; P.A. 08-150 amended Subsec. (a) to include operator of "a motor-driven cycle" in provision requiring the giving of an audible signal before overtaking and passing a pedestrian or bicycle operator, amended Subsec. (b) to replace references to "bicycle with a helper motor" with "motor-driven cycle" and delete prohibition on operating bicycle with a helper motor at a rate of speed exceeding 30 miles per hour, amended Subsec. (c) to replace references to "bicycle with a helper motor" with "motor-driven cycle", replace reference to "a bicycle without a helper motor" with "a bicycle" and replace reference to "the helper motor" with "the motor", amended Subsec. (e) to redefine "bicycle", delete definition of "bicycle with a helper motor" and add

definition of “motor-driven cycle”, added new Subsec. (f) re permissible area of operation of a motor-driven cycle, redesignated existing Subsecs. (f), (g) and (h) as new Subsecs. (g), (h) and (i), respectively, and made a technical change in new Subsec. (g); P.A. 12-132 amended Subsecs. (a) and (d) by replacing “State Traffic Commission” with “Office of the State Traffic Administration”, effective July 1, 2012; P.A. 13-271 amended Subsec. (e)(3) to redefine “motor-driven cycle” by replacing “that produces five brake horsepower or less” with “having a capacity of less than fifty cubic centimeters piston displacement”, effective July 1, 2013; P.A. 15-46 amended Subsec. (e)(3) to redefine “motor-driven cycle”, effective July 1, 2015; P.A. 16-39 amended Subsec. (c)(1)(A) by adding references to advanced practice registered nurse; P.A. 19-162 amended Subsecs. (a) and (d) by adding provisions re electric bicycle and electric foot scooter, added new Subsec. (i) re parking electric foot scooter, redesignated existing Subsec. (i) as Subsec. (j) and made conforming and technical changes; P.A. 21-196 amended Subsec. (c) by adding reference to licensed physician assistant. Care required of a bicycle rider. 90 C. 710. Cited. 9 CA 686.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-286a. - Rights and duties of person riding bicycle, electric bicycle or electric foot scooter. Regulation of use of bicycle, electric bicycle and electric foot scooter.

(a) Every person riding a bicycle, as defined in section 14-286, an electric bicycle or an electric foot scooter upon the traveled portion of a highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any vehicle subject to the requirements of the general statutes relating to motor vehicles, except (1) as to those provisions which by their nature can have no application, (2) each town, city or borough and the Office of the State Traffic Administration within its jurisdiction as provided in section 14-298 shall have authority to regulate bicycles, electric bicycles and electric foot scooters as provided in sections 14-289 and 14-298, and (3) as provided by section 14-286c. No parent of any child and no guardian of any ward shall authorize or knowingly permit any such child or ward to violate any provision of the general statutes or ordinances enacted under section 14-289 relating to bicycles, electric bicycles or electric foot scooters. (b) Every person operating a bicycle solely by hand or foot power upon and along any sidewalk or across any roadway upon and along any crosswalk shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians walking in such areas as provided by the general statutes, except as provided otherwise by any ordinance of any city, town or borough or any regulation of the Office of the State Traffic Administration, issued or adopted pursuant to the provisions of section 14-289. (February, 1965, P.A. 448, S. 37; P.A. 77-375, S. 2; P.A. 78-331, S. 11, 58; P.A. 12-132, S. 25; P.A. 18-165, S. 11; P.A. 19-162, S. 10.) History: P.A. 77-375 deleted references to tricycles, included reference to regulations imposed by state traffic commission and added Subsec. (b) re rights of cyclists operating bicycle solely by hand or foot power; P.A. 78-331 made technical changes; P.A. 12-132 replaced “State Traffic Commission” with “Office of the State Traffic Administration”, effective July 1, 2012; P.A. 18-165 amended Subsec. (a) to add references to electric bicycles and make a technical change; P.A. 19-162 amended Subsec. (a) to add references to electric foot scooters, insert Subdiv. designators (1) to (3) and make technical changes.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-286b. - Operation of bicycles, electric bicycles and electric foot scooters on roadways. Prohibitions re attaching to moving vehicle. Penalty.

(a) Any person operating a bicycle, an electric bicycle or an electric foot scooter upon a roadway at less than the normal speed of traffic shall ride as close to the right side of the roadway as is safe, as judged by such person, except when: (1) Overtaking or passing another vehicle proceeding in the same direction; (2) Preparing for a left turn at an intersection or into a private road or driveway; (3) Reasonably necessary to avoid conditions, including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards or lanes that are too narrow for a bicycle, an electric bicycle or an electric foot scooter and a motor vehicle to travel safely side by side within such lanes; (4) Approaching an intersection where right turns are permitted and there is a dedicated right turn lane, in which case a person operating a bicycle, an electric bicycle or an electric foot scooter may ride on the left-hand side of such dedicated lane, even if such person does not intend to turn right; (5) Riding on a roadway designated for one-way traffic, when the person operating a bicycle, an electric bicycle or an electric foot scooter may ride as near to the left-hand curb or edge of such roadway as judged safe by such person; or (6) Riding on parts of roadways separated for the exclusive use of bicycles, electric bicycles or electric foot scooters, including, but not limited to, contra-flow bicycle lanes, left-handed cycle tracks or bicycle lanes on one-way streets and two-way cycle tracks or bicycle lanes. (b) Persons riding bicycles, electric bicycles or electric foot scooters upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles, electric bicycles or electric foot scooters. Persons riding two abreast, as provided in this subsection, shall not impede the normal and reasonable movement of traffic, and, on a laned roadway, shall ride within a single lane. (c) No person riding upon any bicycle, electric bicycle, motor-driven cycle, roller skates, skis, sled, skateboard, coaster, toy vehicle, electric foot scooter or any other vehicle not designed or intended to be towed shall attach the same or such person to any vehicle moving or about to move on a public roadway nor shall the operator of such vehicle knowingly permit any person riding a bicycle, electric bicycle, motor-driven cycle, roller skates, skis, skateboard, coaster, sled, toy vehicle, electric foot scooter or any other vehicle not designed or intended to be towed to attach the same or such person to such vehicle so operated or about to be operated, provided any person operating a bicycle solely by foot or hand power may attach a bicycle trailer or semitrailer thereto, provided such trailer or semitrailer is designed for such attachment. (d) No person operating a bicycle, as defined in section 14-286, an electric bicycle or an electric foot scooter upon a roadway, path or part of roadway set aside for exclusive use of bicycles, electric

bicycles or electric foot scooters shall carry on such bicycle, electric bicycle or electric foot scooter a passenger unless such bicycle, electric bicycle or electric foot scooter is equipped or designed to carry passengers, provided any person who has attained the age of eighteen years may carry any child while such person is operating a bicycle propelled solely by foot or hand power, provided such child is securely attached to his or her person by means of a back pack, sling or other similar device. The term "child", as used in this subsection, means any person who has not attained the age of four years. (e) No person operating a bicycle, as defined in section 14-286, an electric bicycle or an electric foot scooter shall carry any package, bundle or other article which prevents such person from using both hands in the operation of such bicycle, electric bicycle or electric foot scooter. Each person operating such bicycle, electric bicycle or electric foot scooter shall keep at least one hand on the handlebars thereof when such bicycle, electric bicycle or electric foot scooter is in motion. (f) Violation of any provision of this section shall be an infraction. (February, 1965, P.A. 448, S. 38; P.A. 75-577, S. 109, 126; P.A. 77-375, S. 3; P.A. 98-165, S. 3; P.A. 13-271, S. 35; P.A. 15-41, S. 3; P.A. 18-165, S. 12; P.A. 19-162, S. 11.) History: P.A. 75-577 added Subsec. (e); P.A. 77-375 added provisions re riding two abreast in Subsec. (b), deleted Subsec. (c), relettered former Subsec. (d) as Subsec. (c), including under its provisions skateboards and coasters and adding proviso re attachment of bicycle trailers and semitrailers, replaced former Subsec. (e) with new provisions re carrying passengers (now Subsec. (d)), added new Subsec. (e) re carrying bundles and added new Subsec. (f) containing provision re violation formerly found in Subsec. (d); P.A. 98-165 amended Subsec. (a) to replace provision requiring bicyclist to exercise due care when passing a standing vehicle or one proceeding in the same direction with Subdivs. (1) to (4), inclusive, specifying exceptions to requirement of riding as near to the right side of roadway as practicable; P.A. 13-271 amended Subsec. (c) to include motor-driven cycle, skis or any other vehicle not designed or intended to be towed and to make technical changes, effective July 1, 2013; P.A. 15-41 amended Subsec. (a) by replacing former provisions with provisions and exceptions re person operating bicycle on roadway at less than normal speed of traffic, effective July 1, 2015; P.A. 18-165 amended Subsecs. (a) to (e) by adding references to electric bicycles and making technical changes; P.A. 19-162 amended Subsecs. (a) to (e) by adding references to electric foot scooter and making technical changes.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-286c. - Left and right turns.

(a) Each person riding a bicycle, an electric bicycle or an electric foot scooter, upon the traveled portion of a highway and intending to make a left turn after proceeding pursuant to the provisions of section 14-244 or subsection (b) of this section may, in lieu of the procedure prescribed by section 14-241, approach as close as practicable to the right-hand curb or edge of the highway, proceed across the intersecting roadway and make such turn as close as practicable to the curb or edge of the highway on the far side of the intersection, provided such procedure is not prohibited by any regulation issued by any town, city, borough or the Office of the State Traffic Administration. (b) Each person riding a bicycle, an electric bicycle or an electric foot scooter upon the traveled portion of a highway and intending to make a right turn may, in lieu of the procedure prescribed by section 14-244, before turning and while in motion or if stopped while waiting to turn, signal such turn by extending such person's right hand and arm horizontally with forefinger extended. (c) No person operating a bicycle, an electric bicycle or an electric foot scooter upon the traveled portion of a highway and intending to make a right or left turn shall be required when making a signal of such intention to make such signal continuously. (P.A. 77-375, S. 4; P.A. 12-132, S. 26; P.A. 17-79, S. 27; P.A. 18-165, S. 13; P.A. 19-162, S. 12.) History: P.A. 12-132 amended Subsec. (a) by replacing "State Traffic Commission" with "Office of the State Traffic Administration", effective July 1, 2012; P.A. 17-79 amended Subsec. (a) to make technical changes; P.A. 18-165 added "or an electric bicycle, as defined in section 14-1," in Subsecs. (a) to (c); P.A. 19-162 deleted references to Sec. 14-1, added references to electric foot scooter and made technical changes.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-286d. - Prohibition re children operating bicycles, electric bicycles, nonmotorized scooters, skateboards or electric foot scooters or wearing roller skates or in-line skates without protective headgear. Renting bicycles, electric bicycles or electric foot scooters to children. Commissioner of Consumer Protection to provide information re protective headgear.

(a) For the purposes of this section and section 14-286e, "bicycle" means any vehicle propelled by the person riding the same by foot or hand power. (b) No child fifteen years of age or under shall operate a bicycle, electric bicycle, nonmotorized scooter, skateboard or electric foot scooter or wear roller skates or in-line skates on the traveled portion of any highway, at a skateboarding park or any park unless such child is wearing properly fitted and fastened protective headgear which conforms to the minimum specifications established by the American National Standards Institute, the United States Consumer Product Safety Commission, the American Society for Testing and Materials or the Snell Memorial Foundation's Standard for Protective Headgear for Use in Bicycling, as amended from time to time. Failure to comply with this section shall not be a violation or an offense. Failure to wear protective headgear as required by this subsection shall not be considered to be contributory negligence on the part of the parent or the child nor shall such failure be admissible in any civil action. (c) A law enforcement officer may issue a verbal warning to the parent or guardian of a child that such child has failed to comply with the provisions of subsection (b) of this section. (d) A person, firm or corporation engaged in the business of renting bicycles, electric bicycles or electric foot scooters shall provide protective headgear conforming to the minimum specifications established by the American National Standards Institute, the United States Consumer Product Safety Commission, the American Society for Testing and Materials or the Snell Memorial Foundation's

Standard for Protective Headgear for Use in Bicycling, as amended from time to time, to any person under sixteen years of age who will operate the bicycle, electric bicycle or electric foot scooter if such person does not have protective headgear in his or her possession. A fee may be charged for the protective headgear rental. Violation of any of the provisions of this subsection shall be an infraction. (e) The Commissioner of Consumer Protection shall post on the Department of Consumer Protection's Internet web site information concerning the dangers of riding bicycles, electric bicycles or electric foot scooters, skateboarding, roller skating and in-line skating without protective headgear and promoting the use of protective headgear while riding bicycles, electric bicycles or electric foot scooters, skateboarding, roller skating and in-line skating. (P.A. 93-286, S. 2; 93-292, S. 1-4; P.A. 96-180, S. 43, 166; P.A. 97-46; P.A. 00-196, S. 12; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1; P.A. 18-167, S. 12; P.A. 19-162, S. 13.) History: P.A. 93-286 added provision to Subsec. (b) specifying that failure to wear headgear shall not be considered contributory negligence on part of parent or child nor shall failure be admissible in any civil action; P.A. 96-180 amended Subsec. (b) to add "Snell Memorial Foundation's Standard for Protective Headgear for Use in Bicycling" as alternative organization establishing specifications for protective headgear, effective June 3, 1996; P.A. 97-46 amended Subsec. (b) to require children 15 years of age and under to wear protective headgear and to delete "under twelve" re age of child; P.A. 00-196 added reference to Sec. 14-286e in Subsec. (a); June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 18-167 amended Subsec. (b) to add provisions re operating nonmotorized scooter or skateboard or wearing roller skates or in-line skates on highway, skateboarding park or any park and re properly fitted and fastened protective headgear and to replace reference to specifications established by Snell Memorial Foundation's Standard for Protective Headgear for Use in Bicycling with reference to specifications established by Snell Memorial Foundation, as amended from time to time, amended Subsec. (d) to replace "bicycle helmet" with "protective headgear" and make technical and conforming changes, and amended Subsec. (e) to replace provision re public awareness campaign with provision re information on department's web site re protective headgear; P.A. 19-162 amended Subsecs. (b), (d) and (e) to add provisions re electric bicycle and electric foot scooter, further amended Subsecs. (b) and (d) to add reference to U.S. Consumer Product Safety Commission and American Society for Testing and Materials, and made technical changes.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-286e. - Police officers, firefighters or emergency service personnel on bicycles.

(a) Any police officer, firefighter or person engaged in providing emergency services who operates a bicycle in response to an emergency call or while engaged in rescue operations or in the immediate pursuit of an actual or suspected violator of the law shall be exempt from the provisions of sections 14-286, 14-286a, 14-286b, 14-286c and 14-289 provided (1) the police officer, firefighter or person engaged in providing emergency services is sixteen years of age or older, (2) the police officer, firefighter or person engaged in providing emergency services is wearing a distinctive uniform, and (3) the police officer has completed a course of instruction in basic police bicycle patrol certified by the Police Officer Standards and Training Council or an equivalent course of instruction, and the firefighter or person engaged in providing emergency services has completed an equivalent course of basic bicycle patrol. (b) The exemptions granted in subsection (a) of this section shall apply only when such bicycle is making use of an audible warning signal device, including, but not limited to a siren, whistle or bell. (c) The provisions of this section shall not relieve the operator of a bicycle from the duty to drive with due regard for the safety of all persons and property. (P.A. 93-292, S. 6; P.A. 95-108, S. 12; P.A. 06-72, S. 1; P.A. 07-6, S. 1.) History: P.A. 95-108 amended Subsec. (a) to rename Municipal Police Training Council as Police Officer Standards and Training Council; P.A. 06-72 amended Subsec. (a) to exempt firefighters or emergency service personnel, to require in new Subdiv. (1) that bicycle operator be 16 years of age or older, to renumber existing Subdiv. (1) as (2) and require that firefighters and emergency service personnel wear uniforms, and to renumber existing Subdiv. (2) as (3) and require that firefighters and emergency service personnel complete a bicycle patrol course; P.A. 07-6 substituted "person engaged in providing emergency services" for "emergency service personnel" in Subsec. (a). See Sec. 14-286d re definition of "bicycle".

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-286f. - "Share the Road" public awareness campaign.

The Commissioner of Transportation shall, within available appropriations and in consultation with groups advocating on behalf of bicyclists, develop and implement a state-wide "Share the Road" public awareness campaign to educate the public concerning the rights and responsibilities of both motorists and bicyclists as they jointly use the highways of this state. (P.A. 08-101, S. 15.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-287. - Carrying person other than operator on bicycle.

Section 14-287 is repealed. (1949 Rev., S. 2506; P.A. 75-577, S. 110, 126; P.A. 77-375, S. 8.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-288. - Lights, reflectors and brakes on bicycles, electric bicycles and electric foot scooters. Whistle emitting devices prohibited.

(a) Each bicycle, electric bicycle or electric foot scooter operated upon the public highway, during the times or under the conditions

as provided in subsection (a) of section 14-96a, shall display a lighted lamp upon the forward part of such bicycle, electric bicycle or electric foot scooter. Such lamp shall, when lighted, emit a white light which in clear weather shall be visible at a distance of not less than five hundred feet in the direction in which such bicycle, electric bicycle or electric foot scooter is proceeding. Each bicycle, electric bicycle or electric foot scooter shall also, at all times, be equipped with a reflector or reflecting tail light lens, which reflector or lens shall be attached to the rear of such bicycle, electric bicycle or electric foot scooter in such manner as to reflect rays of light thrown upon the same, and such reflector or reflecting tail shall be visible at a distance of not less than six hundred feet from the rear when illuminated by the head lamps of a motor vehicle. Such bicycle, electric bicycle or electric foot scooter shall also be equipped with reflective material so placed and of sufficient size and reflectivity to be visible from both sides of such bicycle, electric bicycle or electric foot scooter at a distance of not less than six hundred feet when illuminated by the head lamps of a motor vehicle. Each bicycle, electric bicycle or electric foot scooter shall also, at all times, be equipped with a braking device sufficient to enable the operator thereof to stop within twenty-five feet on dry, level and clean pavement when moving at a speed of ten miles per hour. No person shall equip a bicycle, an electric bicycle or an electric foot scooter with a siren or device which emits a whistle or use a siren or device which emits a whistle while operating a bicycle, an electric bicycle or an electric foot scooter. (b) Operation of a bicycle, an electric bicycle or an electric foot scooter in conflict with any provision of this section shall be an infraction. (1949 Rev., S. 2507; 1955, S. 1381d; 1959, P.A. 62, S. 9; P.A. 75-577, S. 111, 126; P.A. 77-375, S. 5; P.A. 18-165, S. 14; P.A. 19-162, S. 14.) History: 1959 act removed requirement that reflector be of a type approved by the commissioner; P.A. 75-577 replaced provision for \$5 maximum fine in Subsec. (b) with statement that violation of provisions is an infraction; P.A. 77-375 replaced general requirements that bicycle have rear reflector and brakes with specifications for required equipment, required that headlight be visible from 500 rather than 400 feet and replaced reference to operation half-hour after sunset and before sunrise with reference to operation during times or under conditions specified in Sec. 14-96a(a); P.A. 18-165 added references to electric bicycle; P.A. 19-162 added references to electric foot scooter and made technical changes. Cited. 189 C. 611.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-289. - Regulation of use of bicycles, electric bicycles and electric foot scooters by municipality.

Each town, city and borough shall have authority to make any ordinance not inconsistent with section 14-286 or 14-288 or any regulation of the Office of the State Traffic Administration issued pursuant to section 14-298, respecting governing and controlling the use of bicycles, electric bicycles and electric foot scooters within such town, city or borough, with appropriate penalties for violation thereof, which ordinances may include provisions requiring annual licensing of bicycles, electric bicycles or electric foot scooters and providing for registration of any sale of, or change of ownership in, a bicycle, an electric bicycle or an electric foot scooter. (1949 Rev., S. 2508; 1957, P.A. 13, S. 76; P.A. 77-375, S. 7; P.A. 12-132, S. 27; P.A. 18-165, S. 15; P.A. 19-162, S. 15.) History: P.A. 77-375 deleted reference to repealed Sec. 14-287 and included reference to regulations of state traffic commission; P.A. 12-132 replaced "State Traffic Commission" with "Office of the State Traffic Administration", effective July 1, 2012; P.A. 18-165 added references to electric bicycles; P.A. 19-162 added references to electric foot scooters and made technical changes.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-289a. - Riding on motorcycle. Carrying of passenger.

(a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is properly equipped to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator. No operator of a motorcycle who has not held an endorsement to operate a motorcycle for a period of three months shall carry any other person on such motorcycle, except that any operator sixteen or seventeen years of age shall not transport any passenger on a motorcycle for a period of six months after obtaining such endorsement. (b) As used in this section, the term "motorcycle" shall not include "autocycle", as defined in section 14-1, except that an operator of an autocycle who is sixteen or seventeen years of age shall be subject to all passenger restrictions contained in section 14-36g. (c) Violation of any provision of this section shall be an infraction. (February, 1965, P.A. 448, S. 17; 1967, P.A. 728; P.A. 75-577, S. 112, 126; P.A. 07-167, S. 8; P.A. 15-46, S. 6.) History: 1967 act prohibited persons licensed to operate motorcycle for less than three months from carrying passengers; P.A. 75-577 stated that violation of provisions is an infraction; P.A. 07-167 replaced "a license" with "an endorsement" and added provision restricting transportation of passenger by operator sixteen or seventeen years of age; P.A. 15-46 designated existing provisions as Subsecs. (a) and (c) and added Subsec. (b) re autocycle, effective July 1, 2015.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-289b. - Operation of motorcycles and autocycles.

(a) The operator of a motorcycle shall be entitled to the full use of any single traffic lane, but the operation of more than two motorcycles abreast in any single traffic lane is prohibited. (b) The operator of a motorcycle shall not (1) overtake and pass, in the same single traffic lane occupied by such motorcycle, any motor vehicle other than a motorcycle, or (2) operate a motorcycle between lanes of traffic. An autocycle shall not overtake and pass any motor vehicle operating in the same single traffic lane occupied by such autocycle. (c) Any person operating a motorcycle manufactured after January 1, 1980, on a highway, shall illuminate the head lamp of such motorcycle at all times it is being operated. (d) No provision of this section shall apply to a police

officer during the performance of his official duties. (e) Any person who violates the provisions of this section shall have committed an infraction. (1967, P.A. 396, S. 1; P.A. 75-577, S. 113, 126; P.A. 79-590; P.A. 84-429, S. 41; P.A. 15-46, S. 7.) History: P.A. 75-577 replaced provision for \$100 maximum fine with statement that violation of section is an infraction; P.A. 79-590 replaced previous provisions; P.A. 84-429 rephrased provisions and made other technical changes in Subsec. (c); P.A. 15-46 amended Subsec. (b) to prohibit autocycle from overtaking and passing and make a technical change, effective July 1, 2015. See Sec. 14-111g re operator's retraining program. Cited. 194 C. 129.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-289c. - Riding motorcycle sidesaddle; carrying of passenger on motorcycle not so designed.

Any person who rides sidesaddle on a motorcycle and any operator of a motorcycle who permits such riding or who carries a passenger on any motorcycle not designed for passengers shall have committed an infraction. (1967, P.A. 396, S. 2; P.A. 75-577, S. 115, 126.) History: P.A. 75-577 replaced provision for \$100 maximum fine with statement that violation of provisions is an infraction.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-289d. - Vision-protecting devices for operators of motorcycles or motor-driven cycles.

(a) The Commissioner of Motor Vehicles shall issue regulations, in accordance with nationally accepted standards, concerning specifications for vision-protecting devices, including but not limited to goggles, glasses, face shields, windshields and wind screens for use by operators of motorcycles and motor-driven cycles. (b) Failure to wear either goggles, glasses or a face shield of a type which conforms to the minimum specifications as called for by such regulations shall be an infraction. The provisions of this subsection shall not apply to operators of motorcycles and motor-driven cycles equipped with a wind screen or windshield which conforms to the minimum specifications called for by such regulations. (1967, P.A. 375, S. 1, 2; P.A. 75-577, S. 114, 126; P.A. 13-271, S. 36.) History: P.A. 75-577 replaced provision for \$100 maximum fine in Subsec. (b) with statement that failure to wear goggles, glasses or face shield is an infraction; P.A. 13-271 added provisions re operators of motor-driven cycles, effective July 1, 2013. Cited. 194 C. 129.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-289e. - Headgear for motorcyclists and passengers.

Section 14-289e is repealed. (1967, P.A. 376, S. 1, 2; P.A. 75-369; P.A. 76-326, S. 1, 2.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-289f. - Liability insurance required for motorcycles or autocycles.

No owner of any motorcycle, as defined in section 14-1, registered in this state may operate or permit the operation of such motorcycle unless it has been insured for the amounts required by section 14-112, and, except in the case of autocycles, such insurance may exclude personal injury coverage for passengers. Violation of any provision of this section shall be an infraction. (P.A. 84-291, S. 1; 84-546, S. 155, 173; P.A. 15-46, S. 8.) History: P.A. 84-546 made technical change for statutory consistency; P.A. 15-46 excepted autocycles from allowable exclusion for personal injury coverage, effective July 1, 2015. See Sec. 14-12(f)(5) re proof of insurance requirement prior to registration.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-289g. - Protective headgear for motorcycle or motor-driven cycle operators and passengers under eighteen years of age. Penalty.

(a) No person under eighteen years of age may (1) operate a motorcycle or a motor-driven cycle, as defined in section 14-1, or (2) be a passenger on a motorcycle or motor-driven cycle, unless such operator or passenger is wearing protective headgear of a type which conforms to the minimum specifications established in 49 CFR 571.218, as amended from time to time. Any person who violates this section shall have committed an infraction and shall be fined not less than ninety dollars. (b) As used in this section, the term "motorcycle" shall not include "autocycle". (P.A. 89-242, S. 3, 7; P.A. 08-150, S. 17; P.A. 14-187, S. 41; P.A. 15-46, S. 9.) History: P.A. 08-150 amended Subsec. (a) to insert Subdiv. designators (1) and (2), include the operation of a "motor-driven cycle" in Subdiv. (1) and make conforming and technical changes; P.A. 14-187 deleted Subsec. (a) designator, replaced provision re specifications established by regulations with provision re specifications established in 49 CFR 571.218, added provision re infraction and fine for violation, deleted former Subsec. (b) re regulations to establish specifications for protective headgear and deleted former Subsec. (c) re penalty for violation of regulations, effective July 1, 2014; P.A. 15-46 designated existing provisions as Subsec. (a) and amended same to add reference to motor-driven cycle in Subdiv. (2), and added Subsec. (b) re term "motorcycle" not to include "autocycle", effective July 1, 2015.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-289h. - Electric personal assistive mobility devices. Definition. Operation.

(a) For the purposes of this section, "electric personal assistive mobility device" means a self-balancing device unsuitable for

operation on public highways having two nontandem wheels and designed to transport one person with an electric propulsion system equipped with a device that limits the maximum speed of such device to not more than fifteen miles per hour. (b) Each electric personal assistive mobility device shall be equipped with front, rear and side reflectors and a system that, when employed, will enable the operator to bring the device to a controlled stop. If such device is operated between one-half hour after sunset and one-half hour before sunrise, it shall display a lamp emitting a white light which, while such device is in motion, illuminates the area in front of the operator and is visible from a distance of three hundred feet in front of and from the sides of such device. (c) An operator of an electric personal assistive mobility device is not required to obtain an operator's license and such device is not required to be registered as a motor vehicle when such device is operated in accordance with the provisions of this section. (d) Any person sixteen years of age or older who has disabilities which limit or impair the ability to walk, as defined in 23 CFR Part 1235.2 and who has been issued a placard pursuant to the provisions of section 14-253a may operate an electric personal assistive mobility device on any sidewalk or on a highway for the purposes of crossing the highway at a crosswalk, when practicable, or at an angle of approximately ninety degrees to the direction of the highway at a location at which there are no obstructions that may prevent an expedient and safe crossing provided such device is completely stopped before entering the traveled portion of the highway and the operator yields the right-of-way to any motor vehicle using such highway. Any such operator shall yield the right-of-way to any pedestrian on a sidewalk or highway. (e) No person may operate such device on a limited access state highway, as defined in section 13a-1. (f) No person may operate an electric personal assistive mobility device at a rate of speed exceeding fifteen miles per hour. (g) Violation of any provision of this section shall be an infraction. (May 9 Sp. Sess. P.A. 02-7, S. 67.) History: May 9 Sp. Sess. P.A. 02-7 effective August 15, 2002.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-289i. - Vehicles used for landscaping purposes with caged trailers.

Section 14-289i is repealed, effective October 1, 2012. (P.A. 03-115, S. 24; P.A. 12-81, S. 57.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-289j. - Restrictions on the use and sale, lease or rental of mini-motorcycles.

(a) For the purposes of this section, "mini-motorcycle" means a vehicle, as defined in section 14-1, that (1) has not more than three wheels in contact with the ground, (2) has a manufactured seat height of less than twenty-six inches measured at the lowest point on top of the seat cushion without the rider, and (3) is propelled by an engine having a piston displacement of less than 50 c.c. (b) No person shall operate a mini-motorcycle or ride as a passenger on a mini-motorcycle on any highway or public sidewalk. No owner of a mini-motorcycle shall permit a person to operate the owner's mini-motorcycle or to ride as a passenger on the owner's mini-motorcycle on any highway or public sidewalk. (c) Except on private property owned by the operator of a mini-motorcycle, no person shall operate a mini-motorcycle or ride as a passenger on a mini-motorcycle on any private property in this state unless such operator has in the operator's possession written permission from the owner of the private property to operate such mini-motorcycle and, as the case may be, to carry a passenger on such property. (d) Except on private property owned by the owner of the mini-motorcycle, no owner of a mini-motorcycle shall permit a person to operate the owner's mini-motorcycle or to ride as a passenger on the owner's mini-motorcycle on any private property in this state unless such operator has in the operator's possession written permission from the owner of the private property to operate such mini-motorcycle and, as the case may be, to carry a passenger on such property. (e) Any police officer who issues a summons for the alleged violation of subsection (b), (c) or (d) of this section shall cause the mini-motorcycle that was being operated to be impounded for a period of forty-eight hours after the issuance of such summons. The owner of such mini-motorcycle may reclaim such mini-motorcycle after the expiration of such forty-eight-hour period upon payment of all transportation and storage costs. (f) No person may offer a mini-motorcycle for sale, lease or rent unless such mini-motorcycle has a warning label that gives warning information about the safe and legal use of a mini-motorcycle and about the limitations on use and the possible consequences of use in violation of such limitations, set forth in subsections (b) to (e), inclusive, of this section. Such person, on sale, lease or rent of a mini-motorcycle, shall give a written clear and conspicuous statement, separate from the warning label, to the purchaser, lessee or renter of such mini-motorcycle containing such warning information. Advertisements for mini-motorcycles and oral communications of a person offering a mini-motorcycle for sale, lease or rent shall not contain information inconsistent with any information required in this section. Until regulations required in subsection (g) of this section are adopted, persons offering a mini-motorcycle for sale, lease or rent shall display such warning information, advertise and make oral communications in a manner consistent with the provisions of this section. The provisions of this subsection do not apply to any person selling fewer than five used mini-motorcycles in one calendar year, provided any person claiming inapplicability of the provisions of this subsection shall have the burden of proving such inapplicability. (g) On or before January 1, 2007, the Department of Motor Vehicles shall adopt regulations, in accordance with the provisions of chapter 54, that set forth the warning information required in this section and manner of display of such warning information, establish reasonable transportation and storage fees and otherwise implement the provisions of this section. (h) Nothing in this section shall prohibit a municipality from adopting more restrictive limitations on the use and sale, lease or rent of mini-motorcycles. (i) Violation of any provision of this section shall be an infraction. (P.A. 05-173, S. 1; P.A. 06-130, S. 17; P.A. 07-167, S. 5.) History: P.A. 06-130 amended Subsec. (a) by replacing provision re seat with requirement re seat height in Subdiv. (2), by changing "50 c.c. or less" to "less than 50 c.c." in Subdiv. (3) and by deleting former Subdivs. (4) re speed and (5) re registration, amended Subsec. (b) by removing public property from list of prohibited riding areas and amended Subsec. (g) to

change date re adoption of regulations from January 1, 2006, to January 1, 2007, effective June 2, 2006; P.A. 07-167 made technical changes in Subsec. (f), effective June 25, 2007.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-289k. - Rights of electric bicycle riders. Operation of electric bicycles. Prohibition re children riding electric bicycles. Protective headgear for electric bicycle riders and passengers. Exceptions.

(a) Except as provided in this section, the rider of an electric bicycle shall be afforded the same rights and privileges and subject to the same duties as the rider of a bicycle. (b) Except as provided in this section or where prohibited by local ordinance, an electric bicycle may be ridden where bicycles are permitted to travel. (c) A class 3 electric bicycle shall not be ridden on a bicycle trail or path or multiuse trail or path. (d) Except where permitted by local ordinance, a class 1 or class 2 electric bicycle shall not be ridden on a bicycle trail or path or multiuse trail or path designated for nonmotorized traffic if such trail or path has a natural surface tread made by clearing and grading the soil and no surfacing materials have been added. (e) No person under the age of sixteen shall ride a class 3 electric bicycle. Any person under the age of sixteen may sit as a passenger on a class 3 electric bicycle provided such bicycle is equipped or designed to carry a passenger. (f) No person shall ride or sit as a passenger on an electric bicycle unless such person is wearing protective headgear that conforms to the minimum specifications established for bicycle helmets by the American National Standards Institute, the United States Consumer Product Safety Commission, the American Society for Testing and Materials or the Snell Memorial Foundation's Standard for Protective Headgear for Use in Bicycling, as amended from time to time. (g) The provisions of subsections (b), (c) and (d) of this section shall not apply to any police officer, firefighter or emergency medical technician engaged in the performance of the duties of such officer, firefighter or technician. (P.A. 18-165, S. 1; P.A. 19-162, S. 19.) History: P.A. 19-162 deleted former Subsec. (a) re definitions, redesignated existing Subsecs. (b) to (h) as Subsecs. (a) to (g), amended redesignated Subsec. (f) to add reference to American National Standards Institute and Snell Memorial Foundation's Standard for Protective Headgear for Use in Bicycling, and made technical and conforming changes.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-289l. - Duties of electric bicycle manufacturers.

On and after January 1, 2019, any manufacturer of electric bicycles offered for sale in this state shall (1) ensure that such electric bicycles comply with all relevant requirements for bicycles established pursuant to 16 CFR 1512; (2) affix a conspicuous label to each electric bicycle that contains the classification, maximum speed and motor wattage of such electric bicycle; (3) equip each class 3 electric bicycle with a speedometer that displays the speed at which such class 3 electric bicycle is traveling in miles per hour; and (4) ensure that (A) the motor of each class 1 electric bicycle disengages when the rider of such electric bicycle stops pedaling or such electric bicycle reaches the speed of twenty miles per hour, (B) the motor of each class 2 electric bicycle disengages when the brakes of such electric bicycle are applied or such electric bicycle reaches the speed of twenty miles per hour, and (C) the motor of each class 3 electric bicycle disengages when the rider of such electric bicycle stops pedaling or such electric bicycle reaches the speed of twenty-eight miles per hour. (P.A. 18-165, S. 2.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-289m. - Operation of low-speed vehicles. Penalty.

(a) A person may operate a low-speed vehicle on a highway with an established speed limit of not more than twenty-five miles per hour, unless the traffic authority of any town, city or borough or the Office of State Traffic Administration, as provided in section 14-298, prohibits or otherwise limits the operation of low-speed vehicles on any highway under the jurisdiction of such traffic authority or office. (b) No person may operate a low-speed vehicle unless such vehicle is equipped in accordance with the requirements of sections 14-80 to 14-106b, inclusive, except insofar as any requirement of said sections is inapplicable to or inconsistent with the design and equipment standards for low-speed vehicles as required by 49 CFR 571.500, as amended from time to time. (c) Any person who operates a low-speed vehicle in violation of any provision of this section shall have committed an infraction. (P.A. 24-20, S. 33.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-290. - Exemptions from motor vehicle laws.

(a) Motor vehicles in the custody and use of officers in the performance of their duties shall be exempt from any traffic regulations of any town, city or borough, including, but not limited to, regulations concerning the payment of parking meters, and from the provisions of this chapter and chapter 246, so far as such exemption is necessary for the effective enforcement of any of the provisions of the statutes. (b) The following provisions of the general statutes shall not apply to operators of maintenance vehicles or equipment of any governmental agency or agent thereof or to vehicles or equipment of any governmental agency or agent thereof, so far as such exemption is necessary, while such operators and equipment are engaged in or are preparing to engage in or are departing from highway maintenance operations on any highway, road or street, provided the Department of Transportation shall not by reason of such exemption suffer any loss of revenue granted from any agency or department of the federal government for the federal Interstate Highway System or any other highway system: Sections 14-216, 14-230 to 14-233, inclusive, 14-235 to 14-242, inclusive, 14-244 to 14-247, inclusive, 14-250a to 14-252, inclusive, 14-261, 14-262, 14-264 to 14-271, inclusive, 14-299, 14-301 to

14-308, inclusive. (c) Any wrecker, as defined in section 14-1 and operated in accordance with section 14-66, shall be exempt from the provisions of section 14-267a, provided such wrecker is towing or hauling a motor vehicle that was involved in an accident or became disabled and remains within the limits of a highway, or is being towed or hauled by order of a traffic or law enforcement authority and does not exceed a gross vehicle weight of eighty thousand pounds on five or more axles. Any wrecker towing or hauling such a motor vehicle in a combination that exceeds a gross vehicle weight of eighty thousand pounds on five or more axles shall be exempt from the provisions of section 14-267a, provided such wrecker is operated in accordance with section 14-270 and has been issued an annual permit as described in subsection (d) of section 14-270. (d) A vehicle or vehicle combination used exclusively by the state or a municipality, or any authorized agent or contractor of the state or municipality, for the removal of leaves and similar, organic materials from any highway, road or street, shall be exempt from the provisions of sections 14-261, 14-261a and 14-262, provided such vehicle or vehicle combination is being operated by a person who is the holder of a commercial driver's license bearing a "T" endorsement. (1949 Rev., S. 2427; 1969, P.A. 507, S. 1; P.A. 77-11; 77-604, S. 47, 84; P.A. 85-223, S. 2; P.A. 91-192, S. 1; P.A. 02-70, S. 61; P.A. 04-199, S. 14; 04-217, S. 30; P.A. 08-101, S. 6; 08-150, S. 39; P.A. 19-161, S. 5.) History: 1969 act added Subsec. (b) exempting operators of maintenance vehicles or equipment of governmental agencies from specified sections of statutes; P.A. 77-11 replaced highway department with department of transportation; P.A. 77-604 deleted references to repealed Secs. 14-229, 14-258 and 14-272 and added references to Secs. 14-230 and 14-271 in Subsec. (b); P.A. 85-223 added Subsec. (c) which exempts wreckers from the provisions of Sec. 14-267a, concerning fines for overweight vehicles, with certain limitations; P.A. 91-192 amended Subsec. (b) to extend exemption to operators and equipment preparing to engage in or departing from highway maintenance operations (Revisor's note: In Subsec. (c), subdivision "(90)" was substituted for "(65)" editorially by the Revisors to correct the reference); P.A. 02-70 amended Subsec. (b) to make a technical change, effective July 1, 2002; P.A. 04-199, effective July 1, 2004, and P.A. 04-217, effective January 1, 2005, both amended Subsec. (c) to eliminate reference to Sec. 14-1(90); P.A. 08-101 amended Subsec. (c) to replace provision re wrecker shall be exempt from Sec. 14-267a provided wrecker is in the course of towing or hauling disabled motor vehicle that does not exceed weight limits with provision re wrecker operated in accordance with Sec. 14-66 shall be exempt from Sec. 14-267a provided wrecker is towing or hauling motor vehicle that was involved in an accident or became disabled and remains within limits of a highway or is being towed or hauled by order of traffic or law enforcement authority and does not exceed gross vehicle weight of 80,000 pounds on 5 or more axles and to add provision re wrecker towing or hauling motor vehicle in combination that exceeds 80,000 pounds shall be exempt from Sec. 14-267a, provided wrecker is operated in accordance with Sec. 14-270 and has been issued annual permit as described in Sec. 14-270(d); P.A. 08-150 added Subsec. (d) re exemption for vehicle or vehicle combination used by state, municipality or agent or contractor thereof for removal of leaves and similar, organic materials; P.A. 19-161 amended Subsec. (a) by adding provision re regulations concerning payment of parking meters. Cited. 28 CA 283; 38 CA 322.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-291. - Traffic regulations for special occasions.

The Commissioner of Motor Vehicles, or the Commissioner of Emergency Services and Public Protection, their deputies or any inspector or police officer authorized by said commissioners, may make and provide for the enforcement of traffic regulations for such time or times as unusually heavy traffic conditions may be anticipated upon any highway, provided such traffic regulations shall not apply to or be enforced in the streets of any incorporated city regularly employing a police force of more than fifteen men. (1949 Rev., S. 2514; February, 1965, P.A. 448, S. 39; P.A. 77-614, S. 486, 610; P.A. 11-51, S. 134.) History: 1965 act added reference to state police commissioner and changed "any person authorized" to "police officer authorized;" P.A. 77-614 replaced commissioner of state police with commissioner of public safety, effective January 1, 1979; pursuant to P.A. 11-51, "Commissioner of Public Safety" was changed editorially by the Revisors to "Commissioner of Emergency Services and Public Protection", effective July 1, 2011.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-292. - Marking of vehicle operated by student driver.

When any motor vehicle is in use on any highway of this state for the purpose of instructing any person in the operation of a motor vehicle, for compensation or as a part of any school program, the person giving such instruction shall cause to be displayed in a conspicuous place on the front and rear thereof a distinctive marker, not less than twelve inches long nor six inches high, in such form as the Commissioner of Motor Vehicles prescribes, and bearing the inscription "Student Driver". Failure to display the distinctive markers required by this section shall be an infraction. (1957, P.A. 530; P.A. 75-577, S. 116, 126.) History: P.A. 75-577 made failure to display markers an infraction.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-293. - Vehicles and persons driving or leading animals to display lights.

Section 14-293 is repealed. (1949 Rev., S. 2490; 1967, P.A. 834, S. 30.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-293a. - Riding animals on highways.

Any person who rides any horse or other animal upon a public highway shall conform to the provisions of this chapter and chapter 249, unless such provisions clearly do not apply from the language or context or such application would be inconsistent with the manifest intention of the statutes. The fines established in accordance with section 51-164m for violations of the provisions of this chapter and chapter 249, with respect to a motor vehicle, shall apply if the same violation of a provision is committed in the riding of a horse or other animal. (February, 1965, P.A. 448, S. 19; P.A. 75-577, S. 117, 126; P.A. 76-435, S. 5, 82.) History: P.A. 75-577 added provision re fines; P.A. 76-435 replaced invalid section reference.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-293b. - Responsibilities of motor vehicle operators when approaching equestrians.

(a) When an operator of a motor vehicle is approaching a person riding a horse on a public highway, such operator shall reduce speed appropriately or stop, if necessary, to avoid endangering the equestrian or frightening or striking the horse. (b) No operator of a motor vehicle in the vicinity of an equestrian and horse may blow a horn or cause loud or unusual noises, in a manner to startle or frighten the horse. (c) A statement concerning such responsibilities shall be included in the instruction manual for motor vehicle operation of the Department of Motor Vehicles. (P.A. 85-75; June Sp. Sess. P.A. 15-5, S. 217; P.A. 16-55, S. 17.) History: June Sp. Sess. P.A. 15-5 designated existing provisions as Subsecs. (a) and (c), deleted regulation requirement in Subsec. (a), added Subsec. (b) re blowing horn or causing loud or unusual noises, deleted reference to next revision of instruction manual in Subsec. (c), and made technical changes, effective June 30, 2015; P.A. 16-55 made a technical change, effective May 31, 2016.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-294. - Security for appearance of accused.

Section 14-294 is repealed. (1949 Rev., S. 2491; 1961, P.A. 517, S. 120.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-295. - Double or treble damages for personal injury or property damage resulting from certain traffic violations.

In any civil action to recover damages resulting from personal injury, wrongful death or damage to property, the trier of fact may award double or treble damages if the injured party has specifically pleaded that another party has deliberately or with reckless disregard operated a motor vehicle in violation of section 14-218a, 14-219, 14-222, 14-227a or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or section 14-230, 14-234, 14-237, 14-239, 14-240a or 14-296aa, and that such violation was a substantial factor in causing such injury, death or damage to property. The owner of a rental or leased motor vehicle shall not be responsible for such damages unless the damages arose from such owner's operation of the motor vehicle. (1949 Rev., S. 2492; P.A. 76-435, S. 1, 82; P.A. 77-604, S. 7, 84; P.A. 85-122; P.A. 88-229; P.A. 03-250, S. 2; P.A. 16-126, S. 22; P.A. 19-160, S. 1.) History: P.A. 76-435 deleted references to repealed Secs. 14-246 and 14-293; P.A. 77-604 replaced reference to Sec. 14-232 with reference to Sec. 14-242; P.A. 85-122 made provisions of section inapplicable to person licensed under Sec. 14-15; P.A. 88-229 entirely replaced prior provisions re the liability for double or treble damages of each person who, by neglecting to conform to any provision of Secs. 14-230 to 14-242, inclusive, or Sec. 14-245 or 14-247, causes injury to the person or property of another if the court, in its discretion, determines that double or treble damages are just with provisions authorizing the trier of fact to award double or treble damages if the injured party has specifically pleaded that another party has deliberately or with reckless disregard operated a motor vehicle in violation of certain enumerated statutes and that such violation was a substantial factor in causing the injury, death or damage to property; P.A. 03-250 provided that the owner of a rental or leased motor vehicle is not responsible for damages unless the damages arose from such owner's operation of the motor vehicle, effective October 1, 2003, and applicable to causes of action accruing on or after that date; P.A. 16-126 added references to Secs. 14-227m and 14-227n(a)(1) and (2); P.A. 19-160 added reference to Sec. 14-296aa, effective July 1, 2019, and applicable to any civil action pending on or filed on or after said date. Treble damages were originally mandatory and were made discretionary in 1909; the jury should find the actual damages and the court multiply them. 59 C. 1. Statute is to be strictly construed; multiple damages cannot be awarded if the complaint omits any element of statute; 66 C. 570; 75 C. 124; or alleges other tortious acts, so that the verdict does not necessarily establish violation of statute. 59 C. 1; 84 C. 52; 87 C. 256. Multiple damages should be claimed in the demand for relief. 84 C. 52; 87 C. 257. Cited. 111 C. 729. Additional damages are penal and are not recoverable from insurer. 127 C. 533. Cited. 134 C. 599; 192 C. 280; Id., 301; 196 C. 494; 203 C. 667. Unconstitutionally deprives defendant of jury trial; statute does not purport to authorize jury determination of multiple damages. 206 C. 608. Cited. 211 C. 133; 216 C. 40. Judicially created standard precludes unlimited and arbitrary discretion by the court in its application of statute. 4 CA 451. Cited. 8 CA 254; 31 CA 781; 43 CA 1. Cited. 39 CS 228. Double or treble damages may be claimed in complaint alleging both common-law and statutory negligence, provided facts which bring case within statute are clearly stated. 4 Conn. Cir. Ct. 462-464.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-295a. - Assessment for certain violations and payments of fines by mail.

An assessment of five dollars shall be imposed against any person who is convicted of a violation of section 14-219, 14-222, 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n or who pleads nolo contendere to a violation of

section 14-219 and pays the fine by mail. Such assessment shall be in addition to any fee, cost or surcharge imposed pursuant to any other provision of the general statutes. All assessments collected pursuant to this section shall be deposited in the General Fund and credited to the brain injury prevention and services account established under section 14-295b. (P.A. 04-199, S. 39; P.A. 05-152, S. 2; P.A. 16-126, S. 23.) History: P.A. 05-152 deleted provision re imposition of assessment for forfeiture of cash bond or guaranteed bail bond certificate; P.A. 16-126 added references to Secs. 14-227m and 14-227n(a)(1) and (2).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-295b. - Brain injury prevention and services account.

There is established a brain injury prevention and services account which shall be a separate, nonlapsing account within the General Fund. The account shall contain all moneys required by law to be deposited in the account. Investment earnings from any moneys in the account shall be credited to the account and shall become part of the assets of the account. Any balance remaining in the account at the end of any fiscal year shall be carried forward in the account for the fiscal year next succeeding. The moneys in the account shall be allocated to the Department of Social Services for the purpose of providing grants to the Brain Injury Association of Connecticut. (P.A. 04-199, S. 40.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-296. - General penalty.

Any person who violates any provision of this chapter for which no other penalty is provided or is not designated an infraction shall be fined not more than fifty dollars. (1949 Rev., S. 2515; 1971, P.A. 870, S. 129; P.A. 75-577, S. 122, 126.) History: 1971 act reduced fine from \$100 to \$50 maximum; P.A. 75-577 made fine applicable to violations which are not designated as infractions.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-296a. - House trailer not to be occupied when on highway.

No person or persons shall occupy a house trailer while it is being moved upon a public highway. Violation of this section shall be an infraction. (February, 1965, P.A. 448, S. 33; P.A. 75-577, S. 118, 126.) History: P.A. 75-577 made violation of section an infraction.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-296aa. - Use of hand-held mobile telephones and mobile electronic devices by motor vehicle operators and school bus drivers prohibited or restricted. Exceptions. Penalties. Amounts remitted to municipality. Record of violation.

(a) For purposes of this section, the following terms have the following meanings: (1) "Mobile telephone" means a cellular, analog, wireless or digital telephone capable of sending or receiving telephone communications without an access line for service. (2) "Using" or "use" means holding a hand-held mobile telephone to, or in the immediate proximity of, the user's ear. (3) "Hand-held mobile telephone" means a mobile telephone with which a user engages in a call using at least one hand. (4) "Hands-free accessory" means an attachment, add-on, built-in feature, or addition to a mobile telephone, whether or not permanently installed in a motor vehicle, that, when used, allows the vehicle operator to maintain both hands on the steering wheel. (5) "Hands-free mobile telephone" means a hand-held mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such hand-held mobile telephone, by which a user engages in a call without the use of either hand, whether or not the use of either hand is necessary to activate, deactivate or initiate a function of such telephone. (6) "Engage in a call" means talking into or listening on a hand-held mobile telephone, but does not include holding a hand-held mobile telephone to activate, deactivate or initiate a function of such telephone. (7) "Immediate proximity" means the distance that permits the operator of a hand-held mobile telephone to hear telecommunications transmitted over such hand-held mobile telephone, but does not require physical contact with such operator's ear. (8) "Mobile electronic device" means any hand-held or other portable electronic equipment capable of providing data communication between two or more persons, including a text messaging device, a paging device, a personal digital assistant, a laptop computer, equipment that is capable of playing a video game or a digital video disk, or equipment on which digital photographs are taken or transmitted, or any combination thereof, but does not include any audio equipment or any equipment installed in a motor vehicle for the purpose of providing navigation, emergency assistance to the operator of such motor vehicle or video entertainment to the passengers in the rear seats of such motor vehicle. (9) "Operating a motor vehicle" means operating a motor vehicle on any highway, as defined in section 14-1, including being temporarily stationary due to traffic, road conditions or a traffic control sign or signal, but not including being parked on the side or shoulder of any highway where such vehicle is safely able to remain stationary. (b) (1) Except as otherwise provided in this subsection and subsections (c) and (d) of this section, no person shall operate a motor vehicle upon a highway, as defined in section 14-1, while using a hand-held mobile telephone to engage in a call or while using a mobile electronic device. An operator of a motor vehicle who types, sends or reads a text message with a hand-held mobile telephone or mobile electronic device while operating a motor vehicle shall be in violation of this section, except that if such operator is driving a commercial motor vehicle, as defined in section 14-1, such operator shall be charged with a violation of subsection (e) of this section. (2) An operator of a motor vehicle who holds a hand-held mobile telephone to, or in the immediate proximity of, his or her ear while operating a motor vehicle is presumed to be

engaging in a call within the meaning of this section. The presumption established by this subdivision is rebuttable by evidence tending to show that the operator was not engaged in a call. (3) The provisions of this subsection shall not be construed as authorizing the seizure or forfeiture of a hand-held mobile telephone or a mobile electronic device, unless otherwise provided by law. (4) Subdivision (1) of this subsection shall not apply to: (A) The use of a hand-held mobile telephone for the sole purpose of communicating with any of the following regarding an emergency situation: An emergency response operator; a hospital, physician's office or health clinic; an ambulance company; a fire department; or a police department, or (B) any of the following persons while in the performance of their official duties and within the scope of their employment: A peace officer, as defined in subdivision (9) of section 53a-3, a firefighter or an operator of an ambulance or authorized emergency vehicle, as defined in section 14-1, or a member of the armed forces of the United States, as defined in section 27-103, while operating a military vehicle, or (C) the use of a hand-held radio by a person with an amateur radio station license issued by the Federal Communications Commission in emergency situations for emergency purposes only, or (D) the use of a hands-free mobile telephone. (c) No person shall use a hand-held mobile telephone or other electronic device, including those with hands-free accessories, or a mobile electronic device, while operating a school bus that is carrying passengers, except that this subsection shall not apply when such person: (1) Places an emergency call to school officials; (2) uses a hand-held mobile telephone as provided in subparagraph (A) of subdivision (4) of subsection (b) of this section; (3) uses a hand-held mobile telephone or mobile electronic device in a manner similar to a two-way radio to allow real-time communication with a school official, an emergency response operator, a hospital, physician's office or health clinic, an ambulance company, a fire department or a police department; or (4) uses a mobile electronic device with a video display, provided such device (A) is used as a global positioning system or to provide navigation, (B) is securely attached inside the school bus near such person, and (C) has been approved for such use by the Department of Motor Vehicles. (d) No person under eighteen years of age shall use any hand-held mobile telephone, including one with a hands-free accessory, or a mobile electronic device while operating a motor vehicle on a public highway, except as provided in subparagraph (A) of subdivision (4) of subsection (b) of this section. (e) No person shall use a hand-held mobile telephone or other electronic device or type, read or send text or a text message with or from a mobile telephone or mobile electronic device while operating a commercial motor vehicle, as defined in section 14-1, except for the purpose of communicating with any of the following regarding an emergency situation: An emergency response operator; a hospital; physician's office or health clinic; an ambulance company; a fire department or a police department. (f) Except as provided in subsections (b) to (e), inclusive, of this section, no person shall engage in any activity not related to the actual operation of a motor vehicle in a manner that interferes with the safe operation of such vehicle on any highway, as defined in section 14-1. (g) Any law enforcement officer who issues a summons for a violation of this section shall record on such summons the specific nature of any distracted driving behavior observed by such officer. (h) Any person who violates this section shall be fined two hundred dollars for a first violation, three hundred seventy-five dollars for a second violation and six hundred twenty-five dollars for a third or subsequent violation. (i) An operator of a motor vehicle who commits a moving violation, as defined in subsection (a) of section 14-11g, while engaged in any activity prohibited by this section shall be fined in accordance with subsection (h) of this section, in addition to any penalty or fine imposed for the moving violation. (j) The state shall remit to a municipality twenty-five per cent of the fine amount received for a violation of this section with respect to each summons issued by such municipality. Each clerk of the Superior Court or the Chief Court Administrator, or any other official of the Superior Court designated by the Chief Court Administrator, shall, on or before the thirtieth day of January, April, July and October in each year, certify to the Comptroller the amount due for the previous quarter under this subsection to each municipality served by the office of the clerk or official. (k) A record of any violation of this section shall appear on the driving history record or motor vehicle record, as defined in section 14-10, of any person who commits such violation, and the record of such violation shall be available to any motor vehicle insurer in accordance with the provisions of section 14-10. (P.A. 05-159, S. 1-7; 05-220, S. 2, 3; P.A. 06-196, S. 284; P.A. 09-54, S. 1; P.A. 10-32, S. 51, 52; 10-109, S. 1; P.A. 11-213, S. 53; P.A. 12-67, S. 1; 12-133, S. 3; P.A. 13-271, S. 37; 13-277, S. 10; June Sp. Sess. P.A. 15-5, S. 227; P.A. 19-108, S. 2; 19-119, S. 15; P.A. 21-28, S. 13; P.A. 23-40, S. 37.) History: P.A. 05-220 amended Subsec. (a) to make definitions applicable to Subsecs. (c) and (d) and add new Subdiv. (8) defining "mobile electronic device", amended Subsec. (b) to add references to a mobile electronic device in Subdivs. (1) and (3) and delete exemption for "the operator of a taxi cab, tow truck or bus without passengers" in Subdiv. (4)(B) and amended Subsec. (c) to make prohibition applicable to the use of a mobile electronic device and make a technical change and amended Subsec. (d) to apply prohibition to a person under 18 years of age rather than to a person who holds a learner's permit or any holder of a motor vehicle license subject to the requirements of Sec. 14-36(d) and make prohibition applicable to the use of a mobile electronic device; P.A. 06-196 made technical changes, effective June 7, 2006; P.A. 09-54 amended Subsec. (b)(4) to add members of the armed forces, effective May 21, 2009; P.A. 10-32 made technical changes in Subsecs. (b) and (e), effective May 10, 2010; P.A. 10-109 amended Subsec. (b)(1) to establish violation re operator of vehicle in motion who types, sends or reads text message with hand-held mobile telephone or mobile electronic device, made technical changes in Subsecs. (b) and (e), amended Subsec. (g) to replace fine of not more than \$100 and provision suspending fine for first-time violator who acquires hands-free accessory with fine of \$100 for first violation, \$150 for second violation and \$200 for third or subsequent violation, and added Subsec. (j) to require state to remit to municipalities 25% of amount received by state for each summons issued by such municipality; P.A. 11-213 amended Subsec. (b)(1) to add provision re operator driving commercial motor vehicle to be charged with violation of Subsec. (e), added new Subsec. (e) to prohibit texting while operating commercial motor vehicle, except for emergency situations, redesignated existing Subsecs. (e) to (g) as Subsecs. (f) to (h), deleted former Subsec. (h) re \$100 fine for violation of Subsec. (c) or (d), amended redesignated Subsec. (h) to increase fines for violations from \$100, \$150 and \$200 to \$125, \$250 and \$400, respectively, and made conforming and technical changes,

effective July 13, 2011; P.A. 12-67 amended Subsec. (b)(4) to add new Subpara. (C) re use of hand-held radio by person with amateur radio station license and redesignate existing Subpara. (C) as Subpara. (D); P.A. 12-133 amended Subsec. (j) to specify that the state is to remit to a municipality 25% of the fine amount received for a violation of section for each summons issued by such municipality; P.A. 13-271 amended Subsec. (e) to add provision re prohibition of use of hand-held mobile telephone or other electronic device, amended Subsec. (h) to increase fines for violations from \$125, \$250 and \$400 to \$150, \$300 and \$500, respectively, and added Subsec. (k) re record of violation on driving history or motor vehicle record and availability of record to motor vehicle insurer; P.A. 13-277 added Subsec. (a)(9) defining “operating a motor vehicle”, amended Subsec. (b)(1) and (2) to delete provisions limiting violations to vehicles in motion and to add references to “operating a motor vehicle”, amended Subsec. (b)(4) to limit exemption for hand-held radio use to emergency purposes only, and amended Subsecs. (c) and (d) to delete provisions limiting violations to “moving” bus or vehicle; June Sp. Sess. P.A. 15-5 amended Subsec. (b)(4)(B) to add sworn motor vehicle inspector to list of persons allowed to use hand-held mobile telephone or mobile electronic device while driving, effective June 30, 2015; P.A. 19-108 amended Subsec. (b)(4)(B) to delete reference to sworn motor vehicle inspector; P.A. 19-119 amended Subsec. (c) to add Subdiv. (3) re use of hand-held mobile telephone or mobile electronic device in manner similar to two-way radio and made technical changes; P.A. 21-28 amended Subsec. (h) to increase fines for violations from \$150, \$300 and \$500 to \$200, \$375 and \$625, respectively; P.A. 23-40 amended Subsec. (c) to add Subdiv. (4) re use of mobile electronic device with video display and made technical changes, effective July 1, 2023.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-296b. - Following or parking near fire apparatus, driving over hose prohibited.

(a) No driver of a vehicle other than one on official business relating to the emergency shall follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (b) No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command. (c) Violation of any provision of this section shall be an infraction. (February, 1965, P.A. 448, S. 35, 36; P.A. 75-577, S. 119, 126.) History: P.A. 75-577 added Subsec. (c).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-296bb. - Access to dedicated roadway for bus rapid transit service.

(a) No person shall access or travel upon any highway that is a dedicated roadway for bus rapid transit service except as an operator or passenger in (1) a motor vehicle authorized by the state to provide public transit service on such highway, (2) an authorized emergency vehicle responding to an emergency call, (3) a vehicle operated by the Department of Transportation or any contractor of the department authorized by the state to perform maintenance on such highway, or (4) any motor vehicle specifically authorized in writing by the Commissioner of Transportation to access or travel upon such highway. (b) Any violation of this section shall be an infraction. (P.A. 13-277, S. 9.) History: P.A. 13-277 effective July 1, 2013.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 248 - Vehicle Highway Use Section 14-296d. - Moving violation defined. Motor vehicle operator's retraining program for operators eighteen years of age or over. Fee. Hearing. Possible license suspension. Regulations.

Section 14-296d is repealed, effective July 1, 1998. (P.A. 93-341, S. 36, 38; P.A. 98-182, S. 21, 22.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-297. - Definitions.

Terms used in this chapter shall be construed as follows, unless another construction is clearly apparent from the language or context in which the term is used or unless the construction is inconsistent with the manifest intention of the General Assembly: (1) The following terms shall be construed as they are defined in section 14-1: “Authorized emergency vehicle”, “class 1 electric bicycle”, “class 2 electric bicycle”, “class 3 electric bicycle”, “driver”, “electric bicycle”, “electric foot scooter”, “head lamp”, “highway”, “limited access highway”, “motor vehicle”, “number plate”, “operator”, “person”, “rotary” or “roundabout”, “shoulder”, “stop”, “tank vehicle”, “truck” and “vehicle”; (2) “Crosswalk” means that portion of a highway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, or any portion of a highway distinctly indicated, by lines or other markings on the surface, as a crossing for pedestrians, except such prolonged or connecting lines from an alley across a street; (3) “Intersection” has the same meaning as provided in section 14-212; (4) “Official traffic control devices” means all signs, signals, markings and devices consistent with the provisions of this chapter and placed or erected, for the purpose of regulating, warning or guiding traffic, by authority of a public body or official having jurisdiction; (5) “Parking” means the standing of a vehicle, whether occupied or not, on a highway, except it shall not include the temporary standing of a vehicle for the purpose of and while engaged in receiving or discharging passengers or loading or unloading merchandise or while in obedience to traffic regulations or traffic signs or signals; (6) “Traffic” means pedestrians, vehicles and other conveyances while using any highway for the purpose of travel; (7) “Traffic authority” means (A) the board of police commissioners of any city, town or borough, (B) the city or town manager, the chief of police, the superintendent of police or any legally elected or appointed official or board having similar powers and duties of

any city, town or borough that has no board of police commissioners but has a regularly appointed police force, (C) the board of selectmen of any town in which there is no city or borough with a regularly appointed police force, or (D) a traffic authority established pursuant to section 7-149d, except that, with respect to state highways and bridges, “traffic authority” means the Office of the State Traffic Administration, provided nothing contained in this section shall be construed to limit or detract from the jurisdiction or authority of the Office of the State Traffic Administration to adopt regulations establishing a uniform system of traffic control signals, devices, signs and markings as provided in section 14-298, and the requirement that no installation of any traffic control signal light shall be made by any city, town or borough until the installation has been approved by the Office of the State Traffic Administration as provided in section 14-299; (8) “Traffic control sign” means any sign bearing a message with respect to the stopping or to the rate of speed of vehicles; and (9) “Traffic control signal” means any device, whether operated manually, electrically or mechanically, by which traffic is alternately directed to stop and to proceed. (1949 Rev., S. 2516; P.A. 84-429, S. 42; P.A. 90-263, S. 53, 74; P.A. 05-210, S. 27; P.A. 12-132, S. 28; P.A. 18-165, S. 16; P.A. 19-162, S. 16; P.A. 21-61, S. 2; 21-95, S. 2; P.A. 24-40, S. 8.) History: P.A. 84-429 substantially revised section, dividing section into Subsecs., applying definitions in Sec. 14-1 to terms added in Subdiv. (1), rephrasing provisions and making other technical changes; P.A. 90-263 amended Subdiv. (1) to delete “public service motor vehicle”; P.A. 05-210 amended Subdiv. (1) by substituting “rotary” or “roundabout” for “rotary traffic island”, effective July 1, 2005; P.A. 12-132 amended Subdiv. (6) by replacing “State Traffic Commission” with “Office of the State Traffic Administration”, effective July 1, 2012; P.A. 18-165 amended Subdiv. (1) by adding “class 1 electric bicycle”, “class 2 electric bicycle”, “class 3 electric bicycle” and “electric bicycle”; P.A. 19-162 amended Subdiv. (1) by adding “electric foot scooter” and making technical changes; P.A. 21-61 amended Subdiv. (1) by removing “intersection”, added new Subdiv. (3) redefining “intersection” and redesignated existing Subdivs. (3) to (8) as Subdivs. (4) to (9); P.A. 21-195 amended Subdiv. (1) to add “tank vehicle”; P.A. 24-40 amended Subdiv. (7) to redefine “traffic authority”, effective July 1, 2024. Cited. 122 C. 518. Longitudinal line at intersection is an official control device. Id., 520. Cited. 123 C. 665; 130 C. 243; 138 C. 81; 163 C. 365.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-298. - Office of the State Traffic Administration.

There shall be within the Department of Transportation the Office of the State Traffic Administration, which shall constitute a successor to the State Traffic Commission, in accordance with the provisions of sections 4-38d, 4-38e and 4-39. For the purpose of standardization and uniformity, said office shall adopt and cause to be printed for publication regulations establishing a uniform system of traffic control signals, devices, signs and markings consistent with the provisions of this chapter for use upon the public highways. The Commissioner of Transportation shall make known to the General Assembly the availability of such regulations and any requesting member shall be sent a written copy or electronic storage media of such regulations by said commissioner. Taking into consideration the public safety and convenience with respect to the width and character of the highways and roads affected, the density of traffic thereon and the character of such traffic, said office shall also adopt regulations, in cooperation and agreement with local traffic authorities, governing the use of state highways and roads on state-owned properties, and the operation of vehicles, including, but not limited to, motor vehicles, bicycles, as defined in section 14-286, electric bicycles and electric foot scooters thereon. A list of limited-access highways shall be published with such regulations and said list shall be revised and published once each year. The Commissioner of Transportation shall make known to the General Assembly the availability of such regulations and list and any requesting member shall be sent a written copy or electronic storage media of such regulations and list by the commissioner. A list of limited-access highways opened to traffic by the Commissioner of Transportation in the interim period between publications shall be maintained in the Office of the State Traffic Administration and such regulations shall apply to the use of such listed highways. Said office shall also make regulations, in cooperation and agreement with local traffic authorities, respecting the use by through truck traffic of streets and highways within the limits of, and under the jurisdiction of, any city, town or borough of this state for the protection and safety of the public. If said office determines that the prohibition of through truck traffic on any street or highway is necessary because of an immediate and imminent threat to the public health and safety and the local traffic authority is precluded for any reason from acting on such prohibition, the office, if it is not otherwise precluded from so acting, may impose such prohibition. Said office may place and maintain traffic control signals, signs, markings and other safety devices, which it deems to be in the interests of public safety, upon such highways as come within the jurisdiction of said office as set forth in section 14-297. The traffic authority of any city, town or borough may place and maintain traffic control signals, signs, markings and other safety devices upon the highways under its jurisdiction, and all such signals, devices, signs and markings shall conform to the regulations established by said office in accordance with this chapter, and such traffic authority shall, with respect to traffic control signals, conform to the provisions of section 14-299. (1949 Rev., S. 2517; 1957, P.A. 331, S. 1; 1967, P.A. 685, S. 1; 1969, P.A. 768, S. 151; P.A. 77-375, S. 6; 77-614, S. 558, 610; P.A. 78-303, S. 11, 136; P.A. 84-429, S. 67; P.A. 88-242, S. 1, 2; P.A. 98-222, S. 6; P.A. 11-51, S. 134; Oct. Sp. Sess. P.A. 11-1, S. 7; P.A. 12-132, S. 1; P.A. 18-165, S. 17; P.A. 19-162, S. 17.) History: 1967 act added provisions re regulations governing use of state highways and roads on state-owned properties and re list of limited access highways; 1969 act replaced highway commissioner with commissioner of transportation; P.A. 77-375 added reference to role of local traffic authorities in adoption of regulations and specifically referred to regulations re operation of vehicles “not limited to motor vehicles” and of bicycles; P.A. 77-614 placed state traffic commission in department of transportation and changed membership to include commissioner of public safety rather than commissioner of motor vehicles, effective January 1, 1979; P.A. 78-303 restored membership of commissioner of motor vehicles and deleted reference to no longer existing commissioner of state police; P.A. 84-429 made technical changes for statutory consistency; P.A. 88-242 added provisions

authorizing the state traffic commission to prohibit through truck traffic in certain cases involving an immediate and imminent threat to public health and safety; P.A. 98-222 added a requirement that the commissioner notify the General Assembly that the regulations establishing a uniform system of traffic control signals and the list of limited-access highways are available upon request in a written format or as electronic storage; pursuant to P.A. 11-51, "Commissioner of Public Safety" was changed editorially by the Revisors to "Commissioner of Emergency Services and Public Protection", effective July 1, 2011; Oct. Sp. Sess. P.A. 11-1 added provision making Commissioner of Economic and Community Development, or his or her designee, a member of commission when commission discusses and votes on any matter re an economic development project, and made technical changes, effective October 27, 2011; P.A. 12-132 replaced provisions re State Traffic Commission with provisions re Office of the State Traffic Administration, effective July 1, 2012; P.A. 18-165 added "and electric bicycles" re operation of vehicles on state highways and roads on state-owned properties and made technical changes; P.A. 19-162 deleted reference to Sec. 14-1 and added "and electric foot scooters" re operation of vehicles on state highways and roads on state-owned properties. See Sec. 7-136i re preliminary review of municipal petitions, applications or permit requests. Court may take judicial notice of State Traffic Commission regulations. 133 C. 453. Cited. 134 C. 636; 181 C. 114. Uniform Administrative Procedure Act not applicable to regulations under statute which are not of general applicability; distinction between regulations within and without the purview of that act discussed. 183 C. 313. Legislature reserved to State Traffic Commission the ultimate authority to regulate through truck traffic. 203 C. 267. Cited. 28 CA 283. Cited. 4 Conn. Cir. Ct. 104.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-298a. - Operation of motor vehicle exceeding posted clearance, load or weight limit prohibited.

(a) No person shall operate or move a motor vehicle over, on, through, or under any bridge or structure on any highway (1) if the height of such vehicle or the load exceeds the height of the posted clearance or load, as shown by an official traffic control device, as defined in section 14-297, or (2) if the weight of such vehicle or such vehicle and the load exceeds the weight of the posted weight limit. (b) Any person violating any provision of this section shall, (1) for a first offense, be fined not more than one thousand dollars, and (2) for a subsequent offense, be fined not more than two thousand five hundred dollars. (P.A. 05-218, S. 30; P.A. 21-175, S. 3.) History: P.A. 21-175 designated existing provision as Subsecs. (a)(1) and (b), added Subsec. (a)(2) re posted weight limit, and amended Subsec. (b) to replace provision re commission of infraction with provision re maximum fine of \$1,000 for a first offense in Subdiv. (1) and provision re maximum fine of \$2,500 for a subsequent offense in Subdiv. (2).

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-299. - Traffic control signals. Right turn on red.

(a) For the purpose of standardization and uniformity, no installation of or revision to any traffic control signal light shall be made by any town, city or borough until the same has been approved by the Office of the State Traffic Administration. Such approval shall be based on necessity for, location of and type of such signal light and shall be applied for on a form supplied by the Office of the State Traffic Administration and shall be submitted to said office by the traffic authority having jurisdiction. Approval of any such signal light may be revoked by the Office of the State Traffic Administration at any time if said office deems such revocation to be in the interest of public safety, and thereupon such signal lights shall be removed by the traffic authority having jurisdiction. (b) When traffic at an intersection is alternately directed to proceed and to stop by the use of signals exhibiting colored lights or lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian-control signals carrying word legends or symbols. Such lights or arrows shall apply to drivers of vehicles and pedestrians and shall indicate the following: (1) Circular green alone: Vehicular traffic facing a green signal may proceed straight through or turn right or left unless a sign or marking at such place prohibits either such turn or straight through movement, except that such traffic shall yield the right-of-way to pedestrians and vehicles within a crosswalk or the intersection at the time such signal was exhibited; pedestrians facing the green signal, except when directed by separate pedestrian-control signals, may proceed across the highway within any marked or unmarked crosswalk. (2) Yellow: Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter, when vehicular traffic shall stop before entering the intersection unless so close to the intersection that a stop cannot be made in safety; pedestrians facing a steady yellow signal, except when directed by separate pedestrian-control signals, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway. (3) Red alone: Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and remain standing until the next indication is shown; provided, on or after July 1, 1979, vehicular traffic traveling in the travel lane nearest the right hand curb or other defined edge of the roadway, unless a sign approved by the Office of the State Traffic Administration has been erected in the appropriate place prohibiting this movement, may cautiously enter the intersection to make a right turn onto a two-way street or onto another one-way street on which all the traffic is moving to such vehicle's right after such vehicle has stopped as required in this subdivision and yielded the right-of-way to pedestrians within an adjacent crosswalk and to other traffic lawfully using the intersection. Pedestrians facing a steady red signal alone, except when directed by separate pedestrian-control signals, shall not enter the roadway. (4) Green arrow: Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications

shown at the same time, but such vehicular traffic shall yield the right-of-way to pedestrians within a crosswalk and to other traffic lawfully within the intersection. (5) Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" or the image of a walking person symbolizing "Walk" or an upraised hand symbolizing "Don't Walk" are in place, such signals shall indicate as follows: "Walk" or walking person symbol: Pedestrians facing such signals may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles; "Don't Walk" or upraised hand symbol: No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed crossing on the walk signal shall proceed to a sidewalk or safety island while the flashing "Don't Walk" or flashing upraised hand symbol signal is showing. (c) When an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows: (1) Flashing red: When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection, or at a limit line when marked or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign. (2) When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles facing such signal may proceed through the intersection or past such signal only with caution. (d) Lenses of the following colors only shall be used and shall be arranged vertically in the signal face or, when necessary, horizontally, and shall conform to the following positions: When arranged vertically, red shall be located at the top, yellow shall be located directly below red and the remaining indications below the yellow in the following order: Flashing yellow, circular green, vertical arrow, left-turn arrow and right-turn arrow, as needed; when arranged horizontally, red shall be located at the left, yellow shall be located directly to the right of red and the remaining indications to the right of yellow in the following order: Flashing yellow, left-turn arrow, circular green, vertical arrow and right-turn arrow, as needed. (e) When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green arrow signal is shown, but shall not enter or travel in any lane over which a red X signal is shown. (f) If a traffic control signal, approved by the Office of the State Traffic Administration, is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any sign or marking, the stop shall be made at the signal. (1949 Rev., S. 2518; 1967, P.A. 428; P.A. 75-297; P.A. 78-309, S. 1; P.A. 12-132, S. 29; P.A. 23-135, S. 1.) History: 1967 act restated provisions of Subsecs. (b) to (d) and added Subsecs. (e) and (f); P.A. 75-297 added provisions in Subsec. (b)(3) re right turns on red; P.A. 78-309 revised and amplified Subsec. (b)(3) and changed emphasis by allowing right turn on red unless sign prohibits it, whereas previously turn allowed only where sign permitted it; P.A. 12-132 amended Subsecs. (a) and (f) by replacing references to State Traffic Commission with references to Office of the State Traffic Administration and amended Subsec. (b)(3) by deleting provisions re review and erection of signs by June 30, 1979, and making a conforming change, effective July 1, 2012; P.A. 23-135 amended Subsec. (a) to add "or revision to", amended Subsec. (b) to add provisions re symbols on pedestrian-control signals in Subdivs. (1) and (5) and delete "lawfully" re pedestrians within crosswalk in Subdivs. (1), (3) and (4), and made technical changes, effective July 1, 2023.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-299a. - Traffic signal preemption devices. Penalty.

(a) As used in this section, "traffic signal preemption device" means a device capable of altering the timing or phasing of a traffic control signal. (b) No person shall use a traffic signal preemption device unless such person, in furtherance of such person's duties, is (1) installing or maintaining a traffic control signal; (2) operating railroad equipment or a movable bridge; (3) operating a transit vehicle on behalf of the Department of Transportation; (4) operating a motor vehicle owned by the federal or state government, a municipal government or fire district in responding to an emergency; or (5) operating an ambulance in responding to an emergency. No traffic signal preemption device shall be in, or part of, a motor vehicle unless (A) the motor vehicle is owned or controlled by the federal or state government, a municipal government or fire district, (B) the motor vehicle is an ambulance, or (C) such vehicle is being used in the course of manufacturing, transporting, installing or maintaining such a device. (c) No person shall possess a traffic signal preemption device unless such person is a manufacturer specializing in the manufacture of such devices, a vendor authorized by a manufacturer specializing in the manufacture of such devices or a repairer of such devices. (d) No person shall sell or transfer possession of a traffic signal preemption device unless (1) such person is a manufacturer specializing in the manufacture of such devices, a vendor authorized by a manufacturer specializing in the manufacture of such devices or a repairer of such devices, and (2) such sale or transfer of possession is to the federal or state government, a municipal government or fire district, ambulance operator or to a vendor or repairer of such devices. (e) Any person who violates any provision of subsection (b), (c) or (d) of this section shall be fined not more than five thousand dollars or imprisoned not more than three months, or both. (f) Any person who violates any provision of subsection (b) of this section which violation results in a traffic accident shall be guilty of a class D felony, except that such person shall be fined not more than fifteen thousand dollars. (P.A. 05-242, S. 1; P.A. 12-80, S. 166; P.A. 13-258, S. 60.) History: P.A. 05-242 effective July 1, 2005; P.A. 12-80 amended Subsec. (e) to replace maximum term of imprisonment of "ninety days" with "three months"; P.A. 13-258 amended Subsec. (f) to substitute provisions re class D felony for provision re imprisonment of not more than 5 years.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-299b. - Inoperative traffic control signal.

The driver of a vehicle approaching an intersection controlled by a traffic control signal that is inoperative shall stop such vehicle

and proceed in the same manner as though a stop sign were facing in each direction at the intersection, unless otherwise directed by a police officer. Violation of this section shall be an infraction. (P.A. 21-61, S. 1.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-300. - Crosswalks. Pedestrian-control signals. Regulation of pedestrians and motor vehicles at crosswalks. Pedestrians who are blind or have guide dogs.

(a) The traffic authority may designate, by appropriate official traffic control devices, as defined in section 14-297, or markers, or by lines upon the surface of the highway, such crosswalks and intersections as, in its opinion, constitute a danger to pedestrians crossing the highway including, but not limited to, specially marked crosswalks in the vicinity of schools, which crosswalks shall have distinctive markings, in accordance with the regulations of the Office of the State Traffic Administration, to denote use of such crosswalks by school children; and may maintain suitable signs located at intervals along highways, particularly where there are no sidewalks, directing pedestrians to walk facing vehicular traffic. (b) At any intersection where special pedestrian-control signals bearing the words "Walk" or "Don't Walk" or the image of a walking person symbolizing "Walk" or an upraised hand symbolizing "Don't Walk" are placed, pedestrians may cross the highway only as indicated by the signal. At any intersection where traffic is controlled by other traffic control signals or by police officers, pedestrians shall not cross the highway against a red or "Stop" signal and shall not cross at any place not a marked or unmarked crosswalk. A pedestrian started or starting across the highway or on any such crosswalk shall have the right-of-way over all vehicles, including those making turns, until such pedestrian has reached the opposite curb or safety zone. (c) Except as provided in subsection (c) of section 14-300c, at any crosswalk marked as provided in subsection (a) of this section or any unmarked crosswalk, provided such crosswalks are not controlled by police officers or traffic control signals, each operator of a vehicle shall grant the right-of-way, and slow or stop such vehicle if necessary to so grant the right-of-way, to any pedestrian crossing the roadway within such crosswalk. For the purposes of this subsection, a pedestrian is "crossing the roadway within such crosswalk" when the pedestrian (1) is within any portion of the crosswalk, (2) steps to the curb at the entrance to the crosswalk and indicates his or her intent to cross the roadway by raising his or her hand and arm toward oncoming traffic, or (3) indicates his or her intent to cross the roadway by moving any part of his or her body or an extension thereof, including, but not limited to, a wheelchair, cane, walking stick, crutch, bicycle, electric bicycle, stroller, carriage, cart or leashed or harnessed dog, into the crosswalk at the entrance to the crosswalk. No operator of a vehicle approaching from the rear shall overtake and pass any vehicle, the operator of which has stopped at any crosswalk marked as provided in subsection (a) of this section or any unmarked crosswalk to permit a pedestrian to cross the roadway. The operator of any vehicle crossing a sidewalk shall yield the right-of-way to each pedestrian and all other traffic upon such sidewalk. (d) The operator of a motor vehicle who approaches or comes into the immediate vicinity of a pedestrian who is blind, as defined in subsection (a) of section 1-1f, carrying a white cane or a white cane tipped with red, or a pedestrian being guided by a guide dog, shall reduce speed or stop, if necessary, to yield the right-of-way to such pedestrian. No person, except one who is blind, shall carry or use on any street or highway, or in any other public place, a cane or walking stick which is white in color or white, tipped with red. (e) Any crosswalk designated by a traffic authority on or after October 1, 2010, pursuant to subsection (a) of this section shall be required by such authority to have markings, signage, or any control signals deemed necessary by such authority to provide sufficient time for the safe crossing of pedestrians. (f) The operator of any motor vehicle who violates this section shall be fined not more than five hundred dollars. (g) In any civil action arising under subsection (c) or (d) of this section or sections 14-300b to 14-300d, inclusive, the doctrine of negligence per se shall not apply. (1949 Rev., S. 2519; 1955, S. 1403d; 1967, P.A. 639; P.A. 78-309, S. 2; P.A. 94-189, S. 33, 34; P.A. 00-196, S. 13; P.A. 07-167, S. 26; P.A. 08-150, S. 32; P.A. 10-159, S. 9; P.A. 12-132, S. 30; P.A. 16-54, S. 1; P.A. 21-28, S. 1; P.A. 23-135, S. 2.) History: 1967 act made special reference to specially marked crosswalks near schools in Subsec. (a); P.A. 78-309 added Subsecs. (c) and (d); P.A. 94-189 amended Subsec. (c) by changing "yield" to "grant", making the section also applicable to a pedestrian who "steps to the curb at the entrance to a crosswalk" and deleting the requirement that such pedestrian should be "approaching at such a rate of speed or has approached so near to that half of the roadway upon which such operator is traveling so as to be in reasonable danger of being struck by the vehicle of such operator", effective July 1, 1994; P.A. 00-196 made a technical change; P.A. 07-167 amended Subsec. (c) by replacing "steps to the curb" with "steps off the curb or into the crosswalk", making infraction applicable to "The operator of any motor vehicle who violates this section", rather than "A violation of this subsection", and specifying a fine of \$90, effective July 1, 2007; P.A. 08-150 amended Subsec. (c) to delete penalty provision, reflecting its reenactment as new Subsec. (e), added new Subsec. (d) requiring motor vehicle operator to yield right-of-way to pedestrian who is blind carrying a white cane or white cane tipped with red or being guided by a guide dog and prohibiting a person who is not blind from carrying or using a cane or walking stick white in color or white, tipped in red, added new Subsec. (e) re penalty, formerly part of Subsec. (c), and redesignated existing Subsec. (d) as new Subsec. (f) and amended same to add reference to new Subsec. (d); P.A. 10-159 amended Subsec. (a) to substitute "official traffic control devices" for "devices" and make technical changes, made technical changes in Subsec. (c), inserted new Subsec. (e) requiring crosswalks designated on or after October 1, 2010, to have necessary markings, signage or control signals to provide sufficient time for safe crossing of pedestrians and redesignated existing Subsecs. (e) and (f) as Subsecs. (f) and (g); P.A. 12-132 amended Subsec. (a) by replacing "State Traffic Commission" with "Office of the State Traffic Administration", effective July 1, 2012; P.A. 16-54 amended Subsec. (f) by replacing provision re violator deemed to have committed infraction and fined \$90 with provision re violator fined not more than \$500; P.A. 21-28 amended Subsec. (c) by replacing provision re pedestrian steps off the curb or into the crosswalk with definition of "crossing the roadway within such crosswalk"; P.A. 23-135 amended Subsec. (a) to replace "shall have power to" with "may" and amended Subsec. (b) to add

provision re image of walking person or upraised hand on pedestrian-control signals and delete “on a ‘Walk’ signal” and “on a green or ‘Go’ signal” re pedestrian starting across highway or crosswalk, effective July 1, 2023.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-300a. - Pedestrian street markings near housing projects for elderly persons.

The Office of the State Traffic Administration and each municipal traffic authority shall, on highways under their respective jurisdictions and subject to the provisions of section 14-298, provide special pedestrian street or sidewalk markings at intersections and streets in proximity to projects designated for or containing a high proportion of elderly persons. (1967, P.A. 358; P.A. 12-132, S. 31.) History: P.A. 12-132 replaced “State Traffic Commission” with “Office of the State Traffic Administration”, effective July 1, 2012.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-300b. - Pedestrian use of crosswalks and roadways.

(a) Each pedestrian crossing a roadway at any point other than within a crosswalk marked as provided in subsection (a) of section 14-300 or any unmarked crosswalk or at a location controlled by police officers shall yield the right of way to each vehicle upon such roadway. Each pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to each vehicle upon such roadway. (b) No pedestrian shall cross a roadway intersection diagonally unless authorized by a pedestrian-control signal or police officer. When authorized by a pedestrian-control signal or police officer to cross an intersection diagonally each pedestrian shall cross only in accordance with such signals or as directed by such police officer. No pedestrian shall cross a roadway between adjacent intersections at which traffic or pedestrian-control signals are in operation except within a marked crosswalk. (c) Each pedestrian crossing a roadway within a crosswalk shall travel whenever practicable upon the right half of such crosswalk. (d) A violation of any provision of this section shall be an infraction. (P.A. 78-309, S. 3.) Cited. 27 CA 513.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-300c. - Pedestrian use of roads and sidewalks. Required to yield to emergency vehicle.

(a) No pedestrian shall walk along and upon a roadway where a sidewalk adjacent to such roadway is provided and the use thereof is practicable. Where a sidewalk is not provided adjacent to a roadway each pedestrian walking along and upon such roadway shall walk only on the shoulder thereof and as far as practicable from the edge of such roadway. Where neither a sidewalk nor a shoulder adjacent to a roadway is provided each pedestrian walking along and upon such roadway shall walk as near as practicable to an outside edge of such roadway and if such roadway carries motor vehicle traffic traveling in opposite directions each pedestrian walking along and upon such roadway shall walk only upon the left side of such roadway. (b) No pedestrian shall suddenly leave a curb, sidewalk, crosswalk or any other place of safety adjacent to or upon a roadway and walk or run into the path of a vehicle which is so close to such pedestrian as to constitute an immediate hazard to such pedestrian. No pedestrian who is under the influence of alcohol or any drug to a degree which renders himself a hazard shall walk or stand upon any part of a roadway. (c) Each pedestrian shall yield the right-of-way to any authorized emergency vehicle, as defined by section 14-1, approaching such pedestrian and emitting any audible signal or displaying or making any visual signal reasonably indicating that such vehicle is being operated in an emergency situation. Nothing in this subsection shall be construed to relieve the driver of such an authorized emergency vehicle from any duty to drive with due regard for the safety of all persons using the highway or from the duty to exercise due care to avoid colliding with any pedestrian. (d) Except as provided by sections 14-299, 14-300, and 14-300b to 14-300e, inclusive, each pedestrian upon a roadway shall yield the right-of-way to each vehicle upon such roadway. (e) A violation of any provision of this section shall be an infraction. (P.A. 78-309, S. 4; P.A. 84-429, S. 68.) History: P.A. 84-429 substituted reference to Sec. 14-1 for reference to Sec. 14-1a, repealed in the same act. Cited. 27 CA 513. Plaintiff's failure to comply with Subsec. (a) demonstrated negligence on her part and precluded recovery under Sec. 13a-149, the municipal highway defect statute. 119 CA 724.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-300d. - Operator of a vehicle required to exercise due care to avoid pedestrian.

Notwithstanding any provisions of the general statutes or any regulations issued thereunder, sections 14-299, 14-300, 14-300b to 14-300e, inclusive, or any local ordinance to the contrary, each operator of a vehicle shall exercise due care to avoid colliding with any pedestrian or person propelling a human powered vehicle and shall give a reasonable warning by sounding a horn or other lawful noise emitting device to avoid a collision. An operator who violates any provision of this section shall be fined not more than five hundred dollars. (P.A. 78-309, S. 5; P.A. 16-54, S. 2.) History: P.A. 16-54 replaced “A violation of” with “An operator who violates” and replaced “an infraction” with “fined not more than five hundred dollars”.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-300e. - Application of pedestrian rights to solicitation of rides in a motor vehicle and walking on limited access highways.

Nothing contained in sections 14-299, 14-300 or 14-300b to 14-300d, inclusive, shall be construed to limit the provisions of section 53-181 or to permit any pedestrian to walk upon or along any highway where pedestrians are prohibited by any provision of the general statutes or any regulations issued thereunder. (P.A. 78-309, S. 6.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-300f. - Vehicles to stop for school crossing guard. Penalties. Issuance of warning or summons upon report of school crossing guard.

(a) The operator of a motor vehicle shall immediately bring the motor vehicle to a stop not less than ten feet from a location on any highway or private road where a school crossing guard is on duty when the school crossing guard specifically directs the operator to do so. Any motor vehicle so stopped for a school crossing guard shall not proceed until the school crossing guard specifically directs the operator to do so. (b) Any person who violates any provision of subsection (a) of this section shall be fined four hundred fifty dollars for the first offense and, for each subsequent offense, not less than five hundred dollars nor more than one thousand dollars or imprisoned not more than thirty days, or both. (c) Upon receipt of a written report from any school crossing guard specifying the license plate number, color and type of any motor vehicle observed by such school crossing guard violating any provision of subsection (a) of this section and the date, approximate time and location of such violation, a police officer may issue a written warning or summons to the owner of such vehicle. (P.A. 96-167, S. 1; P.A. 13-22, S. 1.) History: P.A. 13-22 amended Subsec. (b) to increase fine for first offense from not less than \$100 or more than \$500 to \$450, added Subsec. (c) re issuance of warning or summons upon report of school crossing guard and made technical changes.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-300g. - Operation of golf carts. Equipment. Insurance.

(a) The traffic authority of any city, town or borough is authorized to permit the operation of golf carts, during daylight hours only, on any street or highway within the limits of, and under the jurisdiction of, such traffic authority, provided: (1) Each such golf cart shall be equipped with an operable horn in accordance with the requirements of subsection (e) of section 14-80; (2) each such golf cart shall be equipped with a flag that is positioned to assist operators of motor vehicles in observing the location and operation of such golf cart; (3) no such authorization shall be granted for operation on any street or highway the posted speed limit of which is more than twenty-five miles per hour; and (4) the operator of any such golf cart shall carry a valid motor vehicle operator's license while operating such golf cart. Any person who operates a golf cart in violation of any provision of this subsection, any insurance requirement established in accordance with subsection (b) of this section, or any other conditions or limitations established by the traffic authority for the operation of golf carts shall have committed an infraction. (b) The Commissioner of Motor Vehicles may establish, by regulations adopted in accordance with the provisions of chapter 54, insurance requirements for the operation of golf carts in accordance with subsection (a) of this section. (P.A. 09-187, S. 27; June Sp. Sess. P.A. 15-5, S. 218.) History: P.A. 09-187 effective July 8, 2009; June Sp. Sess. P.A. 15-5 amended Subsec. (a) to delete "Connecticut" re valid motor vehicle operator's license, effective June 30, 2015.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-300h. - Special event permit for fire department to use state highway to collect charitable donations.

Notwithstanding any provision of section 14-298 or any regulation adopted thereunder, the Office of the State Traffic Administration shall, at the request of a local traffic authority of a municipality, issue a special event permit to allow members of the fire department of such municipality to use a state highway, other than a limited access highway, to collect donations for charitable purposes. No such permit shall be issued except for the use of a state highway at an intersection controlled by a traffic control signal or stop sign where the posted speed limit is thirty miles per hour or less. No permit shall be issued for a period of more than one day. No local traffic authority shall be issued more than two such permits per year per fire company. The issuance of a permit shall be considered an agreement by the municipality to indemnify and hold harmless the state against any financial loss and expense arising out of any claim, demand, suit or judgment resulting from or related to the issuance of the permit or the collection of donations. (P.A. 13-93, S. 1.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-300i. - Vehicle operator to exercise reasonable care when near vulnerable user on a public way.

(a) As used in this section, (1) "vulnerable user" means: (A) A pedestrian; (B) a highway worker; (C) a person riding or driving an animal; (D) a person riding a bicycle, an electric bicycle or an electric foot scooter; (E) a person using a skateboard, roller skates or in-line skates; (F) a person operating or riding on an agricultural tractor; (G) a person using a wheelchair or motorized chair; (H) a person who is blind and such person's service animal; and (I) a person operating (i) a commercial motor vehicle equipped with a garbage compactor, a detachable container or a curbside recycling body, (ii) a tank vehicle, (iii) a vehicle authorized by the United States government to carry mail, or (iv) a vehicle authorized by an express delivery carrier service, (2) "public way" includes any state or other public highway, road, street, avenue, alley, driveway, parkway or place, under the control of the state or any political

subdivision of the state, dedicated, appropriated or opened to public travel or other use, (3) “substantial bodily harm” means bodily injury that involves a temporary but substantial disfigurement, causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or causes a fracture of any bodily part, (4) “serious physical injury” has the same meaning as provided in section 53a-3, and (5) “service animal” has the same meaning as provided in section 22-345. (b) Any person operating a motor vehicle on a public way who fails to exercise reasonable care and causes substantial bodily harm to, or the serious physical injury or death, of a vulnerable user of a public way, provided such vulnerable user has shown reasonable care in such user's use of the public way, shall be fined not more than one thousand dollars. (P.A. 14-31, S. 1; P.A. 17-202, S. 45; P.A. 18-165, S. 18; P.A. 19-162, S. 18; P.A. 21-195, S. 1; P.A. 22-44, S. 29; P.A. 24-18, S. 5.) History: P.A. 17-202 amended Subsec. (a)(1)(H) to replace “blind person” with “person who is blind”; P.A. 18-165 amended Subsec. (a)(1)(D) to add “or an electric bicycle”; P.A. 19-162 amended Subsec. (a)(1)(D) to add reference to electric foot scooter, further amended Subsec. (a) to add Subdivs. (3) and (4) defining “substantial bodily harm” and “serious physical injury”, and amended Subsec. (b) to add reference to substantial bodily harm and made technical changes; P.A. 21-195 amended Subsec. (a)(1) by adding new Subpara. (I) re operation of vehicle with garbage compactor, detachable container or curbside recycling body, tank vehicle, vehicle carrying mail or vehicle by express delivery carrier; P.A. 22-44 amended Subsec. (a)(1)(iv) to replace “operated” with “authorized” and add “service”, effective July 1, 2022; P.A. 24-18, amended Subsec. (a) to add Subdiv. (5) defining “service animal” and make a technical change, effective July 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-300j. - Opening or leaving open a motor vehicle door so as to cause physical contact with moving traffic.

(a) For the purposes of this section, “moving traffic” includes, but is not limited to, a motor vehicle, bicycle, electric bicycle or electric foot scooter using a highway for the purpose of travel and a pedestrian or a person riding a bicycle, electric bicycle or electric foot scooter on a sidewalk, shoulder or bikeway for the purpose of travel, and “bikeway” has the same meaning as provided in subsection (a) of section 13a-153f. (b) No person shall open the door of a motor vehicle in such a manner as to cause physical contact with moving traffic with such door, provided moving traffic is traveling at a reasonable rate of speed and with due regard for the safety of all persons and property. (c) No person shall leave the door of a motor vehicle open for a period of time longer than necessary to load or unload passengers and in such a manner as to cause physical contact with moving traffic with such door. (d) Any person who violates any provision of this section shall have committed an infraction. (P.A. 21-28, S. 4.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-301. - Through ways. Stop signs.

(a) The Office of the State Traffic Administration may designate any state highway or part thereof or any bridge upon any such highway as a through way, and may, after notice, revoke any such designation. The traffic authority of any town, city or borough may designate any highway or part thereof under the control of such town, city or borough as a through way, and may, after notice, revoke any such designation. (b) No designation of a through way shall become effective as to regulation of traffic at any intersection thereon until the Office of the State Traffic Administration or such other traffic authority has caused signs to be erected at such intersections. Each such sign shall bear the word “stop”, which shall be self-illuminated at night or so placed as to be illuminated by street lights or by headlights of approaching motor vehicles, and each such sign shall be located as near as practicable to the traveled portion of the highway at the entrance to which the stop is to be made, or at the nearest line of the crosswalk thereat, and shall be clearly visible for a distance of one hundred feet along the street intersecting the through way. (c) The driver of a vehicle shall stop in obedience to a stop sign at such clearly marked stop line or lines as may be established by the traffic authority having jurisdiction or, in the absence of such line or lines, shall stop in obedience to a stop sign at the entrance to a through highway and shall yield the right-of-way to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard. (d) Nothing herein contained shall prevent said office or such traffic authority from erecting such stop signs on all corners of any intersection within its jurisdiction, and thereafter the provisions of subsection (c) of this section, relating to the stopping of motor vehicles and the right-of-way within such intersection, shall apply to the operation of motor vehicles on each of the intersecting streets. (e) The driver of a vehicle shall stop in obedience to a stop sign at a railroad crossing erected and maintained on the highway by requirement of the Commissioner of Transportation or the Office of the State Traffic Administration. (1949 Rev., S. 2520; 1949, S. 1405d; 1955, S. 1404d; 1959, P.A. 163; 1963, P.A. 29; 1971, P.A. 144; P.A. 75-486, S. 44, 69; P.A. 77-614, S. 571, 587, 610; P.A. 78-303, S. 85, 136; P.A. 12-132, S. 32.) History: 1959 act amended Subsec. (c) by adding requirement of stopping at stop lines; 1963 act added Subsec. (e); 1971 act deleted clause in Subsec. (c) allowing drivers having once yielded right-of-way to proceed and requiring others approaching to yield to them; P.A. 75-486 replaced public utilities commission with public utilities control authority in Subsec. (e); P.A. 77-614 and P.A. 78-303 replaced public utilities control authority with commissioner of transportation, effective January 1, 1979; P.A. 12-132 replaced references to State Traffic Commission with references to Office of the State Traffic Administration, effective July 1, 2012. See Sec. 14-111g re operator's retraining program. See Sec. 14-249 re stopping at grade crossings. Purpose of former statute accomplished by a stop at a stop sign. 116 C. 599; 117 C. 551. Stopping at stop sign not sufficient, as sign may be considerable distance from traveled portion of through street; where no reasonably observable property line, statute inoperative to impose obligation to stop; statute places no duty upon traffic authority to erect sign of any particular type or legible for any particular distance, but, if there is sign legible for 100 feet, duties upon driver of car arise. 127 C. 234. Operator of vehicle approaching from right who complies with stop regulation has

superior right-of-way if vehicles arrive at intersection at approximately same time. 130 C. 400. Cited. 131 C. 79. Whether placing of stop sign complies with statute is question of fact for jury. Id., 165. Right-of-way of driver entering through street. 133 C. 455. Where visibility is obscured at required stopping point, statute imposes no duty to make second stop. Id., 724. Failure of defendant to stop at a stop line was negligence. 139 C. 223. Error where court charged, in effect, that car disregarding stop sign at intersection might have right-of-way over car making left turn. 151 C. 199. Charge, “once operator from right has complied with stop sign regulation, he has superior right-of-way if vehicles arrived at intersection at approximately same time”, was erroneous. Id., 221. The word “entrance” does not require a special definition when a jury is charged. 160 C. 480. Cited. 163 C. 279. Cited. 29 CA 791. Cited. 24 CS 375; 26 CS 184. Subsec. (c): Subsec. explained. 165 C. 635. Cited. 170 C. 583. Cited. 16 CA 272. The judge's charge as to statute if read in its entirety was accurate in law, adapted to the issues and sufficient as a guide to the jury. 5 Conn. Cir. Ct. 164.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-302. - “Yield” signs.

The Office of the State Traffic Administration, on any state highway, or a local traffic authority, on any highway under its control, may designate intersections at which signs bearing the words “Yield” may be erected. The driver of a vehicle approaching a “Yield” sign shall, in obedience to such sign, slow down to a speed reasonable for the existing conditions, and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection, provided, if such driver is involved in a collision, such collision shall be deemed prima facie evidence of such driver's failure to yield the right-of-way. (1955, S. 1406d; February, 1965, P.A. 448, S. 40; P.A. 12-132, S. 33.) History: 1965 act deleted reference to state aid highway, words “right-of-way” after “Yield” and provision specifying application of collision proviso was to collisions with pedestrians or other vehicles, and changed driver's duty on approaching sign from slowing to 10 miles per hour and yielding so as to avoid collision to slowing to reasonable speed so as to avoid hazard; P.A. 12-132 replaced “State Traffic Commission” with “Office of the State Traffic Administration”, effective July 1, 2012. See Sec. 14-111g re operator's retraining program.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-303. - Designation of one-way streets.

Subject to the provisions of this chapter, the traffic authority shall have power to designate streets as one-way streets and to place and maintain on each street intersecting a street designated as a one-way street, at or near the property line of such one-way street, appropriate signs upon or in the street; such signs, devices or marks to bear the word “one-way” with an arrow pointing in the direction that all vehicular traffic shall travel when using such designated one-way street. No person shall operate or drive any vehicle upon or through any one-way street contrary to the directions as indicated by such signs, devices or marks established under the provisions of this section. (1949 Rev., S. 2521.) See Sec. 14-111g re operator's retraining program.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-304. - Safety zones.

(a) The traffic authority shall have power to establish safety zones of such character and at such places as it deems necessary for the protection of pedestrians. (b) No person shall operate or drive any vehicle over or through any safety zone established under the provisions of this section. (1949 Rev., S. 2522.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-305. - Bus stops and public service motor vehicle stands.

(a) The traffic authority shall have power to establish bus stops with the approval of the Department of Transportation. The traffic authority shall also have the power to establish stands for other motor vehicles used for the transportation of passengers for hire and designate the same by appropriate signs and markings. (b) No person other than an operator of a motor vehicle used for the transportation of passengers for hire shall park any vehicle in any officially designated public service motor vehicle stand, and no operator of any such motor vehicle shall park such vehicle upon any highway in any business district at any place other than a public service motor vehicle stand; but this provision shall not prevent the operator of any such motor vehicle from temporarily stopping such vehicle in accordance with parking regulations at any place for the purpose of and while actually engaged in receiving or discharging passengers. (1949 Rev., S. 2523; 1949, S. 1407d; P.A. 75-486, S. 45, 69; P.A. 77-614, S. 162, 610; P.A. 80-482, S. 36, 348; P.A. 84-20, S. 3; P.A. 90-263, S. 54, 74.) History: P.A. 75-486 replaced public utilities commission with public utilities control authority; P.A. 77-614 replaced authority with division of public utility control within the department of business regulation, effective January 1, 1979; P.A. 80-482 gave division of public utility control department status and deleted reference to abolished department of business regulation; P.A. 84-20 amended Subsec. (a) to transfer power to approve establishment of bus stops from public utility control department to transportation department; P.A. 90-263 substituted “motor vehicles used for the transportation of passengers for hire” for “public service motor vehicle”.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-306. - Taxi stands in front of hotels.

The traffic authority of any city or town is authorized to establish a public taxi stand in connection with any hotel within the limits of such city or town and may, with the approval of the owner or lessee of such hotel, limit the use of such public taxi stand to cabs of a company to be designated by such owner or lessee. (1949 Rev., S. 2524.) Cited. 118 C. 375. Statute construed as applying to establishment of taxi stands adjacent to hotels in those portions of highway of which hotel owner holds fee; hence constitutional. 119 C. 325.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-307. - Parking restrictions. Regulations.

(a) The traffic authority of any city, town or borough shall have power to prohibit, limit or restrict the parking of vehicles and to erect and maintain signs in each block designating the time or terms of such prohibition or restriction on any highway or thoroughfare coming under the jurisdiction of such city, town or borough and such traffic authority may remove from state highways, except limited access highways, within the territorial limits of such city, town or borough any vehicles parked in violation of any regulation of the Office of the State Traffic Administration established in accordance with subsection (b) of this section and of any rule, regulation, order or ordinance of any such city, town or borough relative to or in connection with parking on such highway. Such removal shall be undertaken in accordance with the procedures employed by the city, town or borough in the removal of vehicles from any highway or thoroughfare coming under the jurisdiction of such city, town or borough. The Commissioner of Motor Vehicles shall adopt regulations in accordance with the provisions of chapter 54 to establish procedures for the removal of such vehicles by such traffic authority and for the storage of such vehicles. The regulations shall, at a minimum, (1) require that such traffic authority provide written notice by certified mail to the owner of any vehicle removed, (2) provide any such owner with an opportunity for a hearing before a hearing officer appointed by the chief executive officer of each city, town or borough and specify procedures for the holding of such hearing, (3) provide that the owner or keeper of any garage or other place where any such vehicle is stored shall have a lien on the vehicle for his storage charges, and (4) specify procedures for the sale at public auction of any vehicle placed in storage which is not claimed within a specified period of time by the owner thereof. (b) The Office of the State Traffic Administration shall have power to prohibit, limit or restrict the parking of vehicles on any portion of any state highway or on any bridge on any such highway and to erect and maintain signs designating the terms of such prohibition or restriction. (c) No person shall park any vehicle in any place where parking is prohibited or park any vehicle for a longer period than that indicated as lawful by any sign erected and maintained in accordance with the provisions of this chapter, except: (1) A person operating an armored car vehicle may, while in the performance of such person's duties, park for a period not to exceed ten minutes in a place where parking is prohibited, provided such vehicle does not obstruct or impede the normal and reasonable movement of traffic, or (2) a vehicle displaying a special license plate or a removable windshield placard issued pursuant to section 14-253a or by authorities of other states or countries for the purpose of identifying vehicles permitted to utilize parking spaces reserved for persons with disabilities which limit or impair their ability to walk or persons who are blind, may park in an area where parking is legally permissible, for an unlimited period of time without penalty, notwithstanding the period of time indicated as lawful by any (A) parking meter, or (B) sign erected and maintained in accordance with the provisions of this chapter. (1949 Rev., S. 2525; 1969, P.A. 236; P.A. 91-408, S. 6; June 18 Sp. Sess. P.A. 97-4, S. 7, 11; June 18 Sp. Sess. 97-11, S. 63, 65; P.A. 99-268, S. 35; P.A. 00-169, S. 22; P.A. 12-132, S. 34; P.A. 17-202, S. 46.) History: 1969 act gave local traffic authorities power to remove from roads vehicles parked in violation of state traffic commission regulations under Subsec. (a); P.A. 91-408 amended Subsec. (c) to add exception authorizing operator of an armored car vehicle to park where parking is prohibited; June 18 Sp. Sess. P.A. 97-4 amended Subsec. (a) to require commissioner to adopt regulations re procedures for removal and storage of vehicles and stated minimum requirements for such regulations, effective June 30, 1997; June 18 Sp. Sess. P.A. 97-11 changed effective date of June 18 Sp. Sess. P.A. 97-4 but without affecting this section; P.A. 99-268 amended Subsec. (c) by designating existing exception re armored cars as Subdiv. (1), adding Subdiv. (2) re allowing a vehicle displaying a special license plate or removable windshield placard to park without penalty where legally permissible for an unlimited period of time and by making a technical change re gender neutrality; P.A. 00-169 revised effective date of P.A. 99-268 but without affecting this section; P.A. 12-132 amended Subsecs. (a) and (b) by replacing "State Traffic Commission" with "Office of the State Traffic Administration", effective July 1, 2012; P.A. 17-202 amended Subsec. (c)(2) to replace "blind persons" with "persons who are blind". As to local parking regulations. 125 C. 506. Traffic authority has power to install parking meters. 130 C. 243.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-307a. - Pedestrian safety zones. Regulations.

(a) The traffic authority of any town, city or borough may establish a pedestrian safety zone on any street, highway and bridge or in any parking area for ten cars or more or on any private road wholly within the municipality under its jurisdiction without approval from the Office of the State Traffic Administration, provided: (1) The municipality, by vote of its legislative body, or in the case of a municipality in which the legislative body is a town meeting, its board of selectmen, grants general authority to the traffic authority to establish pedestrian safety zones within the municipality. Such general authority is not required if such legislative body or board of selectmen is also the traffic authority; (2) the traffic authority conducts an engineering study described in subsection (b) of this section; (3) the posted speed limit for such zone is not less than twenty miles per hour; (4) such zone encompasses a clearly defined downtown district or community center frequented by pedestrians or is adjacent to hospital property or, in the opinion of the traffic authority, is sufficiently close to hospital property as to constitute a risk to the public safety; and (5) the traffic authority satisfies the

requirements of subparagraphs (C) to (E), inclusive, of subdivision (2) of subsection (c) of section 14-218a, if applicable. (b) Prior to establishing a pedestrian safety zone, the traffic authority shall conduct an engineering study in accordance with the Federal Highway Administration's Manual on Uniform Traffic Control Devices for Streets and Highways, as amended from time to time, and other generally accepted engineering principles and guidance. The study shall be completed by a professional engineer licensed to practice in this state and shall consider factors, including, but not limited to, pedestrian activity, type of land use and development, parking and the record of traffic crashes in the area under consideration to be a pedestrian safety zone. If the study recommends the establishment of a pedestrian safety zone, the study shall also include a speed management plan and recommend actions to achieve lower motor vehicle speeds. (c) In a municipality where the Office of the State Traffic Administration approves speed limits on the streets, highways and bridges or in any parking area for ten cars or more or on any private road wholly within the municipality in accordance with section 14-218a, the traffic authority shall notify the office in writing of the establishment of any pedestrian safety zone and confirm that the requirements of this section have been satisfied. (d) If the Commissioner of Transportation or a traffic authority of any town, city or borough seeks to establish a pedestrian safety zone on a state highway that passes through a downtown or community center, the commissioner or traffic authority shall submit a written request to the Office of the State Traffic Administration and include with such request the engineering study and speed management plan conducted pursuant to subsection (b) of this section. The office shall be the sole authority for establishing a pedestrian safety zone on a state highway and shall provide a written explanation of the reasons for denying any such request. (e) The Office of the State Traffic Administration may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section. (P.A. 21-28, S. 7; P.A. 22-40, S. 20.) History: P.A. 22-40 amended Subsec. (a)(5) to replace reference to Sec. 14-218a(2)(C) to (E) with reference to Sec. 14-218a(c)(2)(C) to (E), effective July 1, 2022.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-307b. - Definitions.

For the purposes of this section and sections 14-307c to 14-307h, inclusive: (1) "Automated traffic enforcement safety device" means a device designed to detect and collect evidence of alleged violations of an ordinance adopted under section 14-307c by recording images that capture the number plate, date, time and location of a motor vehicle that (A) exceeds the posted speed limit by ten or more miles per hour, or (B) fails to stop such vehicle when facing a steady red signal on a traffic control signal. (2) "Automated traffic enforcement safety device operator" means a person who is trained and certified to operate an automated traffic enforcement safety device. (3) "Driver", "number plate" and "owner" have the same meanings as provided in section 14-1. (4) "Equitable" means efforts, policies, standards, processes and any other functions of government intended to (A) ensure that patterns of discrimination and disparities of race, ethnicity and socioeconomic status, whether intentional or unintentional, are neither reinforced nor perpetuated, and (B) prevent the emergence and persistence of foreseeable future patterns of discrimination or disparities of race, ethnicity and socioeconomic status. (5) "Pedestrian safety zone" means an area designated by the Office of the State Traffic Administration or the traffic authority of a town, city or borough pursuant to section 14-307a. (6) "Personally identifiable information" means information created or maintained by the municipality or a vendor that identifies or describes an owner and includes, but need not be limited to, the owner's address, telephone number, number plate, photograph, bank account information, credit card number, debit card number or the date, time, location or direction of travel on a highway. (7) "School zone" means an area designated by the Office of the State Traffic Administration or the traffic authority of a town, city or borough pursuant to section 14-212b. (8) "Traffic authority", "traffic control sign" and "traffic control signal" have the same meanings as provided in section 14-297. (9) "Vendor" means a person who (A) provides services to a municipality under sections 14-307c and 14-307f; (B) operates, maintains, leases or licenses an automated traffic enforcement safety device; or (C) is authorized to review and assemble the recorded images captured by an automated traffic enforcement safety device and forward such recorded images to the municipality. (P.A. 23-116, S. 10.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-307c. - Municipal use of automated traffic enforcement safety devices. Agreements re design, installation, operation or maintenance. Ordinance. Requirements. Citations. Defenses.

(a) Any municipality may authorize the use of automated traffic enforcement safety devices at locations within school zones, pedestrian safety zones and other places in such municipality, provided (1) the municipality adopts an ordinance in accordance with the provisions of this section, and (2) the locations of such devices are identified in a plan approved by the Department of Transportation pursuant to section 14-307e. (b) The municipality may enter into agreements with vendors for the design, installation, operation or maintenance, or any combination thereof, of automated traffic enforcement safety devices. If a vendor designs, installs, operates or maintains an automated traffic enforcement safety device, the vendor's fee may not be contingent on the number of citations issued or fines paid pursuant to an ordinance adopted under this section. (c) Any ordinance adopted under this section shall specify the following: (1) That an automated traffic enforcement safety device shall be operated by an automated traffic enforcement safety device operator; (2) that the owner of a motor vehicle commits a violation of the ordinance if the person operating such motor vehicle (A) exceeds the posted speed limit by ten or more miles per hour and such operation is detected by an automated traffic enforcement safety device, or (B) fails to stop such motor vehicle when facing a steady red signal on a traffic control signal and such failure is detected by an automated traffic enforcement safety device; (3) an automated traffic enforcement safety device shall be used solely for identifying violations of the ordinance; (4) for the first thirty days after a location is equipped

with an operational automated traffic enforcement safety device, the owner of a motor vehicle allegedly committing a violation of such ordinance that is detected by such device shall receive a written warning instead of a citation, as described in subsection (i) of this section; (5) payment of a fine and any associated fee imposed for a violation of the ordinance may be made by electronic means; (6) a sworn member or employee of the municipality's police department or an employee of the municipality, as designated by the traffic authority, shall review and approve the recorded images before a citation is mailed to the owner of such motor vehicle; and (7) the defenses available to the owner of a motor vehicle allegedly committing a violation of such ordinance, which shall include, but need not be limited to, the defenses listed in subsection (j) of this section. (d) Any ordinance adopted under this section may: (1) Establish a fine to be imposed against the owner of a motor vehicle committing a violation of such ordinance, provided the amount of such fine is not more than fifty dollars for a first violation and not more than seventy-five dollars for a second or subsequent violation, and (2) impose a reasonable fee, not to exceed fifteen dollars, for the costs associated with the electronic processing of the payment of any such fine. Any funds received by a municipality from fines imposed pursuant to an ordinance adopted under this section shall be used for the purposes of improving transportation mobility, investing in transportation infrastructure improvements or paying the costs associated with the use of automated traffic enforcement safety devices in the municipality. (e) Any municipality that adopts an ordinance under this section shall also adopt the following: (1) A citation hearing procedure pursuant to section 7-152c, (2) a comprehensive safety action plan to ensure that the streets located in the municipality safely and conveniently serve road users of all ages and abilities, including pedestrians, transit users, bicyclists, persons using wheelchairs or other assistive devices and motor vehicle operators, and (3) a written policy that meets or exceeds the standards of the model privacy policy and protocol developed pursuant to subsection (a) of section 14-307d. Such municipality shall also be in compliance with any order made by the Office of the State Traffic Administration pursuant to the provisions of this chapter or any regulation adopted pursuant to said chapter by the office regarding a traffic control sign or traffic control signal at a location equipped or proposed to be equipped with an automatic traffic enforcement safety device. (f) (1) Prior to the operation of an automated traffic enforcement safety device, the municipality shall (A) install at least two conspicuous signs at a reasonable distance in advance of such location, in accordance with the Federal Highway Administration's Manual on Uniform Traffic Control Devices for Streets and Highways, as amended from time to time, notifying motor vehicle operators of such location, and (B) provide notification of such location to persons, firms or corporations that operate a mobile application that is used for navigation purposes or to provide real-time information on motor vehicle traffic. The Department of Transportation shall designate which such persons, firms or corporations shall be notified and provide technical guidance to such municipalities regarding how to provide such notification. (2) At least thirty days before the date the first automated traffic enforcement safety device becomes operational in the municipality, the municipality shall develop and implement a public awareness campaign to educate the public concerning the importance of obeying speed limits and traffic control signals and the imminent use of automated traffic enforcement safety devices in the municipality at the locations identified in the plan approved by the Department of Transportation pursuant to section 14-307e. (g) An automated traffic enforcement safety device operator shall complete training offered by the manufacturer of such device or the manufacturer's representative regarding procedures for setting up, testing and operating such device. The manufacturer or manufacturer's representative shall issue a signed certificate to the automated traffic enforcement safety device operator upon such operator's completion of the training. Such signed certificate shall be admitted as evidence in any hearing conducted pursuant to section 7-152c. (h) The municipality shall ensure each automated traffic enforcement safety device used by such municipality undergoes an annual calibration check performed at a calibration laboratory. The calibration laboratory shall issue a signed certificate of calibration after the annual calibration check. Such signed certificate of calibration shall be kept on file and admitted as evidence in any hearing conducted pursuant to section 7-152c. (i) (1) Whenever an automated traffic enforcement safety device detects and produces recorded images of a motor vehicle allegedly committing a violation of an ordinance adopted under this section, a sworn member or employee of the municipality's police department or an employee of the municipality designated by the traffic authority shall review the recorded images provided by such device. If, after such review, such member or employee determines that there are reasonable grounds to believe that a violation of the ordinance has occurred, such member or employee may issue a citation to the owner of the motor vehicle. The citation shall include the following: (A) The name and address of the owner of the motor vehicle; (B) the number plate of the motor vehicle; (C) the violation charged; (D) the location of the automated traffic enforcement safety device and the date and time of the violation; (E) a copy of or information on how to view, through electronic means, the recorded images described in this section; (F) a statement or electronically generated affirmation by the member or employee who reviewed the recorded images and determined that the motor vehicle violated the ordinance; (G) verification that the automated traffic enforcement safety device was operating correctly at the time of the alleged violation and the date of the most recent calibration check performed pursuant to subsection (h) of this section; (H) the amount of the fine imposed and how to pay such fine; and (I) the right to contest the violation and request a hearing pursuant to section 7-152c. (2) In the case of an alleged violation involving a motor vehicle registered in the state, the citation shall be mailed not later than thirty days after the identity of the owner is ascertained to the address of the owner that is in the records of the Department of Motor Vehicles. In the case of an alleged violation involving a motor vehicle registered in another jurisdiction, the citation shall be mailed not later than thirty days after the identity of the owner is ascertained to the address of the owner that is in the records of the official in the other jurisdiction issuing such registration. A citation shall be invalid unless mailed to an owner not later than sixty days after the alleged violation. (3) The citation shall be sent by first class mail. A manual or automated record of mailing prepared by the municipality's police department shall be prima facie evidence of mailing and shall be admissible in any hearing conducted pursuant to section 7-152c as to the facts contained in the citation. (j) The following defenses shall be available to the owner of a motor vehicle who is alleged to have

committed a violation of such ordinance adopted under this section: (1) The operator was driving an emergency vehicle in accordance with the provisions of subdivision (1) of subsection (b) of section 14-283; (2) the traffic control signal was inoperative, which is observable on the recorded images; (3) the violation was necessary in order for the operator to comply with an order or direction from a law enforcement officer, which is observable on the recorded images; (4) the violation was necessary to allow the passage of an authorized emergency vehicle, which is observable on the recorded images; (5) the violation took place during a period of time in which the motor vehicle had been reported as being stolen to a law enforcement unit, as defined in section 7-294a, and had not been recovered prior to the time of the violation; or (6) the automated traffic enforcement safety device was not in compliance with the calibration check required pursuant to subsection (h) of this section. (P.A. 23-116, S. 11.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-307d. - Guidelines issued by Department of Transportation re municipal plan on use and locations of automated traffic enforcement safety devices and re effectiveness of municipal plan.

(a) Not later than January 1, 2024, the Department of Transportation shall issue written guidance to municipalities concerning the development of a plan to use automated traffic enforcement safety devices, the submission of such plan and the criteria to be used by the department when evaluating any such plan for approval. Such guidance shall be consistent with the goal of installing automated traffic enforcement safety devices at locations likely to improve traffic safety and ensuring that the distribution of such devices throughout the municipality is equitable. Such guidance shall include the following factors to be considered by the municipality when determining the locations to include in a plan: (1) The history of traffic crashes caused by excessive speeding or the violation of a traffic control sign or traffic control signal at such location, (2) the history of traffic crashes that resulted in the fatality or serious injury of a person at such location, (3) the rate of poverty in such municipality as determined by the five-year estimates of the most recent American Community Survey conducted by the United States Census Bureau, (4) the per cent of occupied housing units with vehicles available as determined by the five-year estimates of the most recent American Community Survey conducted by the United States Census Bureau, (5) the average daily traffic of such location, (6) the history of traffic stops conducted in the municipality and reported to the Office of Policy and Management pursuant to subsection (h) of section 54-1m, (7) the roadway geometry of any such location, and (8) any other additional information or data as determined by the department. Such guidance shall include a model privacy policy and protocol regarding the privacy, security, collection and destruction of personally identifiable information and other information and data gathered from automated traffic enforcement safety devices and establishing internal audit requirements to ensure compliance with such policy and protocol. (b) Not later than January 1, 2026, the Department of Transportation shall issue written guidance to municipalities concerning how to evaluate the effectiveness of automated traffic enforcement safety devices and submit a subsequent plan to use such devices together with supporting documentation. Such guidance shall include the factors to be considered when determining whether an automated traffic enforcement safety device at a location improved traffic safety. (c) The guidance issued pursuant to the provisions of this section shall be revised as necessary and published on the department's Internet web site. (P.A. 23-116, S. 16.) History: P.A. 23-116 effective June 27, 2023.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-307e. - Municipal plan re use of automated traffic enforcement safety devices. Approval. Modification. Subsequent plans.

(a)(1) A municipality's plan concerning the use of automated traffic enforcement safety devices in the municipality shall identify the proposed locations of such devices and include documentation that such proposed locations comply with the guidelines developed pursuant to subsection (a) of section 14-307d. The municipality shall conduct a public hearing regarding any such plan prior to submission and, by vote of its legislative body or, in a municipality where the legislative body is a town meeting, by vote of the board of selectman, shall submit such plan to the Department of Transportation, in such form as the department may prescribe. (2) Not later than sixty days after the date a plan is received by the department, the department shall determine if the plan is likely to improve traffic safety at the proposed locations and the distribution of such devices throughout the municipality is equitable, and shall approve or disapprove the plan, in whole or in part. If the department disapproves any such plan, in whole or in part, the department shall provide a written explanation of the reason for such disapproval and guidance to revise such plan for resubmission. Any such disapproval shall not preclude the submission of a revised plan. (3) The approval of a municipality's initial plan shall be valid for a period of three years from the date the first automated traffic enforcement safety device becomes operational in the municipality and, thereafter, the approval of any subsequent plan shall be valid for a period of three years from the date of approval. (b) A municipality operating automated traffic enforcement safety devices pursuant to an approved plan that has not yet expired may submit to the Department of Transportation a modification to such plan to propose the use of such devices at additional locations, in the same manner as described in subdivision (1) of subsection (a) of this section. The department shall approve or disapprove any such modification, in whole or in part, in the same manner as described in subdivision (2) of subsection (a) of this section. The approval of any such modification shall expire on the date the approved plan expires. (c) (1) A municipality that seeks to continue to use automated traffic enforcement safety devices after such expiration shall submit a subsequent plan to the Department of Transportation for approval. Such subsequent plan may include some or all of the previously approved locations for such devices and propose new locations for such devices. The municipality shall conduct a public hearing regarding such subsequent plan prior to its submission to the department and, by vote of its legislative body or, in a municipality where the legislative body is a town meeting, by vote of the board of selectman, submit to the department such plan and supporting documentation in accordance with

the guidelines issued pursuant to subsection (b) of section 14-307d. Supporting documentation for any subsequent plan shall include, but need not be limited to: (A) Evidence that the devices used by the municipality at locations identified in a prior plan improved traffic safety, (B) a description of how any proposed new locations comply with the guidelines developed pursuant to subsection (a) of section 14-307d, and (C) records that the funds received by the municipality from fines imposed pursuant to an ordinance adopted under this section were expended in accordance with the provisions of subsection (d) of section 14-307c. (2) Not later than sixty days after the date a subsequent plan and supporting documentation is received by the department, the department shall determine: (A) If the subsequent plan is likely to improve traffic safety at the proposed locations, (B) if the subsequent plan includes a location previously equipped with an automated traffic enforcement safety device, whether the use of such device improved traffic safety at such location, and (C) if the distribution of such devices throughout the municipality is equitable, and shall approve or disapprove the plan, in whole or in part. The department shall not approve any part of a plan that includes a location previously equipped with an automated traffic enforcement safety device unless the department determines the use of such device improved traffic safety at such location. (d) In no event shall a municipality use, install or operate an automated traffic enforcement safety device unless such use, installation or operation complies with the provisions of a plan approved by the Department of Transportation and the approval of such plan is effective. (P.A. 23-116, S. 17.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-307f. - Disclosure, storage, retention and destruction of personally identifiable information. Disclosure of other information and data gathered from automated traffic enforcement safety devices.

(a) No personally identifiable information shall be disclosed by the municipality or a vendor to any person or entity, including any law enforcement unit, except where the disclosure is made in connection with the charging, collection and enforcement of the fines imposed pursuant to an ordinance adopted under section 14-307c. (b) No personally identifiable information shall be stored or retained by the municipality or a vendor unless such information is necessary for the charging, collection and enforcement of the fines imposed pursuant to an ordinance adopted under section 14-307c. (c) The municipality or a vendor shall destroy personally identifiable information and other data that specifically identifies a motor vehicle and relates to a violation of an ordinance adopted under section 14-307c not later than thirty days after any fine is collected or the resolution of a hearing conducted for the alleged commission of such violation, whichever is later. (d) Any information and other data gathered from automated traffic enforcement safety devices shall be subject to disclosure under the Freedom of Information Act, as defined in section 1-200, except no personally identifiable information may be disclosed. (P.A. 23-116, S. 12.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-307g. - Initial and annual reports by municipality.

(a) Not later than eighteen months following the date an automated traffic enforcement safety device becomes operational in a municipality pursuant to section 14-307c, the municipality shall submit a report to the Department of Transportation and to the joint standing committee of the General Assembly having cognizance of matters relating to transportation, in accordance with the provisions of section 11-4a. Such report shall include, but need not be limited to: (1) The number of violations of sections 14-218a and 14-219 and subdivision (3) of subsection (b) of section 14-299 that occurred at the locations where such automated traffic safety devices were installed prior to the use of such devices; (2) the number of violations where a motor vehicle exceeded the posted speed limit by ten or more miles that were captured by such devices at such locations; (3) the number of violations where a motor vehicle failed to comply with the provisions of subdivision (3) of subsection (b) of section 14-299 when facing a steady red signal on a traffic control signal that were captured by such devices at such locations; (4) if available, the number and type of related traffic violations and crashes that occurred at each location where an automated traffic safety device was installed prior to such installation and during the use of such devices; (5) the number of violations of sections 14-218a and 14-219 and subdivision (3) of subsection (b) of section 14-299 and related traffic violations and crashes that occurred at locations where such devices were used and at similar locations where such devices were not used; (6) a description of situations where recorded images could not be used or were not used; (7) the number of leased or rented motor vehicles, out-of-state motor vehicles or other vehicles, including trucks, where enforcement efforts were unsuccessful; (8) the amount of revenue from the fines and associated fees retained by the municipality; and (9) the cost to the municipality to use such devices. (b) Not later than a year after a municipality submits a report pursuant to subsection (a) of this section, and each year thereafter until an automated traffic safety device is no longer operational in the municipality, the municipality shall submit a report to the Department of Transportation and to the joint standing committee of the General Assembly having cognizance of matters relating to transportation, in accordance with the provisions of section 11-4a. Such annual report shall include, but need not be limited to, (1) the number of motor vehicles that were subject to one citation, two citations, three citations or four or more citations, (2) in the case of an automated traffic safety device that records images of motor vehicles failing to comply with the provisions of subdivision (3) of subsection (b) of section 14-299 when facing a steady red signal on a traffic control signal, the number of citations at each location that were issued to motor vehicles making a right turn, proceeding through the intersection and making a left turn, (3) a list of engineering and educational measures undertaken by the municipality to improve safety in locations when automated traffic enforcement safety devices are operational, and (4) data regarding how many citations were issued, how many hearings were requested and the results of any such hearings. (c) The Department of Transportation shall make any report received pursuant to the provisions of this section available on the department's Internet web site. (P.A. 23-116, S. 13.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-307h. - Annual report re status of municipal plans submitted to Department of Transportation.

Not later than February 1, 2024, and annually thereafter, the Department of Transportation shall submit a report, in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to transportation, concerning the status of plans submitted by municipalities pursuant to section 14-307e. Such report shall, at a minimum, (1) list the municipalities that submitted such plans during the previous year, (2) identify which plans the department approved, and (3) identify which plans the department disapproved and provide the reasoning for each such disapproval. (P.A. 23-116, S. 18.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-307i. - Definitions.

As used in this section and sections 14-307j to 14-307l, inclusive: (1) "Photo noise violation monitoring device" means one or more mobile or fixed vehicle sensors that (A) are installed to work in conjunction with one or more noise measuring apparatuses, such as a decibel reader, and (B) automatically produce two or more photographs, two or more microphotographs, a videotape or other recorded images of each motor vehicle allegedly operating in violation of an ordinance adopted under section 14-307j. (2) "Photo noise violation monitoring device operator" means a person who is trained and certified to operate a photo noise violation monitoring device. (3) "Personally identifiable information" means information created or maintained by the municipality or a vendor that identifies or describes an owner of a motor vehicle and includes, but need not be limited to, the owner's address, telephone number, number plate, photograph, bank account information, credit card number, debit card number or the date, time, location or direction of travel on a highway in such municipality. (4) "Vendor" means a person who (A) provides services to a municipality under section 14-307j pursuant to an agreement; (B) operates, maintains, leases or licenses a photo noise violation monitoring device; or (C) is authorized to review and assemble the recorded images captured by a photo noise violation monitoring device and forward such recorded images to the municipality. (5) "Motor vehicle", "highway" and "number plate" have the same meanings as provided in section 14-1. (6) "Law enforcement unit" has the same meaning as provided in section 7-294a. (P.A. 24-151, S. 132.) History: P.A. 24-151 effective July 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-307j. - Municipal use of photo noise violation monitoring devices. Ordinance. Agreements re installation, operation or maintenance. Requirements. Citations. Defenses.

(a) Any municipality may, by ordinance, authorize the use of photo noise violation monitoring devices at locations in such municipality. Any such ordinance shall specify the following: (1) That a photo noise violation monitoring device shall be operated by a photo noise violation monitoring device operator; (2) that the owner of a motor vehicle commits a violation of the ordinance if the person operating such motor vehicle on a highway or other location causes such motor vehicle to emit a sound of eighty decibels or more and such sound is not caused by a horn described in subsection (e) of section 14-80; (3) the owner of a motor vehicle identified by a photo noise violation monitoring device as violating the ordinance shall (A) for a first violation, receive a written warning, (B) for a second violation, be fined one hundred dollars, and (C) for a third or subsequent violation, be fined two hundred fifty dollars; (4) payment of a fine and any associated processing fee, not to exceed fifteen dollars, may be made by electronic means; (5) a sworn member of a law enforcement unit or a municipal employee shall review and approve the recorded images before a citation is mailed to the owner of such motor vehicle; and (6) the defenses available to the owner of a motor vehicle allegedly committing a violation of such ordinance, which shall include, but need not be limited to, the defenses listed in subsection (g) of this section. Any municipality that adopts an ordinance under this section shall also adopt a citation hearing procedure pursuant to section 7-152c. Any funds received by a municipality from fines imposed pursuant to such ordinance may be used to pay the costs associated with the use of photo noise violation monitoring devices in the municipality. (b) The municipality may enter into agreements with vendors for the installation, operation or maintenance, or any combination thereof, of a photo noise violation monitoring device. If a vendor installs, operates or maintains a photo noise violation monitoring device, the vendor's fee shall not be contingent on the number of citations issued or fines paid pursuant to an ordinance adopted under this section. (c) (1) The municipality shall make efforts to randomize the locations of any photo noise violation monitoring devices throughout such municipality. (2) A photo noise violation monitoring device shall, to the extent possible, be installed in a manner to only record images of the number plate of a motor vehicle, and shall not, to the extent possible, record images of the occupants of such motor vehicle or of any other persons or vehicles in the vicinity at the time the images are recorded. (d) A photo noise violation monitoring device operator shall complete training offered by the manufacturer of such device or the manufacturer's representative regarding procedures for operating such device. The manufacturer or manufacturer's representative shall issue a signed certificate to the photo noise violation monitoring device operator upon such operator's completion of the training. Such signed certificate shall be admitted as evidence in any hearing conducted pursuant to section 7-152c. (e) The municipality shall ensure each photo noise violation monitoring device used by such municipality undergoes an annual calibration check performed at a calibration laboratory. The calibration laboratory shall issue a signed certificate of calibration after the annual calibration check. Such signed certificate of calibration shall be kept on file and admitted as evidence in any hearing conducted pursuant to section 7-152c. (f) (1) Whenever a

photo noise violation monitoring device detects and produces recorded images of a motor vehicle allegedly committing a violation of an ordinance adopted under this section, a sworn member of a law enforcement unit or a municipal employee shall review the recorded images provided by such device. If, after such review, such member or employee determines that there are reasonable grounds to believe that a violation of the ordinance has occurred, such member or employee may issue a citation to the owner of the motor vehicle. The citation shall include the following: (A) The name and address of the owner of the motor vehicle; (B) the number plate of the motor vehicle; (C) the violation charged; (D) the location of the photo noise violation monitoring device and the date and time of the violation; (E) a copy of or information on how to view, through electronic means, the recorded images of the violation; (F) a statement or electronically generated affirmation by the member or employee who reviewed the recorded images and determined that the motor vehicle violated the ordinance; (G) verification that the photo noise violation monitoring device was operating correctly at the time of the alleged violation and the date of the most recent calibration check performed pursuant to subsection (e) of this section; (H) the amount of the fine imposed and how to pay such fine; and (I) the right to contest the violation and request a hearing pursuant to section 7-152c. (2) (A) In the case of an alleged violation involving a motor vehicle registered in the state, the citation shall be mailed to the address of the owner that is in the records of the Department of Motor Vehicles not later than thirty days after the identity of the owner is ascertained, provided a citation shall be invalid unless mailed to the owner not later than sixty days after the date of the alleged violation. (B) In the case of an alleged violation involving a motor vehicle registered in another jurisdiction, the citation shall be mailed to the address of the owner that is in the records of the official in the other jurisdiction issuing such registration not later than thirty days after the identity of the owner is ascertained, provided a citation shall be invalid unless mailed to the owner not later than sixty days after the date of the alleged violation. (3) The citation shall be sent by first class mail. A manual or automated record of mailing prepared by the municipality shall be prima facie evidence of mailing and shall be admissible in any hearing conducted pursuant to section 7-152c, as to the facts contained in the citation. (g) The following defenses shall be available to the owner of a motor vehicle who is alleged to have committed a violation of such ordinance adopted under this section: (1) The operator was driving an emergency vehicle, as defined in section 14-283, and making use of an audible warning signal device, including, but not limited to, a siren, whistle or bell which meets the requirements of subsection (f) of section 14-80; (2) the violation took place during a period of time in which the motor vehicle had been reported as being stolen to a law enforcement unit and had not been recovered prior to the time of the violation; (3) the photo noise violation monitoring device was not in compliance with the calibration check required pursuant to subsection (e) of this section; (4) the violation took place because the muffler in the motor vehicle was not in good working condition and the owner of the motor vehicle presents proof at a hearing conducted pursuant to section 7-152c that such muffler was replaced or repaired not later than fourteen days from the date of the violation; or (5) the owner of the motor vehicle presents proof at a hearing conducted pursuant to section 7-152c that the owner submitted the motor vehicle for inspection at a facility designated by the Department of Motor Vehicles and such vehicle was found to not emit a sound of eighty decibels or more when in operation. (P.A. 24-151, S. 133.) History: P.A. 24-151 effective July 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-307k. - Disclosure, storage, retention and destruction of personally identifiable information. Disclosure of other information and data gathered from photo noise violation monitoring device.

(a) No personally identifiable information shall be disclosed by the municipality or a vendor to any person or entity, including any law enforcement unit, except where the disclosure is made in connection with the charging, collection and enforcement of the fines imposed pursuant to an ordinance adopted under section 14-307j. (b) No personally identifiable information shall be stored or retained by the municipality or a vendor unless such information is necessary for the charging, collection and enforcement of the fines imposed pursuant to an ordinance adopted under section 14-307j. (c) Any information and other data gathered from a photo noise violation monitoring device shall be subject to disclosure under the Freedom of Information Act, as defined in section 1-200, except no personally identifiable information may be disclosed. (P.A. 24-151, S. 134.) History: P.A. 24-151 effective July 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-307l. - Annual report by municipality re operational photo noise violation monitoring device.

Commencing one year from the date a photo noise violation monitoring device is operational in a municipality, and every year thereafter until a photo noise violation monitoring device is no longer operational in the municipality, the municipality shall submit a report, in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding. Such report shall include, but need not be limited to: (1) The total number of violations recorded by each photo noise violation monitoring device on a daily, weekly and monthly basis; (2) the total number of warnings and citations issued for violations recorded by each such device; (3) the number of hearings requested pursuant to section 7-152c and the results of any such hearings; (4) the amount of revenue from the fines and associated processing fees retained by the municipality; and (5) the cost to the municipality to use such devices. (P.A. 24-151, S. 135.) History: P.A. 24-151 effective July 1, 2024.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-308. - Loading and unloading.

(a) The traffic authority shall have power to determine the location of loading and unloading zones and shall erect and maintain

signs designating the same. (b) No operator of any vehicle shall park for a period of time longer than is necessary for the loading or unloading of materials or merchandise in any place marked as a loading or unloading zone. (1949 Rev., S. 2526.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-309. - Approval of traffic safety measures and traffic control devices, signs or markings. Approval of related municipal regulation or ordinance.

No traffic safety measure or traffic control device, sign or marking shall be installed or maintained on any state highway or on any bridge on any such highway or within the right-of-way of any such highway or bridge by the traffic authority of any town, city or borough, except by consent and written approval of the Office of the State Traffic Administration. No rule, regulation, order or ordinance of any town, city or borough relative to or in connection with such safety measure or traffic control device, sign or marking on any such highway or bridge, or within the right-of-way of any such highway or bridge, shall take effect until approved in writing by said office or be effective after such approval has been revoked. Approval of any such traffic control measure may be revoked by said office at any time, if it deems such revocation to be in the interest of public safety. (1949 Rev., S. 2527; P.A. 12-132, S. 35.) History: P.A. 12-132 replaced references to State Traffic Commission with references to Office of the State Traffic Administration, effective July 1, 2012. Cited. 134 C. 636.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-310. - Fraudulent or obstructive signs and signals.

(a) No person, firm or corporation shall place, maintain or display upon or in view from any highway any unauthorized sign, signal, marking or device which purports to be or is in imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal and no person, firm or corporation shall place or maintain, nor shall any public authority permit, upon any highway any traffic sign or signal bearing thereon any commercial advertising. (b) The traffic authority having jurisdiction over any such highway is authorized, without notice, to cause any such prohibited sign, signal or marking to be removed as a public nuisance. (1949 Rev., S. 2528.) See Sec. 13a-124 re unauthorized signs. Cited. 122 C. 518.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-311. - Open air theaters, shopping centers and certain other developments affecting state highway traffic.

(a) No person, firm, corporation, state agency or municipal agency, or any combination thereof, shall build, expand, establish or operate any open air theater, shopping center or other development generating large volumes of traffic that substantially affect state highway traffic within this state, as determined by the Office of the State Traffic Administration, until such person, firm, corporation or agency has procured from said office a certificate that the operation thereof will not imperil the safety of the public, except that any development, including any development to be built in phases, without regard to when such phases are approved by the municipal planning and zoning agency or other responsible municipal agency, that contains a total of one hundred or fewer residential units shall not be required to obtain such certificate if such development is a residential-only development and is not part of a mixed-use development that contains office, retail or other such nonresidential uses, provided if any future development increases the total number of residential units to more than one hundred, and such total substantially affects state highway traffic within the state as determined by the Office of the State Traffic Administration, a certificate shall be procured from said office. (b) Except as otherwise provided in this subsection or permitted by the Office of the State Traffic Administration, no local building official shall issue a building or foundation permit to any person, firm, corporation, state agency or municipal agency to build, expand, establish or operate such a development until the person, firm, corporation or agency provides to such official a copy of the certificate issued under this section by the office. No local building official shall issue a certificate of occupancy to any such person, firm, corporation or agency for such development until the conditions of the certificate issued by the office under this section have been satisfied. If the office determines that any person, firm, corporation or agency has (1) started building, expanding, establishing or operating such a development without first obtaining a certificate from said office, or (2) has failed to comply with the conditions of such a certificate, it shall order the person, firm, corporation or agency to (A) cease constructing, expanding, establishing or operating the development, or (B) comply with the conditions of the certificate within a reasonable period of time. If such person, firm, corporation or agency fails to (i) cease such work, or (ii) comply with an order of the office within such time as specified by the office, the office may apply to the superior court for the judicial district of Hartford or the judicial district where the development is located enjoining the construction, expansion, establishment or operation of such development. Notwithstanding the provisions of this subsection, for single family home building lots within a subdivision of land, for which a certificate is required and which do not have a direct exit or entrance on, or directly abut or adjoin any state highway, no local building official shall issue a certificate of occupancy to any person, firm, corporation, state agency or municipal agency to occupy homes on such lots until the person, firm, corporation or agency provides to such official a copy of the certificate issued under this section by the office and such official confirms that the certificate conditions have been satisfied. (c) The Office of the State Traffic Administration, to the extent practicable, shall begin its review of an application prior to final approval of the proposed activity by the municipal planning and zoning agency or other responsible municipal agency. (d) In determining the advisability of such certification, the Office of the State Traffic Administration shall include, in its consideration, highway safety, bicycle and pedestrian access and safety, the width and

character of the highways affected, the density of traffic thereon, the character of such traffic and the opinion and findings of the traffic authority of the municipality wherein the development is located. The office may require improvements to be made by the applicant to the extent that such improvements address impacts to state highway safety or bicycle and pedestrian access and safety created by the addition of the applicant's proposed development or activity. If the office determines that such improvements, including traffic signals, pavement markings, channelization, pavement widening or other changes or traffic control devices, are required to handle traffic safely and efficiently, one hundred per cent of the cost thereof shall be borne by the person, firm, corporation or agency building, establishing or operating such open air theater, shopping center or other development generating large volumes of traffic, except that such cost shall not be borne by any municipal agency. The Commissioner of Transportation may issue a permit to such person, firm, corporation or agency to construct or install the changes required by the office. (e) Any person, firm, corporation or agency building, establishing or operating such open air theater, shopping center or other development generating large volumes of traffic aggrieved by any decision of the Office of the State Traffic Administration under this section may appeal therefrom in accordance with the provisions of section 4-183, except venue for such appeal shall be in the judicial district in which it is proposed to operate such establishment. The provisions of this section, except insofar as such provisions relate to expansion, shall not apply to any open air theater, shopping center or other development generating large volumes of traffic in operation on July 1, 1967. (f) Before submitting an application for any development generating large volumes of traffic pursuant to subsection (a) of this section to the Office of the State Traffic Administration, the person, firm, corporation or agency submitting such application shall attend a mandatory meeting with the Office of the State Traffic Administration and other staff from the Department of Transportation. At such meeting, such person, firm, corporation or agency shall present the applicant's proposed development and receive feedback, including, but not limited to, information as to what materials need to be submitted for an application to be considered complete. (1951, S. 1408d; 1967, P.A. 730; 1969, P.A. 768, S. 152; 1971, P.A. 611, S. 1; 870, S. 103; P.A. 73-136; P.A. 74-183, S. 202, 291; P.A. 76-412; 76-436, S. 173, 681; P.A. 77-603, S. 38, 125; P.A. 78-280, S. 1, 127; P.A. 83-362; P.A. 84-546, S. 46, 173; P.A. 85-498, S. 1, 3; P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; 90-342, S. 1, 5; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6; P.A. 11-256, S. 14; P.A. 12-132, S. 36; P.A. 21-28, S. 3; P.A. 23-135, S. 3.) History: 1967 act made provisions applicable to shopping centers and other developments generating large volumes of traffic, added provisions re percentage of cost of traffic signals, pavement markings, road widening etc. to be borne by developer and re permit to construct or install required changes and replaced exemption for developments under construction or in operation on June 5, 1951, with exemption for developments in operation on July 1, 1967; 1969 act replaced highway commissioner with commissioner of transportation; 1971 acts made provisions applicable to expansions of developments or facilities, required developer to bear 75% rather than 50% of cost of road or traffic signal changes, qualified exemption by excluding expansion operations and replaced superior court with court of common pleas; P.A. 73-136 required developer to pay 100% of cost of road or traffic signal changes; P.A. 74-183 added reference to judicial districts; P.A. 76-412 included facilities or developments of state or municipal agencies, made provisions applicable to projects "substantially affecting state highway traffic", exempted municipal agency from payment of cost of changes and added provision re postponement of action on applications; P.A. 76-436 replaced court of common pleas with superior court, effective July 1, 1978; P.A. 77-603 replaced previous appeal provision with requirement that appeals be made in accordance with Sec. 4-183 except that venue remains in county or judicial district affected; P.A. 78-280 deleted reference to counties; P.A. 83-362 divided section into Subsecs., prohibited local building officials from issuing building or foundation permits for developments until commission issues certificates and required commission to act on certificate applications within 120 days unless additional information needed; P.A. 84-546 made technical grammatical change in Subsec. (e); P.A. 85-498 extended the provisions of Subsecs. (a) and (b) to firms, corporations or any combination of a firm, corporation, state agency or municipal agency; P.A. 90-342 added provision in Subsec. (b) authorizing injunction for failure to comply with commission's orders and provision in Subsec. (d) requiring the commission to seek the opinion of the traffic authority of the municipality where the development is located (Revisor's note: P.A. 88-230 and P.A. 90-98 authorized substitution of "judicial district of Hartford" for "judicial district of Hartford-New Britain" in public and special acts of the 1990 session, effective September 1, 1993); P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 11-256 amended Subsec. (a) to establish exception from certificate requirement for certain developments and to make technical changes, amended Subsec. (b) to establish procedure applicable to certain single family home building lots re provision of copy of certificate and to make technical changes, amended Subsec. (c) to require commencement of commission review prior to final approval by municipal agency and to make a technical change, and amended Subsec. (d) to authorize commission to require highway safety improvements, effective July 13, 2011; P.A. 12-132 replaced references to State Traffic Commission with references to Office of the State Traffic Administration, amended Subsec. (c) by deleting provisions re commission action on certificate applications and added Subsec. (f) re mandatory meeting before submitting application, effective July 1, 2012 (Revisor's note: In Subsec. (b)(ii), a reference to "commission" was changed editorially by the Revisors to "office" for consistency); P.A. 21-28 amended Subsec. (d) by adding provisions re consideration of bicycle and pedestrian access and safety and making technical changes; P.A. 23-135 amended Subsec. (b) to add "or permitted by the Office of the State Traffic Administration" re exception and add provision re prohibiting local building official from issuing certificate of occupancy until conditions of certificate issued by office have been satisfied and made technical and conforming changes, effective July 1, 2023.

Control and Highway SafetySection 14-311a. - New certificate for increase in parking spaces.

Section 14-311a is repealed, effective July 1, 2012. (1971, P.A. 611, S. 2; P.A. 12-132, S. 52.)

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 249 - Traffic Control and Highway SafetySection 14-311b. - Traffic controls for certain parking areas and commercial establishments.

The Office of the State Traffic Administration, in cooperation and agreement with local traffic authorities, may, in any parking area for twenty or more vehicles or for any commercial establishment having an exit or entrance on or abutting or adjoining any state highway, establish traffic controls by signal or device, for access to and egress from and for traffic within such parking area or commercial establishment. The traffic authority of any city, town or borough may establish similar controls for parking areas for twenty or more vehicles or for any commercial establishment having an exit or entrance on or abutting or adjoining any highway under their jurisdiction. The owner or operator of any parking area or commercial establishment where such traffic controls have been established, pursuant to this section, shall erect and maintain the necessary uniform traffic control signals or devices, which shall conform to the specifications of the manual of uniform traffic control devices established under this chapter and as approved and revised by the Office of the State Traffic Administration, provided no traffic control signal or device shall be installed, operated or maintained until a permit for such installation, operation or maintenance has been procured from the Office of the State Traffic Administration. (1971, P.A. 600; P.A. 12-132, S. 37.) History: (Revisor's note: In 2005 a reference to "chapter 249" was changed editorially by the Revisors to "this chapter"); P.A. 12-132 replaced "State Traffic Commission" with "Office of the State Traffic Administration", effective July 1, 2012.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 249 - Traffic Control and Highway SafetySection 14-311c. - Developed parcels of land separately owned and utilized together for a single development purpose which affects state highway traffic.

(a) No person, firm, corporation, state agency or municipal agency, or any combination thereof, shall build, expand, establish or operate any open air theater, shopping center or other development generating large volumes of traffic on any group of individual parcels of land which are separately owned but are utilized together for a single development purpose, whether or not such parcels are separated by any state, local or private roadway that substantially affect state highway traffic within this state, as determined by the Office of the State Traffic Administration, until such person, firm, corporation or agency has procured from the Office of the State Traffic Administration a certificate that the operation thereof will not imperil the safety of the public, except that any development, including any development to be built in phases without regard to when such phases are approved by the municipal planning and zoning agency or other responsible municipal agency, that contains a total of one hundred or fewer residential units shall not be required to obtain such a certificate if such development is a residential-only development and not part of a mixed-use development containing office, retail or other such nonresidential uses, provided if any future development increases the total number of residential units to more than one hundred, and this total substantially affects state highway traffic within the state as determined by the Office of the State Traffic Administration, a certificate shall be procured from said office. (b) Except as otherwise provided in this subsection or permitted by the Office of the State Traffic Administration, no local building official shall issue a building or foundation permit to any such person, firm, corporation or agency to build, expand, establish or operate such a development until the person, firm, corporation or agency provides to such official a copy of the certificate issued under this section by the Office of the State Traffic Administration. No local building official shall issue a certificate of occupancy to any such person, firm, corporation or agency for such development until the conditions of the certificate issued by the office under this section have been satisfied. If the Office of the State Traffic Administration determines that any person, firm, corporation or agency has (1) started building, expanding, establishing or operating such a development without first obtaining a certificate from said office, or (2) has failed to comply with the conditions of such a certificate, it shall order the person, firm, corporation or agency to (A) cease constructing, expanding, establishing or operating the development, or (B) to comply with the conditions of the certificate within a reasonable period of time. If such person, firm, corporation or agency fails to (i) cease such work, or (ii) comply with such order within such time as specified by the Office of the State Traffic Administration, said office or the traffic authority of the municipality wherein the development is located may apply to the superior court for the judicial district of Hartford or the judicial district where the development is located enjoining the construction, expansion, establishment or the operation of such development. Notwithstanding the provisions of this subsection, for single family home building lots within a subdivision of land, for which a certificate is required and which do not have a direct exit or entrance on, or directly abut or adjoin any state highway, no local building official shall issue a certificate of occupancy to any such person, firm, corporation or agency to occupy homes on such lots until such person, firm, corporation or agency provides to such official a copy of the certificate issued under this section by said office and such official confirms that the certificate conditions have been satisfied. (c) The Office of the State Traffic Administration, to the extent practicable, shall begin its review of an application prior to final approval of the proposed activity by the municipal planning and zoning agency or other responsible municipal agency. (d) In determining the advisability of such certification, the Office of the State Traffic Administration shall include, in its consideration, highway safety, the width and character of the highways affected, the density of traffic thereon, the character of such traffic and the opinion and findings of the traffic authority of the municipality wherein the development is located. The Office of the State Traffic Administration may require improvements to be made by the applicant to the extent that such improvements address impacts to state highway safety created by

the addition of the applicant's proposed development or activity. If the Office of the State Traffic Administration determines that such improvements, including traffic signals, pavement markings, channelization, pavement widening or other changes or traffic control devices, are required to handle traffic safely and efficiently, one hundred per cent of the cost thereof shall be borne by the person, firm, corporation or agency building, establishing or operating such open air theater, shopping center or other development generating large volumes of traffic, except that such cost shall not be borne by any municipal agency. The Commissioner of Transportation may issue a permit to such person, firm, corporation or agency to construct or install the changes required by the Office of the State Traffic Administration, in consultation with the local traffic authority. (e) Any person, firm, corporation or agency building, establishing or operating such open air theater, shopping center or other development generating large volumes of traffic aggrieved by any decision of the Office of the State Traffic Administration under this section may appeal therefrom in accordance with the provisions of section 4-183, except venue for such appeal shall be in the judicial district in which it is proposed to operate such establishment. The provisions of this section except insofar as such provisions relate to expansion shall not apply to any open air theater, shopping center or other development generating large volumes of traffic which has received all necessary permits, variances, exceptions and approvals from the municipal zoning commission, planning commission, combined planning and zoning commission and zoning board of appeals in which such development is located prior to or on July 1, 1985, or to any such development which is in operation on that date. (f) Before submitting an application for any development generating large volumes of traffic pursuant to subsection (a) of this section to the Office of the State Traffic Administration, the person, firm, corporation or agency submitting such application shall attend a mandatory meeting with the Office of the State Traffic Administration and other staff from the Department of Transportation. At such meeting, such person, firm, corporation or agency shall present the applicant's proposed development and receive feedback, including, but not limited to, information as to what materials need to be submitted for an application to be considered complete. (P.A. 85-498, S. 2, 3; P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; 90-342, S. 2, 5; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6; P.A. 11-256, S. 15; P.A. 12-132, S. 38; P.A. 23-135, S. 4.) History: P.A. 90-342 added provision in Subsec. (b) authorizing injunction for failure to comply with commission's orders and provision in Subsec. (d) requiring the commission to seek the opinion of the traffic authority of the municipality where the development is located (Revisor's note: P.A. 88-230 and P.A. 90-98 authorized substitution of "judicial district of Hartford" for "judicial district of Hartford-New Britain" in public and special acts of the 1990 session, effective September 1, 1993); P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 11-256 amended Subsec. (a) to establish exception from certificate requirement for certain developments and to make technical changes, amended Subsec. (b) to establish procedure applicable to certain single family home building lots re provision of copy of certificate and to make technical changes, amended Subsec. (c) to require commencement of commission review prior to final approval by municipal agency and to make technical changes, and amended Subsec. (d) to authorize commission to require highway safety improvements, effective July 13, 2011; P.A. 12-132 replaced references to State Traffic Commission with references to Office of the State Traffic Administration and amended Subsec. (c) by deleting provisions re commission action on certificate applications, effective July 1, 2012; P.A. 23-135 amended Subsec. (b) to add "or permitted by the Office of the State Traffic Administration" re exception and add provision prohibiting local building official from issuing certificate of occupancy until conditions of certificate issued by office have been satisfied, added Subsec. (f) re mandatory meeting before submitting application and made technical and conforming changes, effective July 1, 2023.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-311d. - Economic development project applications submitted to Commissioner of Transportation or Office of the State Traffic Administration.

Notwithstanding any provision of title 13b or this title, in all matters in which a formal petition, application or request for a permit is required to be submitted to the Commissioner of Transportation or the Office of the State Traffic Administration, and such petition, application or request is in connection with an economic development project, the commissioner or office shall, not later than sixty days after the date on which the commissioner or office receives a completed petition, application or request, make a final determination whether to approve such completed petition, application or request. The commissioner or office shall notify the petitioner, applicant or requestor of such final determination. In the event that the commissioner or office fails to make a final determination not later than sixty days after the date on which the commissioner or office received such completed petition, application or request, such completed petition, application or request shall be deemed approved. (Oct. Sp. Sess. P.A. 11-1, S. 8; P.A. 12-132, S. 39.) History: Oct. Sp. Sess. P.A. 11-1 effective October 27, 2011; P.A. 12-132 replaced references to State Traffic Commission with references to Office of the State Traffic Administration, effective July 1, 2012.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-312. - Regulations.

The traffic authority shall have power to make regulations necessary to make effective the provisions of this chapter, and may make and enforce temporary regulations to cover emergencies and special conditions. (1949 Rev., S. 2529.) Cited. 130 C. 243.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-313. - Appeal.

Any person aggrieved by any order or regulation made by any traffic authority under the provisions of this chapter, relating to the

establishment of through streets, the making of safety zones, the establishment of parking restrictions or the location of loading and unloading zones, or by the performance of any act pursuant to any provision of this chapter, may take an appeal therefrom to the court of common council or to the board of aldermen of the city, to the town council or board of selectmen of the town, or to the warden and burgesses of the borough, wherein such traffic authority is located, or to the superior court for the judicial district in which it is located. Such appeal shall be to the next session of such court or board which will allow sufficient time for the service of the notice required herein. A written notice of such appeal, addressed to such traffic authority, shall be deposited with, or forwarded by registered or certified mail to, such traffic authority at least ten days before the return day thereof. Upon such hearing, such court or board shall determine whether the order or regulation appealed from is reasonable, and shall thereupon sustain or revoke such order or regulation. (1949 Rev., S. 2530; 1963, P.A. 486; P.A. 74-183, S. 203, 291; P.A. 76-436, S. 174, 681; P.A. 78-280, S. 1, 127.) History: 1963 act specified appellate body in towns and boroughs; P.A. 74-183 added reference to judicial districts; P.A. 76-436 replaced court of common pleas with superior court, effective July 1, 1978; P.A. 78-280 deleted reference to counties. Cited. 28 CA 344.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-314. - Penalties.

Any person, firm or corporation failing to comply with any order made pursuant to any provision of this chapter shall be fined not more than ten thousand dollars or imprisoned not more than thirty days or both, and shall be subject to the provisions of section 14-111. Any person, firm or corporation failing to comply with any traffic control signal, sign, marking or other device placed and maintained upon the highway, or with any regulation adopted pursuant to any provision of this chapter, by the Office of the State Traffic Administration or the traffic authority of any city, town or borough shall be deemed to have committed an infraction, if no other penalty is provided by law. Traveling at a greater rate of speed than is reasonable as provided in section 14-218a shall not be deemed to be a failure to comply with the provisions of this section but shall be deemed to be the commission of an infraction within the provisions of section 14-218a. (1949 Rev., S. 2531; 1967, P.A. 195, S. 1; P.A. 75-577, S. 125, 126; P.A. 76-381, S. 19; P.A. 90-342, S. 3, 5; P.A. 12-132, S. 40; P.A. 24-40, S. 1.) History: 1967 act deleted reference to violations of “any provision of this chapter” and added additional \$50 maximum penalty for failure to comply with signals, markings, etc.; P.A. 75-577 replaced provision for \$50 maximum fine with statement that violation is an infraction and moved failure to comply with regulations from \$100 penalty provision to infraction provision; P.A. 76-381 added provision re traveling at greater than reasonable speed; P.A. 90-342 increased penalty for violations of the chapter from \$100 to \$5,000; P.A. 12-132 replaced “State Traffic Commission” with “Office of the State Traffic Administration”, effective July 1, 2012; P.A. 24-40 increased penalty for violation of order from \$5,000 to \$10,000 and made a technical change. Cited. 131 C. 167. Cited. 43 CA 52. Section does not provide state with method of charging the driving public with an infraction for failing to obey a warning sign; regulations of Connecticut state agencies delineate between regulatory signs, warning signs and guide signs, and driver's failure to follow a warning sign's advice does not give rise to an infraction with which driver may be cited. 54 CA 98. Cited. 5 Conn. Cir. Ct. 619.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-314a. - Periodic review of traffic control signals and signs.

Section 14-314a is repealed. (1961, P.A. 339; 1969, P.A. 768, S. 153; P.A. 95-325, S. 15.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-314b. - Injury to or removal of traffic control devices, signs or lights.

Any person who, without lawful authority, attempts to or in fact alters, defaces, injures, knocks down or removes any official traffic control device, signal light, railroad sign, portable warning light or barricade, or any other sign or light or any part thereof, shall be guilty of a class D misdemeanor. (1971, P.A. 690, S. 1; P.A. 12-80, S. 65.) History: P.A. 12-80 replaced penalty of a fine of not more than \$100 or imprisonment of not more than 30 days or both with a class D misdemeanor. Cited. 219 C. 179.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-314c. - Erection of signs to warn operators of presence of persons who are deaf. Regulations.

(a) The Office of the State Traffic Administration, on any state highway, or a local traffic authority, on any highway under its control, shall, upon receipt of an application on behalf of any person under the age of eighteen who is deaf, as certified by a physician, a physician assistant or an advanced practice registered nurse, erect one or more signs in the person's neighborhood to warn motor vehicle operators of the presence of such person. (b) The Office of the State Traffic Administration may adopt regulations in accordance with the provisions of chapter 54 to carry out the purposes of this section. (P.A. 84-72; P.A. 97-236, S. 26, 27; P.A. 12-132, S. 41; P.A. 16-39, S. 13; P.A. 17-202, S. 47; P.A. 21-196, S. 15.) History: P.A. 97-236 amended Subsec. (b) to substitute “may” for “shall” re adoption of regulations, effective June 24, 1997; P.A. 12-132 replaced “State Traffic Commission” with “Office of the State Traffic Administration”, effective July 1, 2012; P.A. 16-39 amended Subsec. (a) by adding reference to advanced practice registered nurse; P.A. 17-202 amended Subsec. (a) by making a technical change; P.A. 21-196 amended Subsec. (a) by adding reference to physician assistant.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-314d. - Erection of signs stating the requirement of the use of signal lights when changing lanes.

The Office of the State Traffic Administration, on any state highway, or a local traffic authority, on any highway under its control, may, within available appropriations, designate locations at which signs bearing the words "STATE LAW REQUIRES USE OF SIGNAL LIGHTS WHEN CHANGING LANES" may be erected. (P.A. 99-181, S. 23; P.A. 12-132, S. 42.) History: P.A. 12-132 replaced "State Traffic Commission" with "Office of the State Traffic Administration", effective July 1, 2012.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-314e. - Training requirements for traffic authority.

(a) The Connecticut Training and Technical Assistance Center at The University of Connecticut shall conduct training sessions for traffic authorities, at least three times a year, concerning the powers and responsibilities of traffic authorities, the installation of official traffic control devices and an overview of the applicable provisions of the general statutes and any regulations adopted by the Office of the State Traffic Administration. (b) On or before January 1, 2024, and annually thereafter, each traffic authority, or such authority's appointed representative, shall complete one training offered pursuant to subsection (a) of this section. The Connecticut Training and Technical Assistance Center shall maintain records indicating when a traffic authority, or such authority's representative, completed such training. (P.A. 23-135, S. 5.) History: P.A. 23-135 effective June 26, 2023.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-315. - Duties of Commissioner of Emergency Services and Public Protection re street and highway safety and accident prevention.

The Commissioner of Emergency Services and Public Protection shall study the problems of street and highway safety, shall act as the central coordinating agency of state departments, organizations and instrumentalities engaged in the elimination of motor vehicle accidents; shall study all phases of the problem of obtaining better observance and uniform enforcement of the laws for the regulation of highway travel and motor vehicle operation; shall study methods of safety control and engineering in this and other states with a view to improvement in such methods in this state; shall study problems of safety as they affect home, farm and school accidents; shall act as the central coordinating agency of the state in the planning and execution of safety programs and campaigns for the prevention of accidents and the loss of manpower and may conduct educational programs and campaigns relating to industrial safety; shall advise with and assist the Commissioner of Transportation and other state department heads in the accomplishment of the purposes stated herein. (1949 Rev., S. 2532; 1951, S. 1409d; 1957, P.A. 305, S. 1; September, 1957, P.A. 11, S. 13; 1969, P.A. 768, S. 154; P.A. 77-614, S. 513, 610; P.A. 78-303, S. 12, 136; P.A. 11-51, S. 134.) History: 1969 act replaced highway commissioner with commissioner of transportation; P.A. 77-614 abolished Connecticut safety commission and transferred duties to commissioner of public safety, deleted reference to commissioner of motor vehicles and deleted provision re annual report to governor, effective January 1, 1979; P.A. 78-303 deleted obsolete reference to commissioner of state police; pursuant to P.A. 11-51, "Commissioner of Public Safety" was changed editorially by the Revisors to "Commissioner of Emergency Services and Public Protection", effective July 1, 2011. See Sec. 38a-683 re accident prevention course for senior citizens, entitling them to insurance premium reductions.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 249 - Traffic Control and Highway Safety Section 14-316 and 14-317. - Commissioners to serve without compensation; offices. Assistants.

Sections 14-316 and 14-317 are repealed. (1949 Rev., S. 2533, 2534; P.A. 77-614, S. 73, 609, 610.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250 - Gasoline and Motor Oil Sales Section 14-318. - Definitions.

Terms used in this chapter shall be construed as follows, unless another construction is clearly apparent from the language or context in which the term is used or unless the construction is inconsistent with the manifest intention of the General Assembly: (1) The following terms shall be construed as they are defined in section 14-1: "Fuels", "motor vehicle" and "person"; (2) "Commissioner" means the Commissioner of Consumer Protection or any assistant to the Commissioner of Consumer Protection who is designated and authorized by, and who is acting for, the Commissioner of Consumer Protection; (3) "Distributor" means any person, wherever resident or located, who imports fuels or causes fuels to be imported into this state, for sale or use; a person who produces, refines, manufactures or compounds fuels within this state; and a person who distributes gasoline by tank wagon in this state; (4) "Local authority" means the selectmen or town manager of a town, the mayor of a city or the warden of a borough or other board or authority designated by local charter, regulation or ordinance, except in any town or city having a zoning commission and a board of appeals, "local authority" means the board of appeals; (5) "United States Government Motor Gasoline" means gasoline which is or may be prescribed by the federal specification board of the United States government for use as fuel for motor vehicle, motor boat and similar engines; (6) "United States Aviation Gasoline, Domestic Grade" means that gasoline which is or may be prescribed by the federal specification board of the United States government for use as aviation fuel; and (7) "Retail dealer" means any person operating a service station, filling station, store, garage or other place of business for the sale of motor fuel for delivery into the

service tank or tanks of any vehicle propelled by an internal combustion engine. (1949 Rev., S. 2535; P.A. 84-429, S. 43; June Sp. Sess. P.A. 91-9, S. 1, 10; P.A. 03-184, S. 9; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1.) History: P.A. 84-429 divided section into Subsecs., rephrased provisions, added definition of "local authority" in Subdiv. (3) and made other technical changes; June Sp. Sess. P.A. 91-9 deleted reference to "commissioner" in Subdiv. (1), inserted new definition of "commissioner" as Subdiv. (2) and renumbered remaining Subdivs. accordingly; P.A. 03-184 amended definition of "local authority" in Subdiv. (4) to include other board or authority designated by local charter, regulation or ordinance and to make a technical change; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004. Cited. 131 C. 714.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250 - Gasoline and Motor Oil Sales Section 14-319. - License required for sale of gasoline. Prohibited grounds for refusal to grant or renew license.

(a) No person shall sell or offer for sale any gasoline or other product intended for use in the propelling of motor vehicles using combustion type engines over the highways of this state without having applied for and received from the commissioner a license to sell such gasoline or other product. Each person applying for any such license shall, in such application, state the location of each place or station where such person intends to sell or offer for sale any such gasoline or other product. Each such license shall be renewed annually. A license fee for each such place or station shall be charged as follows: For each station containing one pump, one hundred dollars; and, for each station containing more than one pump, one hundred dollars, plus twenty-eight dollars for each pump in excess of one. The fees shall be paid to the commissioner. (b) The commissioner shall not refuse to grant or renew any license under this section on the ground that (1) any licensed activity shall be conducted by the licensee on real property on which shall also be located one or more other businesses, enterprises, or activities, whether or not licensed under section 14-52, owned or operated by one or more persons, other than the licensee, or (2) the licensee shall make use of any common areas or facilities together with the owner or operator of any such other business, enterprise or activity. (c) In determining whether to grant or to renew any license under this section, the commissioner shall consider whether the applicant or licensee has been found in any judicial or administrative proceeding to have violated the requirements of subsection (c) of section 14-332a. (1949 Rev., S. 2536; 1961, P.A. 581, S. 18; P.A. 83-489, S. 13, 17; P.A. 84-254, S. 52, 62; 84-374, S. 2, 3; 84-391, S. 7, 8; P.A. 94-36, S. 21, 42; P.A. 98-128, S. 3, 10; June Sp. Sess. P.A. 09-3, S. 160.) History: 1961 act increased license fees; P.A. 83-489 increased license fees for each place or station as follows: For each station containing one pump, from \$7 to \$14; for each station containing more than one pump, from \$7 plus \$2 for each pump in excess of one to \$14 plus \$4 for each pump in excess of one; P.A. 84-254 periodically increased the fees scheduling the increases to take effect on July first of the following years: 1985, 1989, 1991 and 1993; P.A. 84-374 divided section into Subsecs. and inserted new language in Subsec. (b), prohibiting the commissioner from refusing to grant or renew a gasoline sales license where another independently owned business shares the same property; P.A. 84-391 provided for the staggered renewal of gasoline sales licenses, deleting provision whereby licenses expired on first day of October following issuance; P.A. 94-36 amended Subsec. (a) by eliminating a staggered schedule of renewing licenses and a prorated license fee and made technical changes, effective January 1, 1995; P.A. 98-128 added Subsec. (c) to require commissioner to consider whether an applicant or licensee has violated the requirements of Sec. 14-332a(c), effective July 1, 1998; June Sp. Sess. P.A. 09-3 amended Subsec. (a) to change \$50 to \$100 re license fees for stations and to change \$14 to \$28 re fee for each pump in excess of one. See Secs. 16a-6 and 16a-22d re information to be submitted by applicant. See Sec. 21a-10(b) re staggered schedule of license renewals. History of statutes concerning licensing of gasoline stations. 123 C. 312. Cited. 125 C. 720. Applicant for station in New Haven is not required to comply with Sec. 14-321 before applying to commissioner under this section. 128 C. 701. Cited. 131 C. 715. Does not preclude zoning board from considering size of lot for proposed station in determining whether it will imperil public. 134 C. 155. Cited. 135 C. 709; 138 C. 326. A later decision of zoning appeals board constituted a conclusive determination that there had been a change in conditions and amounted to a revocation of certificate issued 6 years before. 139 C. 677. Cited. Id., 680; 140 C. 622; 142 C. 66; 144 C. 61; 147 C. 517; 149 C. 514. Cited. 3 CA 556. Cited. 3 CS 224.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250 - Gasoline and Motor Oil Sales Section 14-320. - Approval of gasoline station location by commissioner.

No station or place of business for the wholesale or retail sale of gasoline shall be established or maintained in a place adjoining a state highway, or in a town or city containing fewer than ten thousand inhabitants according to the last-preceding census of the United States, unless the person establishing or maintaining such station has procured from the commissioner a certificate stating that, in the opinion of the commissioner, the location of such station or place of business will not imperil the safety of the public. The commissioner may revoke any such certificate whenever, in his opinion, such station will, by reason of its location, imperil the safety of the public. For the initial examination of the location of each such station there shall be charged the sum of one hundred dollars, and on and after July 1, 1985, one hundred fifty dollars, on and after July 1, 1989, two hundred twenty-five dollars, on and after July 1, 1991, two hundred eighty dollars, and on and after July 1, 1993, three hundred fifty dollars. For the examination of each pump which is to be added to or relocated on the premises of any licensed station and of the proposed location and plan of installation of such pump, there shall be charged a fee of fourteen dollars, and on and after July 1, 1985, twenty-one dollars, on and after July 1, 1989, thirty-two dollars, on and after July 1, 1991, forty dollars, and on and after July 1, 1993, fifty dollars. For the

examination of the location of any such station upon the change of ownership of such station, there shall be charged a fee of fourteen dollars, and on and after July 1, 1985, twenty-one dollars, on and after July 1, 1989, thirty-two dollars, on and after July 1, 1991, forty dollars, and on and after July 1, 1993, fifty dollars. (1949 Rev., S. 2537; 1959, P.A. 221, S. 1; 1961, P.A. 581, S. 19; February, 1965, P.A. 52; P.A. 83-489, S. 14, 17; P.A. 84-254, S. 53, 62.) History: 1959 act increased fee for initial examination of location; 1961 act increased fees for examination of additional pumps and for examination of location on change of ownership; 1965 act added provision re relocated pumps; P.A. 83-489 increased fees as follows: For the initial examination of the location of each such station, from \$50 to \$100, for the examination of each pump to be added to or relocated on the premises of a licensed station and of the proposed location and plan of installation of such pump, from \$7 to \$14, and for the examination of the location of any such station upon the change of ownership of such station, from \$7 to \$14; P.A. 84-254 periodically increased the fees scheduling the increases to take effect July first of the following years: 1985, 1989, 1991 and 1993. Action of commissioner is reviewable only where he has acted arbitrarily, illegally or abused his discretion. 117 C. 262. Cited. 149 C. 513. Revocation cannot be by letter and without hearing. 149 C. 517. Cited. 3 CS 224.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250 - Gasoline and Motor Oil Sales Section 14-321. - Approval of gasoline station location by local authorities.

Any person who desires to obtain a license for the sale of gasoline or any other product, under the provisions of section 14-319, shall first obtain and present to the commissioner a certificate of approval of the location for which such license is desired. The certificate of approval shall be obtained from the zoning commission, planning and zoning commission or local authority of the town, city or borough where the station or pump is located or is proposed to be located. A certificate of approval shall not be required in the case of the transfer of the last issued license from one person to another provided no more than one year has elapsed since the expiration of such license, or in the case of a renewal of a license by the holder of the license, or in the case of the addition or discontinuance of pumps. If adjoining physical properties are altered or changed, the applicant shall conform to the provisions of this section. The commissioner shall not issue any license under the provisions of section 14-319 for which a certificate of approval is a prerequisite unless the certificate is presented to him within three years after the date on which it was issued. (1949 Rev., S. 2538; February, 1965, P.A. 229; P.A. 82-460, S. 7; P.A. 84-429, S. 44; P.A. 03-184, S. 4.) History: 1965 act changed provision re transfer of station to transfer of the last issued license and added requirement that license not be issued if a required certificate has not been presented within three years of its issuance; P.A. 82-460 provided that a license cannot be transferred if more than one year has elapsed since its expiration; P.A. 84-429 rephrased provisions, substituted term "local authority" for definitional language and made other technical changes; P.A. 03-184 added provision authorizing a zoning commission or planning and zoning commission to issue a certificate of approval. See Sec. 14-331 re revocation or suspension of license. Authority of mayor to issue or refuse certificate of approval of location. 109 C. 586. Denial of certificate of approval is reviewable only to determine if it was arbitrary, illegal or an abuse of discretion. 110 C. 80; 128 C. 264; Id., 354. 1927 act applies in New Haven, and authority is in mayor, not board of appeals, by virtue of exception in 1929 act. 123 C. 311; 128 C. 264. 1927 act held unconstitutional; section is an amendment of the 1929 act and does not apply to New Haven. 128 C. 701, 706. Cited. 134 C. 150. Plaintiff held not a "holder" seeking renewal of license and application must be based upon certificate of approval by the zoning board of appeals. 135 C. 706. Cited. 138 C. 326; Id., 453; 139 C. 681; 140 C. 622, 650. In passing on an application for a certificate of approval for the use of certain property for the retail sale of gasoline, a zoning board of appeals serves, not in a zoning capacity, but as an agent of the state to pass upon suitability of the location in view of traffic and other conditions, and to determine whether the proposed use of the location would imperil the safety of the public. 142 C. 64. Zoning board of appeals is acting as agency of the state in determining suitability. 143 C. 316. Cited. 144 C. 61. When acting under section, a board of appeals is not dealing primarily with zoning but is performing a separate function delegated to it as an agency of the state. 147 C. 517; 148 C. 507. Cited. 149 C. 513. For board validly to reverse an earlier decision by granting a subsequent application for approval of the same location, there has to be a showing of material change in conditions, that is, a change which militated against the objections formerly relied on. 150 C. 75. Cited. Id., 511, 559. Board acts as an agent of the state under this section and Sec. 14-322, its sole function being to determine if the site in question will be suitable according to statutory criteria designed to promote and protect the public safety. 153 C. 95. Disapproval of application on grounds of potential traffic hazard anticipated from planned nearby shopping center was within discretion of board. Id., 257. When acting under section, zoning board of appeals is acting as a special statutory agent of the state. Id., 259. Cited. Id., 433. Where plaintiff's application to board does not make it clear whether a permit under the zoning ordinance or an approval under the statutes is requested, the board must decide each issue separately and the required number of votes for each must be met in order for the application to be approved. 154 C. 32, 36. Cited. Id., 540. Probative value of conflicting evidence of suitability of property is for the board to decide. 155 C. 350. Zoning board acting under section as special statutory agent of state is governed by requirements of Sec. 14-322. Id., 539. Nonconforming use as gasoline station may survive period when station had been used for automobile repair work. 158 C. 86. In passing upon application for approval of location, zoning board as administrative agency of state is required to hold hearing. Id., 208. Proceedings under this section and Sec. 14-322 are not zoning matters; certificate of approval should not be issued where location is violative of zoning regulations. 159 C. 234. Cited. 170 C. 154. Cited. 3 CA 556. Station operator enjoined by commissioner where zoning board issued certificate of approval in error. 1 CS 165. Cited. 4 CS 462. History discussed; authority of zoning board to issue certificate of approval. 5 CS 1. Statute not applicable to municipalities it did not affect before 1935. Id., 214. Cited. 8 CS 277; Id., 499. Constitutionality. 10 CS 462. Cited. 26 CS 476. Hearing provided for in Sec. 14-322 must take place not less than 2 or more than 4 weeks from filing of application and not merely be assigned during that period for some future date. 27

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250 - Gasoline and Motor Oil Sales Section 14-322. - Hearing and finding of suitability.

Section 14-322 is repealed, effective October 1, 2003. (1949 Rev., S. 2539; 1967, P.A. 794; P.A. 82-89; P.A. 84-429, S. 45; P.A. 03-184, S. 10.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250 - Gasoline and Motor Oil Sales Section 14-323. - Commissioner to decide if requested by local authorities.

Section 14-323 is repealed. (1949 Rev., S. 2540; 1959, P.A. 253, S. 1; 1967, P.A. 309, S. 1.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250 - Gasoline and Motor Oil Sales Section 14-324. - Appeal.

Any person aggrieved by the performance of any act provided for in sections 14-319 to 14-321, inclusive, by the local authority may take an appeal therefrom to the superior court for the judicial district within which such town or city is situated, or in accordance with the provisions of section 4-183, except venue for such appeal shall be in the judicial district of New Britain if the act was performed by the commissioner. (1949 Rev., S. 2541; 1967, P.A. 309, S. 2; P.A. 76-436, S. 348, 681; P.A. 77-603, S. 39, 125; 77-604, S. 72, 84; P.A. 78-280, S. 5, 127; P.A. 84-429, S. 46; P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6; P.A. 99-215, S. 24, 29; P.A. 03-184, S. 6.) History: 1967 act replaced reference to repealed Sec. 14-323 with reference to Sec. 14-322; P.A. 76-436 replaced court of common pleas with superior court and added reference to judicial districts, effective July 1, 1978; P.A. 77-603 replaced previous appeal provision with requirement that appeals be made in accordance with Sec. 4-183 except venue is in Hartford county; P.A. 77-604 restored provision re appeals to superior court and qualified venue provision for appeals in accordance with Sec. 4-183 so that Hartford county is site of appeal only if commissioner's act involved; P.A. 78-280 replaced Hartford county with judicial district of Hartford-New Britain; P.A. 84-429 substituted term "local authority" for definitional language and made another technical change; P.A. 88-230 replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 99-215 replaced "judicial district of Hartford" with "judicial district of New Britain", effective June 29, 1999; P.A. 03-184 deleted reference to Sec. 14-322. Nature of appeal. 109 C. 585; 110 C. 82. Appeal from zoning board of appeals on gasoline license application must be taken under this section, not under Sec. 8-8. 116 C. 556. Burden of proof that board acted improperly is upon appellants. 118 C. 178. Cited. 123 C. 315. No fatal objection to joinder of application for approval as to gasoline station under Sec. 14-321 and application for approval as to repair business under Sec. 14-54. 134 C. 151. In directing board to pursue the course which it selected, the court encroached on administrative function of board. 138 C. 464. One may be aggrieved when he is affected only in a representative capacity. 139 C. 677. Trial court had no jurisdiction over appeal from action of commissioner in reinstating revoked certificate of approval of location since none of sections enumerated authorized commissioner to so reinstate. 149 C. 515. Plaintiffs must show that they are specially aggrieved. 151 C. 510. Unconstitutional for board to refuse certificate on ground that public convenience does not require it. 3 CS 304. Cited. 5 CS 1; Id. 214.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250 - Gasoline and Motor Oil Sales Section 14-325. - Curb pumps.

No license shall be issued to sell gasoline or other fuels by means of any curb pump, or of any pipe or hose extending over or under any sidewalk, except the renewal of the license of such curb pump, pipe or hose, if the same was licensed for the sale of gasoline or other fuels on June 1, 1935, and has been continuously licensed for such purpose at such location since that date; and except that any such license may be transferred or devised by a holder thereof to his child or spouse. (1949 Rev., S. 2542; February, 1965, P.A. 585.) History: 1965 act added exception for transfer or devise to child or spouse of holder.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250 - Gasoline and Motor Oil Sales Section 14-325a. - Air compressors.

Any person licensed under section 14-319 to dispense motor fuel for sale to the public for any motor vehicle, as defined in section 14-1, shall provide for free public use an air compressor for the purpose of tire inflation during the hours such premises are open for business. Each such licensee shall post a sign in a conspicuous location upon the premises and in such form as the commissioner may require, informing the public of the availability of an air compressor for free public use during the hours such premises are open. Such compressor shall be capable of producing at least eighty pounds per square inch pressure at the outlet. (P.A. 79-260; P.A. 88-100; P.A. 04-92, S. 1; 04-217, S. 31.) History: P.A. 88-100 required each licensee to post a sign informing public of availability of an air compressor for free public use; P.A. 04-92 eliminated exemption from requirement to provide free air for owner of retail food store that dispenses motor fuel; P.A. 04-217 eliminated reference to Sec. 14-1(47), effective January 1, 2005.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250 -

Gasoline and Motor Oil SalesSection 14-325b. - Refueling privileges for operators who have a disability. Signs. Exceptions.

(a) Each retail dealer as defined in section 14-318 that offers self-service and full-service facilities for the sale of gasoline or motor fuel shall provide, at a self-service pump, upon request, refueling service to an operator who has a disability and is operating a motor vehicle that bears a special license plate or a removable windshield placard issued pursuant to section 14-253a, at a price no greater than that which such dealer would charge the public to purchase gasoline or motor fuel without any refueling service. (b) Each retail dealer that is required to provide refueling service to an operator who has a disability pursuant to subsection (a) of this section shall publicly display and maintain on or near each self-service pump a clearly legible sign informing the public that such retail dealer will provide refueling service to such operator upon request. Such sign shall be displayed in a location and manner that is clearly visible to operators who have disabilities and shall contain instructions indicating how an operator who has a disability may contact or notify the retail dealer or cashier, if applicable, that such operator requires refueling service. (c) The provisions of this section shall not apply to dealers that sell gasoline or motor fuel and that (1) have remotely controlled pumps, or (2) are operated by a single cashier. (P.A. 84-151; P.A. 14-16, S. 2; June Sp. Sess. P.A. 15-5, S. 225; P.A. 16-78, S. 6; P.A. 17-202, S. 48.) History: P.A. 14-16 designated existing provisions as Subsec. (a) and amended same by deleting provisions re dealers to which provisions of section do not apply, added Subsecs. (b) and (c) re display of sign re refueling service for handicapped drivers and exception for dealers having remotely controlled pumps or that are operated by a single cashier, and made technical changes; June Sp. Sess. P.A. 15-5 amended Subsec. (a) to add “or a removable windshield placard”; P.A. 16-78 amended Subsec. (a) to delete “international symbol of access” in provision re special license plate, effective January 1, 2017; P.A. 17-202 replaced references to handicapped driver with references to operator who has a disability and made technical and conforming changes.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 250 - Gasoline and Motor Oil SalesSection 14-326. - Gasoline sold for aircraft or other engines to be of United States standard.

No person shall sell, offer for sale, deliver or have in possession for the purpose of sale, any article or product represented as gasoline for use in internal combustion engines used in aircraft that is not equal to or better in quality and specifications than that known as “United States Aviation Gasoline, Domestic Grade”, or for use in such engines other than those used in aircraft that is not equal to or better in quality and specifications than that known as “United States Government Motor Gasoline”. (1949 Rev., S. 2543.)

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 250 - Gasoline and Motor Oil SalesSection 14-327. - Testing of quality of gasoline or diesel fuel.

All tests to determine the quality of gasoline or diesel fuel shall be made in accordance with the most recent revision of either Standard D439, Specification for Automotive Gasoline, or Standard D975, Specification for Diesel Fuel Oils, of Part 23 of the American Society for Testing and Materials. (1949 Rev., S. 2544; P.A. 81-172, S. 16.) History: P.A. 81-172 updated the method of testing gasoline and included a test for diesel fuel.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 250 - Gasoline and Motor Oil SalesSection 14-327a. - Motor fuel quality testing: Definitions.

As used in sections 14-327a to 14-327e, inclusive: (1) “Commissioner” means the Commissioner of Consumer Protection. (2) The “American Society for Testing and Materials” means the scientific and technical organization established for the development of standards of characteristics and performance of materials, products, systems and services and the promotion of related knowledge. (3) “Distributor” means any person who imports or causes to be imported into this state motor fuel for sale or use in this state or any person who produces, refines, blends, manufactures or compounds motor fuels within this state for sale or use in this state and includes any affiliate of either such person who purchases motor fuel for sale, consignment or distribution to another or receives motor fuel on consignment for consignment or distribution to his own motor fuel accounts or to accounts of his supplier, but does not include any person who is an employee of, or merely transports motor fuel for, such supplier. (4) “Retailer” means any person engaged in the business of selling motor fuel to the general public for ultimate consumption. (5) “Motor fuel” means (A) all products commonly or commercially known or sold as gasoline, including casinghead and absorption or natural gasoline, regardless of their classification or uses, (B) any liquid prepared, advertised, offered for sale or sold for use, or commonly and commercially used, as a fuel in internal combustion engines, including any liquid commonly referred to as “gasohol” which is prepared, advertised, offered for sale or sold for use, or commonly and commercially used, as a fuel in internal combustion engines, but excluding aviation fuel and liquefied petroleum gases. (6) “Person” means a natural person, company, partnership, foreign or domestic corporation, limited liability company, trust, unincorporated organization, association and any other legal entity. (P.A. 91-322, S. 1, 6; P.A. 95-79, S. 42, 189; 95-126, S. 24, 25; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1.) History: P.A. 95-79 redefined “person” to include a limited liability company, effective May 31, 1995; P.A. 95-126 amended the exclusion in Subdiv. (3) to substitute the phrase “transports motor fuel” for “serves as a common carrier providing transportation service”, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250 - Gasoline and Motor Oil Sales Section 14-327b. - Annual registration of distributors. Application for certificate of registration. Required information. Fee.

(a) No distributor shall sell or offer to sell motor fuel in this state unless such distributor has first registered with the Department of Consumer Protection each type of motor fuel which he intends to sell and has received from the department a certificate of registration for each type of motor fuel which he intends to sell. (b) Each distributor required to register with the department as provided in subsection (a) of this section shall apply annually to the commissioner, in writing on a form provided by the commissioner, for such certificate of registration. (c) The application for a certificate of registration shall include: (1) The name and address of the person registering the motor fuel, (2) the name, brand or trademark under which the type of motor fuel will be sold, (3) the antiknock index or Cetane number, as is applicable, at which the motor fuel will be sold, (4) a certification that each individual type of motor fuel registered shall conform to the provisions of sections 14-327a to 14-327e, inclusive, and (5) any other information required by the commissioner. A separate application shall be made for each type of motor fuel to be registered. Such application and its contents shall not be available to the public. (d) Each application for a certificate of registration shall be accompanied by a fee of two hundred dollars. (P.A. 91-322, S. 2; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; June Sp. Sess. P.A. 09-3, S. 161.) History: June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; June Sp. Sess. P.A. 09-3 amended Subsec. (d) to increase application fee from \$100 to \$200.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250 - Gasoline and Motor Oil Sales Section 14-327c. - Regulations.

The commissioner shall adopt regulations in accordance with the provisions of chapter 54 establishing standards for the quality of motor fuels sold or offered for sale in this state. The regulations shall be consistent with standards established by the American Society for Testing and Materials, unless otherwise required by federal statute or regulation. (P.A. 91-322, S. 3, 6.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250 - Gasoline and Motor Oil Sales Section 14-327d. - Commissioner to have free access to places and premises. Subpoena powers. Court orders. Regulations.

(a) The commissioner or his authorized agent shall have free access, at all reasonable hours, to all places or premises where motor fuels intended for eventual sale to the public are stored or sold, for the purpose of testing such motor fuels in compliance with sections 14-327a to 14-327e, inclusive. The commissioner or his authorized agent is authorized to take samples of such motor fuels and cause them to be tested. No distributor, retailer or person shall deny the commissioner or his authorized agent access to any such motor fuels for the purposes of testing in compliance with sections 14-327a to 14-327e, inclusive. (b) The commissioner or his authorized agents may require by subpoena the attendance and testimony of any person and the production of any documentary material concerning any matter under investigation under sections 14-327a to 14-327e, inclusive. (c) If any person refuses to appear, to testify or to produce any documentary material when so ordered, the Attorney General, at the request of the commissioner, may apply to the Superior Court for such order as may be appropriate to aid in the enforcement of this section. (d) The commissioner shall adopt regulations in accordance with chapter 54 to carry out the provisions of sections 14-327a to 14-327e, inclusive. (P.A. 91-322, S. 4.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250 - Gasoline and Motor Oil Sales Section 14-327e. - Hearing. Refusal to issue certificate of registration. Revocation or suspension of certificate of registration. Violations. Civil penalty.

(a) The commissioner, after a hearing in accordance with chapter 54, may refuse to issue, revoke or suspend any certificate of registration issued to a distributor if the distributor does any of the following: (1) Misleads, deceives or defrauds the public or the commissioner; (2) Sells or attempts to sell any motor fuel which is not registered pursuant to sections 14-327a to 14-327e, inclusive, or a motor fuel which is registered but does not conform to the standards of such registration; or (3) Violates any of the provisions of sections 14-327a to 14-327e, inclusive, or any regulation established thereunder. (b) The commissioner, after a hearing in accordance with the provisions of chapter 54, may impose a civil penalty of not less than one hundred dollars nor more than one thousand dollars per day for any violation of sections 14-327a to 14-327e, inclusive, or any regulation adopted thereunder. Such civil penalty may be imposed in addition to any action taken under subsection (a) of this section. (c) The commissioner may issue stop sale orders with respect to any motor fuel sold, offered for sale or intended to be sold to the public which does not conform to any registration or to any standards established by sections 14-327a to 14-327e, inclusive, or the regulations adopted thereunder. No person shall sell or offer to sell any motor fuel in violation of the terms of such stop sale order. (d) The Attorney General, at the request of the commissioner is authorized to apply to the Superior Court for an order temporarily or permanently restraining and enjoining any person from violating any provision of sections 14-327a to 14-327e, inclusive, or from violating or refusing to comply with any order, stop sale order or civil penalty issued by the commissioner pursuant to sections 14-327a to 14-327e, inclusive. (P.A. 91-322, S. 5.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250 - Gasoline and Motor Oil Sales Section 14-328. - Display of price signs.

Section 14-328 is repealed. (1949 Rev., S. 2545; 1951, S. 1410d; February, 1965, P.A. 474; P.A. 73-678, S. 10, 12; P.A. 74-285, S. 18, 20.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250 - Gasoline and Motor Oil Sales Section 14-329. - Standard gallon. Delivery through meter. Delivery and electronic delivery tickets. Disclosure of purchaser's cost associated with retail fuel oil or propane gas. Exemptions. Penalties.

(a)(1) The standard gallon shall be the unit of measurement for all sales of gasoline, kerosene, fuel oils or similar substances sold or offered for sale for the purpose of creating power or heat. Each delivery of gasoline in a quantity of fifty gallons or more and each delivery of kerosene, fuel oil or similar substance in a quantity of five gallons or more shall be the complete contents of a vehicle tank or it shall be through a meter. Each such tank or meter shall be sealed by a sealer of weights and measures before being used. The term "vehicle tank", as used in this section, means a container, which may or may not be subdivided into two or more compartments, mounted upon a wagon or motor truck and used for the delivery of such fluids. The term "compartment" means the entire tank whenever the tank is not subdivided; otherwise it means any one of those subdivided portions of the tank which are designed to hold such fluids. Each delivery through a meter shall be delivered through a meter equipped with a numeral reset counter, a register with a zero start or an accumulative ticket printer, which meters shall print an accurate record of all deliveries in gallons and tenths. Such ticket printer shall print the gallonage reading of the meter before and after delivery is made and each ticket shall be locked in the meter between readings to prevent fraud. Except as provided in subdivision (2) of this subsection, each delivery shall be accompanied by a delivery ticket and a duplicate thereof, on which shall be distinctly expressed in ink or other indelible substance, in gallons, or gallons and tenths when so required, the quantity of such fluid so delivered, with the name of the seller and the name of the purchaser of such fluid. (2) A seller may provide an electronic version of a delivery ticket instead of a delivery ticket expressed in ink or other indelible substance, if the seller or agent of such seller and the purchaser of a fluid, described in subdivision (1) of this subsection, agree to such electronic delivery, in writing. The seller shall retain a record of each electronic delivery ticket for not less than twelve months. (3) One of such delivery or electronic delivery tickets shall be surrendered, upon demand, to the sealer of weights and measures, for inspection, and such ticket or, when the sealer desires to retain the original ticket or electronic ticket, a measure slip issued by the seller or his or her agent, shall be delivered to the purchaser or purchaser's agent or representative at the time of the delivery of such fluid. If the purchaser or purchaser's agent takes such fluid from the place of purchase, a delivery ticket showing the actual number of gallons, or gallons and tenths, delivered shall be given to the purchaser or purchaser's agent at the time of delivery. In the case of an electronic delivery ticket, the seller or agent of such seller shall transmit the electronic delivery ticket to the purchaser or purchaser's agent not more than two business days after such delivery. Delivery tickets shall bear the name or identification number of the seller's driver and shall be sequentially numbered. Copies of delivery tickets shall be retained by the seller for one year and shall be available for inspection during normal business hours. No seller, or agent of such seller, shall possess a delivery ticket which has been printed with, or an electronic delivery ticket which contains, a record of a delivery which has not occurred. The method of determining the number of gallons of any such fluid delivered shall be by measuring the same in measures that have been tested and sealed by a sealer of weights and measures. (b) No person, firm or corporation shall sell at retail fuel oil or propane gas to be used for residential heating unless all of the purchaser's costs associated with such fuel oil or propane gas, including, but not limited to, unit price and any delivery surcharge, are disclosed to the purchaser, in writing, at the time the purchaser enters into a purchase contract with the seller or at the time of renewal of such contract. Such disclosures shall be made by the seller when the purchaser places an order for such fuel oil or propane gas if there is no contract between the seller and purchaser. (c) The provisions of this section shall not apply to barge, railroad tank car, drum or slow flow meter delivery. (d) The provisions of this section requiring meters to print tenths of a gallon shall not apply to bulk plant deliveries to a reseller, or bulk delivery of gasoline to service stations for resale. On other high-speed, large volume deliveries, the Commissioner of Consumer Protection may waive the one-tenth gallon requirement, upon request. On all of these deliveries the meters shall print an accurate record in gallons. (e) Any person who, by himself or by his agent or employee, or as the employee or agent of another, violates any provision of this section shall be subject to the penalties provided in chapter 750, concerning weights and measures, or chapter 296, concerning operation of fuel supply businesses, as applicable. (1949 Rev., S. 2546; 1959, P.A. 565; 1961, P.A. 100; 1963, P.A. 104; 1967, P.A. 341, S. 1; P.A. 85-250; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1; P.A. 06-65, S. 1; P.A. 21-126, S. 1.) History: 1959 act added Subsec. (b) and amended Subsec. (a) by adding specifications for meter devices and provisions for recording gallons and tenths on delivery ticket; 1961 act amended Subsec. (a) by removing limitation of section to "retail" deliveries and added expiration date and renewal provisions for permit in Subsec. (b); 1963 act added exception for slow flow meter deliveries in Subsec. (c); 1967 act amended Subsec. (a) to delete provision re mailing of tickets, deleted Subsec. (b) detailing permits which allowed mailing of tickets, relettered former Subsec. (c) as Subsec. (b) and inserted new Subsec. (c) re waiver of tenths printing requirement; P.A. 85-250 amended Subsec. (a) to require delivery tickets to bear the name or identification number of the seller's driver, to require such tickets to be numbered, to require sellers to retain copies of such tickets for a year, to require sellers to make such tickets available for inspection and to prohibit the possession of a delivery ticket which has been printed with a record of a delivery which has not occurred; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp.

Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 06-65 added new Subsec. (b) re disclosure of purchaser's costs for residential heating fuel oil or propane gas, redesignated existing Subsecs. (b), (c) and (d) as new Subsecs. (c), (d) and (e) and replaced reference to Sec. 43-9 with applicable chapter references in new Subsec. (e); P.A. 21-126 amended Subsec. (a) by designating existing provisions as Subdivs. (1) and (3) and adding Subdiv. (2) re electronic delivery tickets, amended redesignated Subdiv. (1) by adding an exception and making technical changes, and amended redesignated Subdiv. (3) by adding references to electronic delivery tickets and making technical changes. Cited. 40 CS 295.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250 - Gasoline and Motor Oil Sales Section 14-330. - Dealer to disclose his source of supply.

Each person who sells, offers for sale or has in his possession for the purpose of selling any gasoline or any other product intended for motorboats or motor vehicles shall, at the request of the commissioner or any of his deputies or authorized representatives, furnish to the commissioner a statement in writing, giving the name and address of the person from whom such gasoline or other product was so purchased or obtained. (1949 Rev., S. 2547.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250 - Gasoline and Motor Oil Sales Section 14-331. - Penalty. Revocation or suspension of license. Bond. Appeal. Rights of franchisor.

Any person, except a distributor, who violates any provision of this chapter or who makes any false statement to the commissioner, or to the local authority described in section 14-321, shall be fined not more than one hundred dollars and, for any subsequent offense, shall be fined not more than five hundred dollars or imprisoned not more than six months or both, and his license may, at the discretion of the commissioner, be suspended or revoked. The commissioner may, after notice and hearing, suspend or revoke the license of any person he finds has violated any provision of any statute or regulation of this state or the federal government concerning his business as a licensee. If the commissioner makes such a finding, he shall require the licensee, as a condition to continued licensure or the reinstatement of a suspended or revoked license, to furnish a bond satisfactory to the commissioner in the amount of one thousand dollars, conditioned upon compliance with all laws concerning the business of the licensee and the regulations of the commissioner. This bond may be forfeited for any further violations. The Commissioner of Consumer Protection shall, upon notice from the Commissioner of Revenue Services of the name and address of any retail dealer licensed under this chapter who has failed to file any tax return required by the Commissioner of Revenue Services or to pay any tax due the state or to perform any act or duty imposed by the general statutes relating to gasoline or motor fuel, special fuel or motor bus taxes, suspend such retail dealer's license until such time as written notice from the Commissioner of Revenue Services has been received authorizing reinstatement. Any such person whose license has been suspended or revoked may appeal therefrom in accordance with the provisions of section 4-183, except venue for such appeal shall be in the judicial district of New Britain. Such appeals shall be preferred cases, to be heard, unless cause appears to the contrary, at the first session of the court. If the court, upon such appeal, determines that the license should not have been suspended or revoked, it may direct the commissioner to reissue the license, and, upon such appeal, costs may be taxed at the discretion of the court. Nothing in this chapter shall in any way affect, reduce or diminish the right of any franchisor to remain in business at any location for the sole reason that the franchisee has been subject to disciplinary action of any type pursuant to this chapter. (1949 Rev., S. 2548; 1949, S. 1412d; 1959, P.A. 224, S. 1; 1971, P.A. 870, S. 104; P.A. 74-53, S. 2, 3; P.A. 76-436, S. 349, 681; P.A. 77-603, S. 40, 125; 77-614, S. 139, 610; P.A. 78-280, S. 5, 127; P.A. 82-245, S. 1; P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; June Sp. Sess. P.A. 91-9, S. 2, 10; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6; P.A. 99-215, S. 24, 29; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1.) History: 1959 act provided for suspension of license on notice of nonpayment of tax or other default; 1971 act replaced superior court with court of common pleas, effective September 1, 1971, except that courts with cases pending retain jurisdiction unless matters deemed transferable; P.A. 74-53 made technical change; P.A. 76-436 replaced court of common pleas with superior court, effective July 1, 1978; P.A. 77-603 replaced previous appeal provisions with requirement that appeals be made in accordance with Sec. 4-183 except venue is in Hartford county; P.A. 77-614 replaced tax commissioner with commissioner of revenue services, effective January 1, 1979; P.A. 78-280 replaced Hartford county with judicial district of Hartford-New Britain; P.A. 82-245 clarified violations which are grounds for revocation or suspension of license, adding specific reference to violation of federal law and added provisions regarding furnishing a bond after a violation and the rights of franchisors; P.A. 88-230 replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; June Sp. Sess. P.A. 91-9 substituted commissioner of consumer protection for commissioner of motor vehicles; P.A. 93-142 changed effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 99-215 replaced "judicial district of Hartford" with "judicial district of New Britain", effective June 29, 1999; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004. Cited. 3 CS 224.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250 -

Gasoline and Motor Oil SalesSection 14-332. - Regulations.

(a) The commissioner may adopt regulations, in accordance with chapter 54, governing the administration of all statutes relating to gasoline or any other product intended as a fuel for motor vehicles or internal combustion engines or relating to the sale of such gasoline or such other product, except as provided in subsection (b) of this section. (b) The commissioner, in consultation with the Secretary of the Office of Policy and Management, shall adopt emergency regulations, in accordance with chapter 54, to establish a program to monitor and enforce compliance with the requirements of subsection (c) of section 14-332a. (1949 Rev., S. 2549; P.A. 98-128, S. 4, 10.) History: P.A. 98-128 added Subsec. (b) to require adoption of emergency regulations, effective May 27, 1998.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 250 - Gasoline and Motor Oil SalesSection 14-332a. - Surcharges. Tie-in-sales. Price reduction requirements.

(a) As used in subsection (b) of this section: (1) "Surcharge" means any charge by a retail dealer to any person for the pumping or sale of gasoline or other product intended for use in the propelling of motor vehicles using combustion type engines which exceeds the amount of the posted retail price displayed on such price signs as may be required by law; and (2) "tie-in-sale" means any sale by a retail dealer of any petroleum product, except gasoline, or of any other product or merchandise or of any service which is made a condition for the purchase of gasoline. (b) Any retail dealer that adds a surcharge to the price of gasoline or other product intended for use in the propelling of motor vehicles using combustion type engines sold by him at retail, or requires a tie-in-sale as a condition of such sale, shall be subject to the penalties provided in section 14-331. Nothing in this subsection shall be construed to prohibit any charge for financing in accordance with sections 36a-675 to 36a-685, inclusive. (c) (1) During the period commencing on July 1, 1998, and ending on October 1, 1998, upon the reduction in the tax required by section 12-458, that is effective July 1, 1998, and during the period commencing on July 1, 2000, and ending November 1, 2000, upon the reduction in the tax required by said section 12-458, that is effective July 1, 2000, each retail dealer shall, in accordance with subdivision (2) of this subsection, reduce the per-gallon price of gasoline or other product intended for use in the propelling of motor vehicles using combustion type engines sold by such retail dealer at retail in an amount equal to the amount of the reduction in such tax that is imposed on each gallon of such gasoline or other product. Such retail dealer shall maintain any such price reduction in effect for a period of not less than one hundred twenty days after such tax reduction. (2) The price reduction required by subdivision (1) of this subsection shall take effect not later than (A) two days following the effective date of the applicable tax reduction, or (B) the close of business on the business day on which the retail dealer has completed the sale of an amount of such gasoline or other product equal to the total number of gallons of such gasoline or other product in the inventory of the retail dealer at midnight on the effective date of such tax reduction, whichever is later. (3) Any retail dealer that violates this subsection shall be subject to the penalties set forth in section 14-331. A violation of this subsection shall be deemed an unfair or deceptive trade practice under subsection (a) of section 42-110b. (4) The following shall be affirmative defenses to any action or administrative proceeding brought against a retail dealer under section 14-331 or chapter 735a for an alleged violation of this subsection: (A) An increase in the wholesale price of such gasoline or other product that occurs after any such tax reduction; (B) an increase in any other tax imposed on such gasoline or other product that occurs after any such tax reduction; or (C) any other bona fide business cost increase incurred by a retail dealer and upon which the retail dealer relied in making the decision to forego the implementation or continuation of any such price reduction in whole or in part. (P.A. 74-53, S. 1, 3; P.A. 98-128, S. 5, 10; P.A. 00-170, S. 14, 42.) History: P.A. 98-128 added Subsec. (c) to establish specific requirements for the period July 1, 1998, to October 1, 1998 re reduction in per-gallon price of gasoline and amended Subsec. (a) to delete definition of "retail dealer" and make technical changes, effective May 27, 1998; P.A. 00-170 amended Subsec. (c)(1) to add requirements for reduction of gasoline prices during the period July 1, 2000, to November 1, 2000, effective July 1, 2000.

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 250 - Gasoline and Motor Oil SalesSection 14-333 to 14-341. - Distributor's license. Records and sales slips. Gasoline tax. Suspension or revocation of distributor's license. Receipts to be added to Highway Fund.

Sections 14-333 to 14-341, inclusive, are repealed. (1949 Rev., S. 2550-2557, 2559; November, 1949, S. 1414d; 1953, S. 1413d, 1415d, 1416d; June, 1955, S. 1414d; November, 1955, S. N165; 1957, P.A. 170; 543, S. 1, 2; 620, S. 1; 1959, P.A. 132, S. 29; 241, S. 1; 579, S. 26.)

2024 Connecticut General StatutesTitle 14 - Motor Vehicles. Use of the Highway by Vehicles. GasolineChapter 250 - Gasoline and Motor Oil SalesSection 14-342. - Sale of motor oil regulated.

(a) No person, firm or corporation shall sell or offer or expose for sale any motor lubricating oils used in motor vehicles in such manner as to deceive the purchaser as to the nature, quality and identity of such product. (b) No person, firm or corporation shall expose for sale, offer for sale or sell, from any tank or container or other distributing device or equipment, any other motor lubricating oils than those indicated by the name, trade name, symbol, sign or other distinguishing mark or device of the manufacturer or distributor, appearing upon the tank, container or other distributing equipment from which the same are sold, offered for sale or distributed. (c) No person, firm or corporation shall expose for sale, offer for sale or sell, under any trademark or trade name in general use, any motor lubricating oils, except those manufactured or distributed by the manufacturer marketing motor lubricating oils, under such trademark or trade name; or substitute, mix or adulterate the motor lubricating oils sold, offered for sale

or distributed under such trademark or trade name; or refill used packages or containers, which have contained goods sold under a trademark, unless with products of the same manufacturer and of the same grade. No person, firm or corporation shall sell or offer for sale, as lubricating oil, any oil that has been rerun, refiltered, reclaimed or refined from crankcase draining, or any other oil that has been used for purposes of lubrication, unless such oil is sold and labeled "reconditioned motor oil", and such person, firm or corporation shall, upon the request of the commissioner, disclose the source of supply of the above-named products. (d) Any person, firm or corporation which violates any provision of this section shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both for each offense. (1949 Rev., S. 2560; 1949, S. 1417d.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250 - Gasoline and Motor Oil Sales Section 14-343 and 14-344. - Penalty; collection of tax. Aviation gasoline; exemption; license to sell.

Sections 14-343 and 14-344 are repealed. (1949 Rev., S. 1419d, 2561; 1953, S. 1418d; 1957, P.A. 666; 1959, P.A. 132, S. 29; 579, S. 26.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250a - Operation of Retail Service Stations Section 14-344a. - Retail service stations; opening and operation by producers or refiners prohibited after July 1, 1979.

After July 1, 1979, no producer or refiner of petroleum products shall open a major brand, secondary brand or unbranded retail service station in the state and operate such station with employees of such producer or refiner, a subsidiary company, commissioned agent or under a contract with any person, firm or corporation managing such station on a fee arrangement with such producer or refiner. Any such station shall be operated only by a retail service station dealer. As used in this chapter, "retail service station" means a place of business where gasoline or special fuel is sold and delivered into the tanks of motor vehicles for use as fuel in the operation of such motor vehicles. (P.A. 79-437, S. 1, 5.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250a - Operation of Retail Service Stations Section 14-344b. - Retail service stations; operation by producers or refiners prohibited after July 1, 1980.

After July 1, 1980, no producer or refiner of petroleum products shall operate a major brand, secondary brand or unbranded retail service station in the state with employees of such producer or refiner, a subsidiary company, commissioned agent or under a contract with any person, firm or corporation managing a service station on a fee arrangement with such producer or refiner. Any such station shall be operated only by a retail service station dealer. (P.A. 79-437, S. 2, 5.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250a - Operation of Retail Service Stations Section 14-344c. - Regulation of temporary operation by producers or refiners by Consumer Protection Commissioner.

The Commissioner of Consumer Protection shall adopt regulations, in accordance with the provisions of chapter 54, defining the circumstances in which a producer or refiner may temporarily operate a previously dealer-operated station during a period subsequent to July 1, 1980, which period shall not be, in any case, longer than a commercially reasonable time. (P.A. 79-437, S. 3, 5; June Sp. Sess. P.A. 91-9, S. 3, 10; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1.) History: June Sp. Sess. P.A. 91-9 substituted commissioner of consumer protection for commissioner of motor vehicles; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 250a - Operation of Retail Service Stations Section 14-344d. - State allocation and distribution of fuel not affected. Provisions inapplicable to certain service stations.

(a) The provisions of this chapter shall not be construed as affecting (1) any allocation of gasoline or special fuels to facilities operated by the state, (2) the operation of any facility for storage or distribution of gasoline or special fuels by the state or (3) the operation of any state-owned retail service station by a producer or refiner of petroleum products. (b) The provisions of this chapter shall not apply to any service station operated by a producer or refiner of petroleum products with its employees on July 1, 1979, which is used as a training or test marketing center or for advertising or public relations purposes. No producer or refiner may operate more than one such service station in the state under the provisions of this subsection. (P.A. 79-437, S. 4, 5; P.A. 81-145; P.A. 82-245, S. 2, 3.) History: P.A. 81-145 added Subsec. (b) exempting stations used as training or test marketing centers from provisions of chapter and limiting number of such stations to be operated by any producer or refiner of petroleum products to one; P.A. 82-245 added Subsec. (a)(3) dealing with state-owned stations operated by producers or refiners.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 253 - Bus Taxation Proration and Reciprocity Agreement Section 14-365. - Agreement.

The Bus Taxation Proration Agreement is hereby enacted into law and entered into with all jurisdictions legally joining therein in the form substantially as follows: BUS TAXATION PRORATION AND RECIPROCITY AGREEMENT Article I. Purposes and Principles SECTION 1. Purposes of Agreement. It is the purpose of this agreement to set up a system whereby any contracting state may permit owners of fleets of buses operating in two or more states to prorate the registration of the buses in such fleets in each state in which the fleets operate on the basis of the proportion of miles operated within such state to total fleet miles, as defined herein. SECTION 2. Principle of Proration of Registration. It is hereby declared that in making this agreement the contracting states adhere to the principle that each state should have the freedom to develop the kind of highway user tax structure that it determines to be most appropriate to itself; that the method of taxation of interstate buses should not be a determining factor in developing its user tax structure; and that annual taxes or other taxes of the fixed fee type upon buses, which are not imposed on a basis that reflects the amount of highway use, should be apportioned among the states, within the limits of practicality, on the basis of vehicle miles traveled within each of the states. Article II. Definitions (a) State. State shall include the states of the United States, the District of Columbia, the territories of the United States, the provinces of Canada, and the states, territories and Federal District of Mexico. (b) Contracting State. Contracting state shall mean a state which is a party to this agreement. (c) Administrator. Administrator shall mean the official or agency of a state administering the fee involved, or, in the case of proration of registration, the official or agency of a state administering the proration of registration in that state. (d) Person. Person shall include any individual, firm, copartnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit. (e) Base State. Base state shall mean the state from or in which the bus is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled, or also in the case of a fleet bus the state to which it is allocated for registration under statutory requirements. In order that this section may not be used for the purpose of evasion of registration fees, the administrators of the contracting states may make the final decision as to the proper base state, in accordance with Article III (h) hereof, to prevent or avoid such evasion. (f) Bus. Bus shall mean any motor vehicle of a bus type engaged in the interstate transportation of passengers and subject to the jurisdiction of the Interstate Commerce Commission, or any agency successor thereto, or one or more state regulatory agencies concerned with the regulation of passenger transport. (g) Fleet. As to each contracting state, fleet shall include only those buses which actually travel a portion of their total miles in such state. A fleet must include three (3) or more buses. (h) Registration. Registration shall mean the registration of a bus and the payment of annual fees and taxes as set forth in or pursuant to the laws of the respective contracting states. (i) Proration of Registration. Proration of registration shall mean registration of fleets of buses in accordance with Article IV of this agreement. (j) Reciprocity. Reciprocity shall mean that each contracting state, to the extent provided in this agreement, exempts a bus from registration and registration fees. Article III. General Provisions (a) Effect on Other Agreements, Arrangements, and Understandings. On and after its effective date, this agreement shall supersede any reciprocal or other agreement, arrangement, or understanding between any two or more of the contracting states covering, in whole or in part, any of the matters covered by this agreement; but this agreement shall not affect any reciprocal or other agreement, arrangement, or understanding between a contracting state and a state or states not a party to this agreement. (b) Applicability to Exempt Vehicles. This agreement shall not require registration in a contracting state of any vehicles which are in whole or part exempt from registration under the laws or regulations of such state without respect to this agreement. (c) Inapplicability to Caravanned Vehicle. The benefits and privileges of this agreement shall not be extended to a vehicle operated on its own wheels, or in tow of a motor vehicle, transported for the purpose of selling or offering the same for sale to or by any agent, dealer, purchaser, or prospective purchaser. (d) Other Fees and Taxes. This agreement does not waive any fees or taxes charged or levied by any state in connection with the ownership or operation of vehicles other than registration fees as defined herein. All other fees and taxes shall be paid to each state in accordance with the laws thereof. (e) Statutory Vehicle Regulations. This agreement shall not authorize the operation of a vehicle in any contracting state contrary to the laws or regulations thereof, except those pertaining to registration and payment of fees; and with respect to such laws or regulations, only to the extent provided in this agreement. (f) Violations. Each contracting state reserves the right to withdraw, by order of the administrator thereof, all or any part of the benefits or fleet of vehicles operated in violation of any provision of this agreement. The administrator shall immediately give notice of any such violation and withdrawal of any such benefits or privileges to the administrator of each other contracting state in which vehicles of such owner are operated. (g) Cooperation. The administrator of each of the contracting states shall cooperate with the administrators of the others and each contracting state hereby agrees to furnish such aid and assistance to each other within its statutory authority as will aid in the proper enforcement of this agreement. (h) Interpretation. In any dispute between or among contracting states arising under this agreement, the final decision regarding interpretation of questions at issue relating to this agreement shall be reached by joint action of the contracting states, acting through the administrator thereof, and shall upon determination be placed in writing. (i) Effect of Headings. Article and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any article or part hereof. (j) Entry into Force. This agreement shall enter into force and become binding between and among the contracting states when enacted or otherwise entered into by any two states. Thereafter, it shall enter into force and become binding with respect to any state when enacted into law by such state. If the statutes of any state so authorize or provide, such state may become party to this agreement upon the execution thereof by an executive or administrative official thereof acting on behalf of and for such state. Article IV. Proration of Registration (a) Applicability. Any owner of a fleet may register the buses of said fleet in any contracting state by paying to said state total registration fees in an amount equal to that obtained by applying the proportion of in-state fleet miles divided by the total fleet miles, to the total fees which would otherwise be required for regular registration of each and all of such vehicles in such contracting state. All fleet pro-rata registration fees shall be based upon the mileage proportions of the fleet during

the period of twelve months ending on August 31 next preceding the commencement of the registration year for which registration is sought: Except, that mileage proportions for a fleet not operated during such period in the state where application for registration is made will be determined by the administrator upon the sworn application of the applicant showing the operations during such period in other states and the estimated operations during the registration year for which registration is sought, in the state in which application is being made; or if no operations were conducted during such period a full statement of the proposed method of operation. If any buses operate in two or more states which permit the proration of registration on the basis of a fleet of buses consisting of a lesser number of vehicles than provided in Article II (g), such fleet may be prorated as to registration in such states, in which event the buses in such fleet shall not be required to register in any other contracting states if each such vehicle is registered in some contracting state, except to the extent it is exempt from registration as provided in Article III (b). If the administrator of any state determines, based on his method of the operation thereof, that the inclusion of a bus or buses as a part of a fleet would adversely affect the proper fleet fee which should be paid to his state, having due regard for fairness and equity, he may refuse to permit any or all of such buses to be included in his state as a part of such fleet. (b) Total Fleet Miles. Total fleet miles, with respect to each contracting state, shall mean the total miles operated by the fleet (1) in such state, (2) in all other contracting states, (3) in other states having proportional registration provisions, (4) in states with which such contracting state has reciprocity, and (5) in such other states as the administrator determines should be included under the circumstances in order to protect or promote the interest of his state; except that in states having laws requiring proration on the basis of a different determination of total fleet miles, total fleet miles shall be determined on such basis. (c) Leased Vehicles. If a bus is operated by a person other than the owner as a part of a fleet which is subject to the provisions of this article, then the operator of such fleet shall be deemed to be the owner of said bus for the purposes of this article. (d) Extent of Privileges. Upon the registration of a fleet in a contracting state pursuant to this article, each bus in the fleet may be operated in both interstate and intrastate operations in such state, except as provided in Article III (e). (e) Application for Proration. The application for proration of registration shall be made in each contracting state upon substantially the application forms and supplements authorized by joint action of the administrators of the contracting states. (f) Issuance of Identification. Upon registration of a fleet, the state which is the base state of a particular bus of the fleet shall issue the required license plates and registration card for such bus and each contracting state in which the fleet of which such bus is a part, operates shall issue a special identification identifying such bus as a part of a fleet which has fully complied with the registration requirements of such state. The required license plates, registration cards and identification shall be appropriately displayed in the manner required by or pursuant to the laws of each respective state. (g) Additions to Fleet. If any bus is added to a prorated fleet after the filing of the original application, the owner shall file a supplemental application. The owner shall register such bus in each contracting state in like manner as provided for buses listed in an original application and the registration fee payable shall be determined on the mileage proportion used to determine the registration fees payable for buses registered under the original application. (h) Withdrawals from Fleet. If any bus is withdrawn from a prorated fleet during the period for which it is registered or identified, the owner shall notify the administrator of each state in which it is registered or identified of such withdrawal and shall return the plates, and registration card or identification as may be required by or pursuant to the laws of the respective states. (i) Audits. The administrator of each contracting state shall, within the statutory authority of such administrator, make any information obtained upon an audit of records of any applicant for proration of registration available to the administrators of the other contracting states. (j) Errors in Registration. If it is determined by the administrator of a contracting state, as a result of such audits or otherwise, that an improper fee has been paid his state, or errors in registration found, the administrator may require the fleet owner to make the necessary corrections in the registration of his fleet and payment of fees. Article V. Reciprocity (a) Grant of Reciprocity. Each of the contracting states grants reciprocity as provided in this article. (b) Applicability. The provisions of this agreement with respect to reciprocity shall apply only to a bus properly registered in the base state of the bus, which state must be a contracting state. (c) Nonapplicability to Fleet Buses. The reciprocity granted pursuant to this article shall not apply to a bus which is entitled to be registered or identified as part of a prorated fleet. (d) Extent of Reciprocity. The reciprocity granted pursuant to this article shall permit the interstate operation of a bus and intrastate operation which is incidental to a trip of such bus involving interstate operation. (e) Other agreements. Nothing in this agreement shall be construed to prohibit any of the contracting states from entering into separate agreements with each other for the granting of temporary permits for the intrastate operation of vehicles registered in the other state; nor to prevent any of the contracting states from entering into agreements to grant reciprocity for intrastate operation within any zone or zones agreed upon by the states. Article VI. Withdrawal or Revocation Any contracting state may withdraw from this agreement upon thirty days written notice to each other contracting state, which notice shall be given only after the repeal of this agreement by the legislature of such state, if adoption was by legislative act, or after renunciation by the appropriate administrative official of such contracting state if the laws thereof empower him so to renounce. Article VII. Construction and Severability This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any state participating herein, the Compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters. (February, 1965, P.A. 546, S. 1; P.A. 87-589, S. 5, 87.) History: P.A. 87-589 made technical changes, restoring text inadvertently lost through computer error.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 253 - Bus Taxation Proration and Reciprocity Agreement Section 14-366. - Commissioner of Motor Vehicles as administrator.

As used in the agreement, with reference to this state, the term “administrator” shall mean the Commissioner of Motor Vehicles. (February, 1965, P.A. 546, S. 2.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 253 - Bus Taxation Proration and Reciprocity Agreement Section 14-367. - Exemptions from coverage and changes in reporting methods.

The commissioner may, by regulation, make such exemptions from the coverage of the agreement as may be appropriate and make such changes in methods for the reporting of any information required to be furnished to this state pursuant to the agreement as, in his judgment, shall be suitable; provided any such exemptions or changes shall not be contrary to the purposes set forth in Article I of the agreement and shall be made in order to permit the continuance of uniformity of practice among the contracting states with respect to buses. (February, 1965, P.A. 546, S. 3.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 253 - Bus Taxation Proration and Reciprocity Agreement Section 14-368. - Governor to give notice of withdrawal.

Unless otherwise provided in any statute withdrawing this state from participation in the agreement, the Governor shall be the officer to give notice of withdrawal therefrom. (February, 1965, P.A. 546, S. 4.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 255 - Snowmobiles, All-Terrain Vehicles, Dirt Bikes and Mini-Motorcycles Section 14-379. - Definitions.

As used in sections 14-379 to 14-390, inclusive, subdivisions (3) and (4) of section 12-430 and sections 12-431, 14-33, 14-163 and 53-205, unless the context otherwise requires: (1) “Commissioner” means the Commissioner of Motor Vehicles; (2) “Snowmobile” means any self-propelled vehicle designed for travel on snow or ice, except vehicles propelled by sail; (3) “Snowmobile dealer” means a person engaged in the business of manufacturing and selling new snowmobiles or selling new or used snowmobiles, or both, having an established place of business for the sale, trade and display of such snowmobiles; (4) “All-terrain vehicle” means a self-propelled vehicle designed to travel over unimproved terrain that has been determined by the Commissioner of Motor Vehicles to be unsuitable for operation on the public highways and is not eligible for registration under chapter 246; (5) “All-terrain vehicle dealer” means any person engaged in the business of manufacturing and selling new all-terrain vehicles, or both, having an established place of business for the manufacture, sale, trade and display of such all-terrain vehicles; and (6) “Operate” means to control the course of or otherwise use a snowmobile or all-terrain vehicle. (1969, P.A. 752, S. 1; 1971, P.A. 848, S. 3; P.A. 10-32, S. 53.) History: 1971 act redefined “operate” to include all-terrain vehicles and defined “all-terrain vehicle” and “all-terrain vehicle dealer”; P.A. 10-32 made technical changes, effective May 10, 2010. All-terrain vehicle qualifies for uninsured motorist coverage under the policy definition. 45 CS 144.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 255 - Snowmobiles, All-Terrain Vehicles, Dirt Bikes and Mini-Motorcycles Section 14-380. - Operation prohibited without valid registration. Exceptions.

On or after October 1, 1971, no person shall operate and no owner shall permit the operation of any snowmobile or all-terrain vehicle unless the owner holds a valid, effective registration awarded by this state or by another state or by the United States, provided such state or district of registration grants substantially similar privileges for snowmobiles or all-terrain vehicles owned by residents of this state and registered under its laws, and unless the identification number set forth in such registration is displayed on such snowmobile or all-terrain vehicle as prescribed in section 14-381, provided every resident of this state shall obtain such registration from this state under the provisions of section 14-381, before such operation shall be lawful. The provisions of this section shall not apply (1) to the operation of a snowmobile or all-terrain vehicle on premises owned or leased by the owner of such snowmobile or all-terrain vehicle or (2) to the operation of a snowmobile in any organized contest as long as such snowmobile is operated in the contest area, provided the owner of such snowmobile holds a valid, effective registration awarded by this state or by another state or the United States. (1969, P.A. 752, S. 2; 1971, P.A. 848, S. 4; 857, S. 1; P.A. 76-202, S. 1, 2; P.A. 80-102.) History: 1971 acts changed date when registration required from October 1, 1969, to October 1, 1971, included all-terrain vehicles in provisions and specified how registration number to be displayed; P.A. 76-202 exempted snowmobiles operated in organized contests from provisions under certain conditions; P.A. 80-102 replaced display specifications with requirement that number be displayed “as prescribed in section 14-381”.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 255 - Snowmobiles, All-Terrain Vehicles, Dirt Bikes and Mini-Motorcycles Section 14-381. - Requirements for registration. Application. Registration plates.

Any owner required to register a snowmobile or all-terrain vehicle shall apply to the commissioner and shall file evidence of ownership by affidavit or document. Upon receipt of an application in proper form and the registration fee, the commissioner shall

assign an identification number and provide the owner with a certificate of registration and registration plate. The registration plate, which shall be affixed by the owner, shall be displayed on the snowmobile or all-terrain vehicle at a place and in a manner prescribed by the commissioner. In addition to such registration plate, each snowmobile and all-terrain vehicle so registered shall display its registration number on each side of its front section, midway between the top and bottom of said front section, in letters or numbers at least three inches in height and made of a reflective material. The certificate of registration shall be carried on such snowmobile or all-terrain vehicle and shall be available for inspection whenever such snowmobile or all-terrain vehicle is being operated. The owner shall pay a fee of thirty dollars for a triennial registration for each snowmobile or all-terrain vehicle so registered and a prorated amount if the registration period is less than three years. (1969, P.A. 752, S. 3; 1971, P.A. 848, S. 5; 857, S. 2; P.A. 73-153; P.A. 75-213, S. 13, 53; P.A. 84-254, S. 54, 62; P.A. 85-525, S. 5, 6; P.A. 87-329, S. 19; P.A. 90-230, S. 83, 101; June 30 Sp. Sess. P.A. 03-4, S. 35; P.A. 13-271, S. 38; P.A. 19-165, S. 11.) History: 1971 acts made provisions applicable to all-terrain vehicles and added specifications for display of registration number; P.A. 73-153 reduced height required for letters in display provision from five to three inches; P.A. 75-213 increased registration fee from \$3 to \$4; P.A. 84-254 periodically increased the fee from \$4 to \$8 as of July 1, 1992; P.A. 85-525 required biennial, rather than annual, registration of snowmobiles and all-terrain vehicles and doubled fee schedule accordingly; P.A. 87-329 maintained the fee at the level existing on and after July 1, 1986, and decreased the fee effective July 1, 1992, to the level formerly existing on and after July 1, 1988; P.A. 90-230 substituted "required to register" for "desiring to register"; June 30 Sp. Sess. P.A. 03-4 increased registration fee to \$20, effective January 1, 2004; P.A. 13-271 substituted provision re registration expiration 2 years after the date of issuance for provision re registration expiration biennially on the last day of March; P.A. 19-165 replaced provision re biennial registration with provision re triennial registration, increased registration fee from \$20 to \$30 and added provision re prorated amount if registration period is less than 3 years, effective January 1, 2020.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 255 - Snowmobiles, All-Terrain Vehicles, Dirt Bikes and Mini-Motorcycles Section 14-382. - Change of address. Transfer of ownership.

(a) Within forty-eight hours after changing his address, the owner of a snowmobile or all-terrain vehicle registered by this state shall file with the commissioner notice in writing of such change. The owner's certificate of registration may be altered or the commissioner may issue a new certificate to indicate the new address. (b) The owner of a snowmobile or all-terrain vehicle registered by this state shall notify the commissioner in writing within twenty-four hours of the transfer of all or any part of his interest in, other than the creation of a security interest, or of the destruction or abandonment of, such snowmobile or all-terrain vehicle and surrender with such notice his certificate of registration and registration plate. Any such transfer, destruction or abandonment shall terminate such certificate. (c) Any person who transfers to another ownership of a snowmobile or all-terrain vehicle registered in this state, upon surrendering the outstanding certificate of registration and registration plate and upon application to the commissioner, may have another snowmobile or all-terrain vehicle registered in his name for the remainder of the registration period. The fee for such transfer which shall accompany the application shall be three dollars, and on and after July 1, 1992, three dollars and fifty cents. (1969, P.A. 752, S. 4; 1971, P.A. 848, S. 6; P.A. 84-254, S. 55, 62; P.A. 87-329, S. 20.) History: 1971 act made provisions applicable to owners of all-terrain vehicles; P.A. 84-254 amended Subsec. (b) to clarify that applications are made to the commissioner and to periodically increase the transfer fee from \$2 to \$4 as of July 1, 1992; P.A. 87-329 maintained the fee at the level existing on and after July 1, 1986, and decreased the fee effective July 1, 1992, to the level formerly existing on and after July 1, 1988.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 255 - Snowmobiles, All-Terrain Vehicles, Dirt Bikes and Mini-Motorcycles Section 14-383 and 14-384. - Registration of snowmobile or all-terrain vehicle dealers. Temporary registration plates.

Sections 14-383 and 14-384 are repealed, effective July 1, 2005. (1969, P.A. 752, S. 5, 6; 1971, P.A. 848, S. 7, 8; P.A. 84-254, S. 56, 62; P.A. 87-329, S. 21; P.A. 05-218, S. 45.)

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 255 - Snowmobiles, All-Terrain Vehicles, Dirt Bikes and Mini-Motorcycles Section 14-385. - Renting or leasing of snowmobiles or all-terrain vehicles. Records required.

Any person who is in the business, in whole or in part, of renting or leasing snowmobiles or all-terrain vehicles shall keep a record of the name and address of every person who rents or leases a snowmobile or all-terrain vehicle, the identification number thereof, the departure date and time and the expected time of return. The record shall be preserved for at least one year. Neither the owner nor any agent or employee of such business shall permit any snowmobile or all-terrain vehicle to depart from the premises of such business unless it is provided, either by the owner or lessee, with such safety devices and equipment as may be required by law. (1969, P.A. 752, S. 7; 1971, P.A. 848, S. 9.) History: 1971 act made provisions applicable to all-terrain vehicles.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 255 - Snowmobiles, All-Terrain Vehicles, Dirt Bikes and Mini-Motorcycles Section 14-386. - Enforcement. Failure to stop snowmobile or all-terrain vehicle upon request.

(a) Any law enforcement officer of the Department of Energy and Environmental Protection, motor vehicle inspector, state police officer, uniformed municipal police officer, constable, state park policeman, state forest policeman or forest ranger may enforce the provisions of sections 14-379 to 14-390, inclusive. (b) No person operating a snowmobile or all-terrain vehicle shall refuse to stop his snowmobile or all-terrain vehicle after being requested or signaled to do so by an authorized law enforcement officer, or the owner or the agent of the owner of the property upon which such snowmobile or all-terrain vehicle is being operated. Any person operating a snowmobile or all-terrain vehicle who refuses to stop his snowmobile or all-terrain vehicle upon such request or such signal by an authorized law enforcement officer shall have committed an infraction. (1969, P.A. 752, S. 8; 1971, P.A. 848, S. 10; 857, S. 3; P.A. 76-381, S. 15; P.A. 11-80, S. 1.) History: 1971 acts gave constables, state park policemen and state forest policemen or forest rangers enforcement powers under Subsec. (a) and amended Subsec. (b) to include all-terrain vehicles in provisions and to require operator of vehicle to stop upon signal of property owner or his agent; P.A. 76-381 replaced provision for \$50 maximum fine with statement that failure to stop is an infraction; pursuant to P.A. 11-80, "Department of Environmental Protection" was changed editorially by the Revisors to "Department of Energy and Environmental Protection" in Subsec. (a), effective July 1, 2011.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 255 - Snowmobiles, All-Terrain Vehicles, Dirt Bikes and Mini-Motorcycles Section 14-386a. - Prohibited manner of operation. Penalty. Liability for property damage.

No person shall operate a snowmobile or all-terrain vehicle in the following manner: (1) At an unreasonable or imprudent rate of speed for existing conditions; (2) in a negligent manner so as to endanger any person or property; or (3) while under the influence of intoxicating liquor or any drug, or both, as provided in subsection (a) of section 14-227a. Any person who violates the provisions of subdivision (1) or (2) of this section, or any regulation relating thereto, shall be fined not more than two hundred fifty dollars for each offense. Any person who violates the provisions of subdivision (3) of this section shall be subject to the penalties set forth in section 14-227a. In addition thereto, the operator or owner, or both, of a snowmobile or all-terrain vehicle, shall be responsible and held accountable to the owner of any land where trees, shrubs, crops, fences or other property have been damaged as a result of travel of such snowmobiles or all-terrain vehicles over such land, or where consequential damage has resulted from such travel. Proof of the registration number of the snowmobile or all-terrain vehicle shall be prima facie evidence in any prosecution or action for damages that the owner was the operator. (P.A. 76-381, S. 17; P.A. 06-147, S. 2.) History: P.A. 06-147 amended Subdiv. (3) to replace "while under the influence of intoxicating liquor or any drug, as defined by section 14-227a" with "while under the influence of intoxicating liquor or any drug, or both, as provided in subsection (a) of section 14-227a", made existing fine applicable only to violations of Subdiv. (1) or (2) of section or related regulation, and provided that any person who violates the provisions of Subdiv. (3) shall be subject to the penalties set forth in Sec. 14-227a.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 255 - Snowmobiles, All-Terrain Vehicles, Dirt Bikes and Mini-Motorcycles Section 14-387. - Rules of operation. Violations.

No person shall operate a snowmobile or all-terrain vehicle in the following manner: (1) On any public highway, except such snowmobile or all-terrain vehicle, if operated by a licensed motor vehicle operator, may cross a public highway if the crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a location where no obstruction prevents a quick and safe crossing, the snowmobile or all-terrain vehicle is completely stopped before entering the traveled portion of the highway and the driver yields the right-of-way to motor vehicles using the highway, provided nothing in this subsection shall be construed to permit the operation of a snowmobile or all-terrain vehicle on a limited access highway, as defined in subsection (a) of section 13a-1; (2) in such a manner that the exhaust of the snowmobile or all-terrain vehicle makes an excessive or unusual noise; (3) without a functioning muffler, subject to the provisions of section 14-80, properly operating brakes, sufficient and adequate front and rear lighting and reflecting devices, except an all-terrain vehicle with an engine size of ninety cubic centimeters or less shall not be required to be equipped with front and rear lighting and shall not be operated after dark; (4) in any manner which would cause harassment of any game or domestic animal; (5) on any land without the written permission of the owner, or the agent of the owner, or in the case of state-owned land, without the written permission of the state agency or institution under whose control such land is, or in the case of land under the jurisdiction of a local municipality without the written permission of such municipality, which written permission shall be carried on the person operating the all-terrain vehicle while on such land; and (6) on any railroad right-of-way. Nothing in sections 14-379 to 14-390, inclusive, shall preclude the operation of a snowmobile or all-terrain vehicle (A) on the frozen surface of any public body of water, provided any municipality may by ordinance regulate the hours of operation of snowmobiles and all-terrain vehicles on public waters within such municipality and provided the operation of a snowmobile or all-terrain vehicle shall be subject to the provisions of section 25-43c; or (B) on any abandoned or disused railroad right-of-way or in any place or upon any land specifically designated for the operation of snowmobiles and all-terrain vehicles by statute, regulation or local ordinance. Any person who violates any provision of this section shall have committed a separate infraction for each such violation. (1969, P.A. 752, S. 9; 1971, P.A. 848, S. 11; 857, S. 4; 1972, P.A. 294, S. 15; P.A. 76-381, S. 16; P.A. 84-429, S. 69; P.A. 86-249, S. 8; P.A. 93-405, S. 2; P.A. 03-276, S. 4.) History: 1971 acts made provisions applicable to all-terrain vehicles, included domestic animals in Subdiv. (7), added Subdivs. (8) and (9) re operation on agricultural or posted land or on railroad rights-of-way, specifically stated right to operate vehicle on abandoned rights-of-way or on land specifically designated for the purpose and allowed regulation of hours of operation on public waters by ordinance; 1972 act included all-terrain vehicles in provision re operation on public waters; P.A. 76-381 deleted Subdivs. (2) to (4) banning operation at unreasonable rate of speed, in negligent

manner or under influence of intoxicating liquor or drugs, renumbering remaining Subdivs. accordingly, replaced numeric designators in exemption with alphabetic ones and added provision that violator deemed to have committed an infraction; P.A. 84-429 made technical change for statutory consistency; P.A. 86-249 amended Subsec. (6)(A) by adding provision making the operation of snowmobiles or all-terrain vehicles on frozen surfaces of public waters subject to Sec. 25-43c; P.A. 93-405 amended Subdiv. (3) to provide that an all-terrain vehicle with an engine size of ninety cubic centimeters or less shall not be required to have front and rear lighting and shall not be operated after dark; P.A. 03-276 amended Subdiv. (5) by deleting “fenced agricultural land or posted” and by adding “which written permission shall be carried on the person operating the all-terrain vehicle while on such land”, effective July 1, 2003. See Sec. 23-26g re infractions committed through violations of regulations re operation of all-terrain vehicles on state land.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 255 - Snowmobiles, All-Terrain Vehicles, Dirt Bikes and Mini-Motorcycles Section 14-388. - Penalties. Liability.

Except as otherwise provided, any person who violates any of sections 14-379 to 14-390, inclusive, or any regulation relating thereto shall have committed an infraction for each such offense. In addition thereto the operator or owner, or both, of a snowmobile or all-terrain vehicle, shall be responsible and held accountable to the owner of any land where trees, shrubs, crops, fences or other property have been damaged as a result of travel of such snowmobiles or all-terrain vehicles over such land, or where consequential damage has resulted from such travel. Proof of the registration number of the snowmobile or all-terrain vehicle shall be prima facie evidence in any prosecution or action for damages that the owner was the operator. (1969, P.A. 752, S. 10; 1971, P.A. 848, S. 12; 857, S. 5; P.A. 76-381, S. 18.) History: 1971 acts included all-terrain vehicles in provisions, included in responsibilities liability for damage to crops and fences and added reference to action for damages and consequential damage; P.A. 76-381 replaced provision for \$250 maximum fine with statement that violation is an infraction unless otherwise provided. See Sec. 23-26g re penalties for violation of regulations re operation of all-terrain vehicles on state land.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 255 - Snowmobiles, All-Terrain Vehicles, Dirt Bikes and Mini-Motorcycles Section 14-389. - Administration by Commissioner of Motor Vehicles. Reciprocal agreements.

In the performance of his duties under sections 14-379 to 14-390, inclusive, the commissioner shall (1) prescribe uniform standards for such safety devices and equipment as he deems necessary and certify the types of devices and equipment which meet such standards and (2) promulgate such regulations respecting the registration, operation, sale and leasing of snowmobiles and all-terrain vehicles as he finds necessary for public safety. The commissioner may enter into reciprocal agreements with the commissioner of motor vehicles or other like authority of any other state for the purposes of carrying out the provisions of said sections. (1969, P.A. 752, S. 12; 1971, P.A. 848, S. 13.) History: 1971 act made provisions applicable to all-terrain vehicles. See Secs. 23-26b, 23-26d and 23-26f re powers of Commissioner of Energy and Environmental Protection to regulate all-terrain vehicles operating on state land.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 255 - Snowmobiles, All-Terrain Vehicles, Dirt Bikes and Mini-Motorcycles Section 14-390. - Municipal regulation of operation and use of snowmobiles and all-terrain vehicles. Penalties. Seizure and forfeiture.

(a) Any municipality may, by ordinance, regulate the operation and use, including hours and zones of use, of snowmobiles and all-terrain vehicles in a manner not inconsistent with the provisions of this section and sections 14-379 to 14-389, inclusive, or any regulations adopted pursuant thereto, and may (1) prescribe a penalty for violation of such ordinance in an amount not to exceed one thousand dollars for a first violation, in an amount not to exceed one thousand five hundred dollars for a second violation, and in an amount not to exceed two thousand dollars for a third or subsequent violation, and (2) provide for the seizure and forfeiture to the municipality of such all-terrain vehicle for a violation of such ordinance, subject to any bona fide lien, lease or security interest in the all-terrain vehicle, including, but not limited to, a lien under section 14-66c. (b) No all-terrain vehicle shall be forfeited under an ordinance adopted pursuant to this section to the extent of the interest of an owner or lienholder by reason of any act or omission committed by another person if such owner or lienholder did not know and could not have reasonably known that such all-terrain vehicle was being used or was intended to be used in violation of a municipal ordinance. (c) Any all-terrain vehicle ordered forfeited pursuant to such an ordinance shall be sold at public auction conducted by the municipality. The proceeds of such sale shall be paid to the treasurer of the municipality, who shall deposit such proceeds into the general fund of the municipality. (P.A. 73-318, S. 1, 2; P.A. 13-154, S. 2; P.A. 16-208, S. 2; P.A. 21-175, S. 57; P.A. 22-44, S. 27.) History: P.A. 13-154 added provision re municipality may prescribe penalty for violation of ordinance not to exceed \$1,000 for first violation, \$1,500 for second violation and \$2,000 for third or subsequent violation; P.A. 16-208 designated existing provisions re municipal ordinance re operation and use of snowmobiles and all-terrain vehicles as Subsec. (a) and amended same by making technical changes, designated existing provision re penalties as Subdiv. (1), added Subdiv. (2) re seizure and forfeiture of all-terrain vehicle in case of municipality with population of 20,000 or more, added Subsec. (b) re exception to forfeiture, and added Subsec. (c) re sale at public auction of forfeited all-terrain vehicle; P.A. 21-175 amended Subsec. (a)(2) by deleting “in the case of a municipality with a population of 20,000 or more”; P.A. 22-44 amended Subsec. (a) to make technical changes, effective July 1, 2022.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 255 - Snowmobiles, All-Terrain Vehicles, Dirt Bikes and Mini-Motorcycles Section 14-390f. - All-terrain vehicles: Effect of U.S. District Court consent decree.

(a) As used in this section: (1) “All-terrain vehicle” means any three or more wheeled motorized vehicle, generally characterized by large, low-pressure tires, a seat designed to be straddled by the operator and handlebars for steering, which is intended for off-road use by an individual rider on various types of nonpaved terrain. “All-terrain vehicle” does not include trail bikes, golf carts, agricultural tractors, farm implements, construction machines and low-speed vehicles; (2) “All-terrain vehicle dealer” means any person engaged in the business of selling, leasing or renting all-terrain vehicles at retail, at a regular place of business; and (3) “All-Terrain Vehicle Consent Decree” means the consent decree approved by the United States District Court for the District of Columbia on April 28, 1988, in settlement of Civil Action No. 87-3525, U.S. v. American Honda, et al. (b) Each all-terrain vehicle offered for sale, lease or rental by an all-terrain vehicle dealer shall bear the safety warning hang tags pursuant to Paragraph H.3.b.(4) (a) of the All-Terrain Vehicle Consent Decree. Each all-terrain vehicle dealer shall: (1) Deliver a copy of the all-terrain vehicle safety alert to each all-terrain vehicle purchaser pursuant to Paragraph H.3.b. (4)(c) of the All-Terrain Vehicle Consent Decree; (2) prominently display the safety poster, pursuant to Paragraph H.3.b.(4) (d) of the All-Terrain Vehicle Consent Decree; (3) have the safety video readily available for viewing by prospective and actual all-terrain vehicle purchasers pursuant to Paragraph H.3.b (4)(b) of the All-Terrain Vehicle Consent Decree; (4) conform to the guidelines for advertising and promotional materials attached as Appendix K to the All-Terrain Vehicle Consent Decree; (5) represent affirmatively, including in print and electronic media for advertising or promoting all-terrain vehicles and in point-of-purchase oral communications, that all-terrain vehicles with engine sizes of more than ninety cubic centimeters shall be used only by persons sixteen years of age or older; (6) comply with point-of-purchase communication requirements of the All-Terrain Vehicle Consent Decree; (7) orally inform the prospective or actual all-terrain vehicle purchaser of the free training courses offered by the manufacturers pursuant to Paragraph K of the final All-Terrain Vehicle Consent Decree and of the financial incentives for taking the course. Oral communications of all-terrain vehicle dealers shall not contain information inconsistent with any safety-related requirements of this section. (c) Any person who violates any provision of subsection (b) of this section shall have committed an infraction. (P.A. 91-399; P.A. 24-20, S. 36.) History: P.A. 24-20 amended Subsec. (a)(1) to add reference to low-speed vehicles and make technical changes.

2024 Connecticut General Statutes Title 14 - Motor Vehicles. Use of the Highway by Vehicles. Gasoline Chapter 255 - Snowmobiles, All-Terrain Vehicles, Dirt Bikes and Mini-Motorcycles Section 14-390m. - Municipal regulation of operation and use of dirt bikes and mini-motorcycles on public property. Penalties. Seizure and forfeiture.

(a) Any municipality that adopts an ordinance pursuant to section 7-148 to regulate the operation and use on public property, including hours of use, of dirt bikes or mini-motorcycles may prescribe a penalty for violation of such ordinance (1) in an amount not to exceed one thousand dollars for a first violation, in an amount not to exceed one thousand five hundred dollars for a second violation and in an amount not to exceed two thousand dollars for a third or subsequent violation, and (2) in the case of a municipality with a population of twenty thousand or more, to provide for the seizure and forfeiture to the municipality of such dirt bike or mini-motorcycle for violation of such ordinance, subject to any bona fide lien, lease or security interest in the dirt bike or mini-motorcycle, including, but not limited to, a lien under section 14-66c. (b) No dirt bike or mini-motorcycle shall be forfeited under an ordinance adopted pursuant to this section to the extent of the interest of an owner or lienholder by reason of any act or omission committed by another person if such owner or lienholder did not know and could not have reasonably known that such dirt bike or mini-motorcycle was being used or was intended to be used in violation of a municipal ordinance. (c) Any dirt bike or mini-motorcycle ordered forfeited pursuant to such an ordinance shall be sold at public auction conducted by the municipality. The proceeds of such sale shall be paid to the treasurer of the municipality, who shall deposit such proceeds into the general fund of the municipality. (d) For the purposes of this section and section 7-148, (1) “dirt bike” means a two-wheeled motorized recreational vehicle designed to travel over unimproved terrain and not designed for travel on a highway, as defined in section 14-1. “Dirt bike” does not include an all-terrain vehicle, as defined in section 14-379, or a motor-driven cycle, as defined in section 14-1, and (2) “mini-motorcycle” has the same meaning as provided in section 14-289j. (P.A. 13-154, S. 1; P.A. 16-208, S. 1.) History: P.A. 16-208 designated existing provisions re municipal ordinance re operation and use of dirt bikes on public property as Subsec. (a) and amended same by adding reference to mini-motorcycles and making a technical change, designated existing provision re penalties as Subdiv. (1) and added Subdiv. (2) re seizure and forfeiture of dirt bike or mini-motorcycle in case of municipality with population of 20,000 or more, added Subsec. (b) re exception to forfeiture, added Subsec. (c) re sale at public auction of forfeited dirt bike or mini-motorcycle, and designated existing provision re definition of “dirt bike” as Subsec. (d)(1) and further amended Subsec. (d) by adding Subdiv. (2) re definition of “mini-motorcycle”.

Title: title-30

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-1. - Definitions.

For the purposes of this chapter, unless the context indicates a different meaning: (1) “Airline” means any (A) United States airline carrier holding a certificate of public convenience and necessity from the Civil Aeronautics Board under Section 401 of the Federal Aviation Act of 1958, as amended from time to time, or (B) foreign flag carrier holding a permit under Section 402 of said act. (2)

“Alcohol” (A) means the product of distillation of any fermented liquid that is rectified at least once and regardless of such liquid's origin, and (B) includes synthetic ethyl alcohol which is considered nonpotable. (3) “Alcoholic beverage” and “alcoholic liquor” include the four varieties of liquor defined in subdivisions (2), (5), (20) and (21) of this section (alcohol, beer, spirits and wine) and every liquid or solid, patented or unpatented, containing alcohol, beer, spirits or wine and at least one-half of one per cent alcohol by volume, and capable of being consumed by a human being as a beverage. Any liquid or solid containing more than one of the four varieties so defined belongs to the variety which has the highest percentage of alcohol according to the following order: Alcohol, spirits, wine and beer, except as provided in subdivision (21) of this section. (4) “Backer” means, except in cases where the permittee is the proprietor, the proprietor of any business or club, incorporated or unincorporated, that is engaged in manufacturing or selling alcoholic liquor and in which business a permittee is associated, whether as an agent, employee or part owner. (5) “Beer” means any beverage obtained by the alcoholic fermentation of a decoction or infusion of barley, hops and malt in drinking water. (6) “Boat” means any vessel that is (A) operating on any waterway of this state, and (B) engaged in transporting passengers for hire to or from any port of this state. (7) “Case price” means the price of a container made of cardboard, wood or any other material and containing units of the same class and size of alcoholic liquor. A case of alcoholic liquor, other than beer, cocktails, cordials, prepared mixed drinks and wines, shall be in the quantity and number, or fewer, with the permission of the Commissioner of Consumer Protection, of bottles or units as follows: (A) Six one thousand seven hundred fifty milliliter bottles, (B) six one thousand eight hundred milliliter bottles, (C) twelve seven hundred milliliter bottles, (D) twelve seven hundred twenty milliliter bottles, (E) twelve seven hundred fifty milliliter bottles, (F) twelve nine hundred milliliter bottles, (G) twelve one liter bottles, (H) twenty-four three hundred seventy-five milliliter bottles, (I) forty-eight two hundred milliliter bottles, (J) sixty one hundred milliliter bottles, or (K) one hundred twenty fifty milliliter bottles, except a case of fifty milliliter bottles may be in a quantity and number as originally configured, packaged and sold by the manufacturer or out-of-state shipper prior to shipment if the number of such bottles in such case is not greater than two hundred. The commissioner shall not authorize fewer quantities or numbers of bottles or units as specified in this subdivision for any one person or entity more than eight times in any calendar year. For the purposes of this subdivision, “class” has the same meaning as provided in 27 CFR 4.21 for wine, 27 CFR 5.22 for spirits and 27 CFR 7.24 for beer. (8) “Club” has the same meaning as provided in section 30-22aa. (9) “Coliseum” has the same meaning as provided in section 30-33a. (10) “Commission” means the Liquor Control Commission established under this chapter. (11) “Department” means the Department of Consumer Protection. (12) “Dining room” means any room or rooms (A) located in premises operating under (i) a hotel permit issued under section 30-21, (ii) a restaurant permit issued under subsection (a) of section 30-22, (iii) a restaurant permit for wine and beer issued under subsection (b) of section 30-22, or (iv) a cafe permit issued under section 30-22a, and (B) where meals are customarily served to any member of the public who has means of payment and a proper demeanor. (13) “Mead” means fermented honey (A) with or without additions or adjunct ingredients, and (B) regardless of (i) alcohol content, (ii) process, and (iii) whether such honey is carbonated, sparkling or still. (14) “Minor” means any person who is younger than twenty-one years of age. (15) “Noncommercial entity” means an academic institution, charitable organization, government organization, nonprofit organization or similar entity that is not primarily dedicated to obtaining a commercial advantage or monetary compensation. (16) “Nonprofit club” has the same meaning as provided in section 30-22aa. (17) (A) “Person” means an individual, including, but not limited to, a partner. (B) “Person” does not include a corporation, joint stock company, limited liability company or other association of individuals. (18) (A) “Proprietor” includes all owners of a business or club, incorporated or unincorporated, that is engaged in manufacturing or selling alcoholic liquor, whether such owners are persons, fiduciaries, joint stock companies, stockholders of corporations or otherwise. (B) “Proprietor” does not include any person who, or corporation that, is merely a creditor, whether as a bond holder, franchisor, landlord or note holder, of a business or club, incorporated or unincorporated, that is engaged in manufacturing or selling alcoholic liquor. (19) “Restaurant” has the same meaning as provided in section 30-22. (20) “Spirits” means any beverage that contains alcohol obtained by distillation mixed with drinkable water and other substances in solution, including brandy, rum, whiskey and gin. (21) “Wine” means any alcoholic beverage obtained by fermenting the natural sugar content of fruits, such as apples, grapes or other agricultural products, containing such sugar, including fortified wines such as port, sherry and champagne. (1949 Rev., S. 4222; 1951, 1953, S. 2148d; 1957, P.A. 267, S. 1; 617, S. 1; 1959, P.A. 590; 1961, P.A. 292; 1963, P.A. 274, S. 1; February, 1965, P.A. 512; 553, S. 1; 1967, P.A. 365, S. 1; 725, S. 1; 1969, P.A. 135, S. 1; 724, S. 1; 739; 1971, P.A. 254, S. 1; 1972, P.A. 127, S. 57; P.A. 73-222; 73-533, S. 1; 73-543, S. 1; 73-563, S. 1; P.A. 74-307, S. 1; P.A. 75-259, S. 1, 8; 75-641, S. 1; P.A. 77-614, S. 165, 587, 610; P.A. 78-80, S. 1, 4; 78-82, S. 2; 78-202, S. 1, 2, 5; 78-294, S. 1, 5; 78-303, S. 80, 85, 136; P.A. 79-404, S. 38, 45; P.A. 80-198, S. 2; 80-482, S. 4, 170, 189, 191, 345, 348; P.A. 81-287, S. 1; 81-294, S. 6, 22; P.A. 82-68, S. 1, 11; 82-299, S. 1, 6; P.A. 83-152, S. 2; 83-508, S. 2; P.A. 85-264, S. 1, 4; 85-613, S. 82, 154; P.A. 89-181, S. 1, 6; P.A. 90-72, S. 1; 90-271, S. 18, 24; P.A. 91-118, S. 1; P.A. 93-139, S. 1; 93-326, S. 2; P.A. 95-79, S. 105, 189; 95-195, S. 11, 83; P.A. 03-235, S. 4; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 05-288, S. 132; P.A. 06-94, S. 1; P.A. 16-18, S. 1; P.A. 19-24, S. 2, 3; P.A. 21-10, S. 6; 21-37, S. 54; P.A. 22-104, S. 1; P.A. 23-50, S. 1, 2.) History: 1959 act redefined club to qualify national or international fraternal or social organizations or affiliates in existence in state 1 year; 1961 act redefined case price to include cordials, cocktails, wines and prepared mixed drinks in exception; 1963 act added Subdiv. (21) defining “grocery store”; 1965 acts redefined “hotel” to include golf facilities and swimming pools as part of hotel premises and added Subdiv. (22) defining “golf country club”; 1967 acts added Subdivs. (23) and (24) defining “cafe” and “nonprofit theater”; 1969 acts redefined “bottle price” to specify applicability to alcoholic liquor other than beer and to clarify unit sizes, redefined “golf country club” to allow application for permit by organizations in existence for less than 1 year if certain conditions are met and redefined “case price” similarly for clarity and added Subdiv. (25) defining “nonprofit public art museum”; 1971 act added Subdiv. (26)

defining “charitable organization”; 1972 act redefined “minor” to reflect lowered age of majority, i.e. from 21 to 18; P.A. 73-222 changed population marker in “hotel” definition from 15,000 to 40,000; P.A. 73-533 added Subdivs. (27) to (29) defining “coliseum”, “coliseum club” and “arena”; P.A. 73-543 added Subdiv. (30) defining “airline”; P.A. 73-563 redefined “hotel” adding as determiner of classification number of days food is served per week and whether or not food is served at all times when liquor is served; P.A. 74-307 added Subdiv. (31) defining “special sporting facility”; P.A. 75-259 redefined “case price” to include liter and milliliter bottles; P.A. 75-641 rearranged Subdivs. to place terms defined in alphabetical order; P.A. 77-614 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 78-80 added Subdiv. (32) defining “motel”; P.A. 78-82 added Subdiv. (33) defining “resort”; P.A. 78-202 added Subdiv. (34) defining “special outing facility”; P.A. 78-294 added Subdiv. (35) defining “farm winery”; P.A. 78-303 created exceptions to replacement of liquor control commission with division of liquor control; P.A. 79-404 replaced commission on special revenue with gaming policy board in Subdiv. (28); P.A. 80-198 included sales of wine in definition of “tavern”; P.A. 80-482 (See Secs. 4, 170 and 191) made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 81-287 amended Subdiv. (11), defining “club”, to include definition of “nonprofit club”; P.A. 81-294 amended Subdiv. (7), defining “bottle price”, to include references to metric units and to allow increases greater than the previously stated amounts of two, four or eight cents in determining bottle price, effective January 1, 1982; P.A. 82-68 amended Subdiv. (20) by redefining “minor” as a person under 19 years of age, raising the age from 18; P.A. 82-299 added Subdiv. (36) defining “catering establishment”; P.A. 83-152 added a new Subdiv. (37) defining “nonprofit public television corporation”; P.A. 83-508 amended Subdiv. (20) by redefining “minor” as a person under 20 years of age, raising the age from 19; P.A. 85-264 redefined “minor” in Subdiv. (20) as any person under 21 years of age other than a person who has attained the age of 20 on or before September 1, 1985; P.A. 85-613 made technical change in Subdiv. (9); P.A. 89-181 added a new Subdiv. (38) defining “brew pub”; P.A. 90-72 added Subdiv. (15)(B) re an alternative definition of “golf country club”; P.A. 90-271 made a technical change in Subdiv. (2); P.A. 91-118 amended Subdiv. (21) by deleting “art” before “museum”, thus defining a permit that could be obtained by all nonprofit public museums, without regard to whether “art” was displayed there and deleted the word “floor”, before “area”, in the phrase “one hundred thousand square feet of floor area”; P.A. 93-139 made technical changes, amended the definitions of “alcoholic liquor”, “minor” and “dining room”, entirely redefined “club”, “coliseum”, “golf country club”, “restaurant”, “special sporting facility” and “nonprofit public television corporation” and deleted the definitions of “arena”, “bottle price”, “cafe”, “nonprofit club”, “coliseum club”, “grocery store”, “hotel”, “licensed pharmacist” or “licensed druggist”, “licensed pharmacy”, “nonprofit public museum”, “nonprofit theater”, “pharmacy commission”, “tavern”, “motel”, “resort”, “special outing facility”, “farm winery”, “catering establishment” and “brew pub”; P.A. 93-326 would have redefined “special outing facility” to reduce pavilion seating capacity from two hundred fifty people to one hundred fifty people, but failed to take effect since that definition was repealed by P.A. 93-139; P.A. 95-79 redefined “person” to exclude limited liability companies, effective May 31, 1995; P.A. 95-195 amended Subdiv. (10) to substitute Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 03-235 amended Subdiv. (6) by adding ninety-six 100-milliliter bottles to definition of “case price”, effective June 26, 2003; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 05-288 made a technical change in Subdiv. (14), effective July 13, 2005; P.A. 06-94 amended Subdiv. (14) to change reference from “subdivision (5)” to “subdivision (4)” and add exclusion for landlords and franchisors in definition of “proprietor”; P.A. 16-18 amended Subdiv. (6) to redefine “case price” by adding “, or fewer, with the permission of the Commissioner of Consumer Protection,” and replacing provisions re number and quantity of units or bottles with new provisions re same in Subpara. (B) and adding provision re commissioner not to authorize fewer numbers or quantities of units or bottles, effective May 6, 2016; P.A. 19-24 replaced “(19)” with “(20)” in Subdiv. (3) and redefined “case price” in Subdiv. (6), effective June 5, 2019, and replaced “(19)” with “(20)” in Subdiv. (3), redefined “case price” in Subdiv. (6), deleted former Subdiv. (8) defining “club”, redesignated existing Subdivs. (9) and (10) as new Subdivs. (8) and (9), deleted former Subdiv. (11) defining “golf country club”, added new Subdiv. (10) defining “mead”, redesignated existing Subdivs. (12) to (14) as new Subdivs. (11) to (13), redesignated existing Subdiv. (15) as new Subdiv. (14) and amended same to redefine “dining room”, redesignated existing Subdiv. (16) as new Subdiv. (15), deleted former Subdiv. (17) defining “special sporting facility”, redesignated existing Subdivs. (18) to (20) as new Subdivs. (16) to (18), effective July 1, 2020; P.A. 21-10 amended Subdiv. (3) by replacing references to Subdivs. (16) and (17) with Subdivs. (18) and (19) and a reference to Subdiv. (20) with Subdiv. (19), added new Subdiv. (8) defining “club”, redesignated existing Subdivs. (8) and (9) as Subdivs. (9) and (10), amended Subdiv. (10) by deleting definition of “department”, added new Subdiv. (11) defining “department”, redesignated existing Subdivs. (10) to (18) as Subdivs. (12) to (20), amended Subdiv. (15) by making technical changes and added Subdiv. (21) defining “nonprofit club”, effective May 13, 2021; P.A. 21-37 amended Subdivs. (3) and (13) to make technical changes and amended Subdiv. (14) to redefine “dining room” by adding reference to wine or cafe permit, effective July 1, 2021; P.A. 22-104 amended Subdiv. (1) by dividing existing provisions into Subparas. (A) and (B), amended Subdiv. (2) by dividing existing provisions into Subparas. (A) and (B), added new Subdiv. (6) defining “boat”, redesignated existing Subdivs. (6) to (11) as Subdivs. (7) to (12), amended redesignated Subdiv. (7) by deleting former Subpara. (A) and (B) designators, redesignating existing Subpara. (B)(i) as Subpara. (A), adding new Subpara. (B) and Subparas. (C) and (D) re 1,800 milliliter bottles, 700 milliliter bottles and 720 milliliter bottles, respectively, redesignating existing Subpara. (B)(iii) as Subpara. (E), adding Subpara. (F) re 900 milliliter bottles, redesignating existing Subpara. (B)(ii) as Subpara. (G) and redesignating existing Subparas. (B)(iv) to (B)(vii) as Subparas.

(H) to (K), amended redesignated Subdiv. (8) by dividing existing provisions into Subparas. (A) and (B), redesignated former Subdivs. (16), (20) and (21) as Subdivs. (13), (17) and (16), respectively, amended redesignated Subdiv. (14) by dividing existing provisions into Subparas. (A), (B) and (B)(i) to (B)(iii), redesignated existing Subdiv. (13) as Subdiv. (15), redesignated existing Subdiv. (14) as Subdiv. (18) and divided existing provisions into Subparas. (A) and (B), redesignated existing Subdiv. (15) as Subdiv. (19) and divided existing provisions into Subparas. (A) and (B), redesignated existing Subdiv. (19) as Subdiv. (22), and made technical and conforming changes throughout, effective May 24, 2022; P.A. 23-50 deleted former Subdiv. (8) defining “charitable organization”, redesignated existing Subdivs. (9) to (15) as Subdivs. (8) to (14), added new Subdiv. (15) defining “noncommercial entity”, deleted former Subdiv. (17) defining “nonprofit public television corporation”, redesignated existing Subdivs. (18) to (22) as Subdivs. (17) to (21), and made conforming changes in Subdiv. (3), effective July 1, 2023, and added references to Secs. 30-16d, 30-16e, 30-22f and 30-37u, included in existing reference to “this chapter”, effective October 1, 2023.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-10. - Vote on liquor permit question.

Upon the petition of not less than ten per cent of the electors of any town, lodged with the town clerk at least sixty days before the date of any regular election, as defined in section 9-1, the selectmen of the town shall warn the electors of such town that, at such regular election, a vote shall be taken to determine: (1) Whether or not the sale of alcoholic liquor shall be permitted in such town, or (2) whether the sale of alcoholic liquor shall be permitted in such town in one or more of the classes of permits set forth in section 30-15. Such vote shall be taken in the manner prescribed in sections 9-369 and 30-11, and shall become effective on the first Monday of the month next succeeding such election and shall remain in force until a new vote is taken; provided such vote may be taken at a special election called for the purpose in conformity with the provisions of section 9-164 and provided at least one year shall have elapsed since the previous vote was taken. The provisions of chapter 145 concerning absentee voting at referenda shall apply to all votes taken upon the question of liquor permits. Any class or classes of permits already allowed in a town shall not be affected by any vote unless the petition specifies such class or classes or requests “No Permits”. (1949 Rev., S. 4232; 1953, S. 2150d; February, 1965, P.A. 362, S. 1; 1972, P.A. 294, S. 31; P.A. 79-604, S. 3, 5; P.A. 82-144; P.A. 86-179, S. 51, 53; P.A. 14-217, S. 253.) History: 1965 act replaced reference to beer only sales in Subdiv. (2) with reference to sale of alcoholic liquor “in one or more of the classes of permits set forth in section 30-15”; 1972 act referred to “regular” town elections rather than “annual” elections, deleting provision which allowed vote at special election only for towns with biennial elections; P.A. 79-604 specified that classes of permits already allowed in a town remain unaffected by vote unless specified in petition or “no permits” is requested in petition; P.A. 82-144 moved filing date for petition from 20 to 60 days before the date of election; P.A. 86-179 made technical change; P.A. 14-217 replaced “regular town election” with “regular election, as defined in section 9-1” and made conforming changes, effective June 13, 2014. See Sec. 30-91 re hours and days of closing. Cited. 149 C. 680; 184 C. 75; 191 C. 528.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-100. - Bottle clubs.

(a) A person, partnership, organization, association, society or corporation, not licensed under the provisions of this chapter, shall not, except during the hours when the sale of alcoholic liquor is lawful under the provisions of subsection (a) of section 30-91, own, maintain, lease or otherwise furnish to its members, their guests or other persons any premises, building, apartment or place wherein such members, guests or other persons may engage in the drinking of alcoholic liquor for a fee or other consideration. A fee or other consideration includes the sale of food, mixers, ice or other fluids used with alcoholic drinks, or the storage of alcoholic liquor. (b) A violation of any provision of subsection (a) of this section shall be punishable as provided in section 30-113. (c) Any town may provide by ordinance that the provisions of this section shall not be effective in the town. (1953, S. 2174d, 2175d; P.A. 93-139, S. 70; P.A. 99-194, S. 26.) History: P.A. 93-139 made technical changes and deleted former Subsec. (b) prohibiting sale or dispensing of liquor without a permit by clubs, associations, fraternal organizations, etc., relettering former Subsecs. (c) and (d) accordingly; P.A. 99-194 made a technical change. Regulation is constitutionally valid exercise of police power, both as to its purpose in regulating business which could be dangerous to public health, safety and morals and in the reasonable provisions adopted to accomplish the purpose; putting the risk of knowing the facts on defendant is permissible. 4 Conn. Cir. Ct. 565.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-101. - Pharmacist, breaking law, forfeits permit and license.

Every pharmacist who, by himself, his agent or employee, sells alcoholic liquor to be drunk on the premises shall, upon conviction, forfeit both his druggist's permit for the sale of such liquor and his pharmacist's license, and be subject to the penalties of section 30-113. (1949 Rev., S. 4301.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-102. - Dram Shop Act; liquor seller liable for damage by intoxicated person. No negligence cause of action for sale to person twenty-one years of age or older.

If any person, by such person or such person's agent, sells any alcoholic liquor to an intoxicated person, and such purchaser, in consequence of such intoxication, thereafter injures the person or property of another, such seller shall pay just damages to the

person injured, up to the amount of two hundred fifty thousand dollars, or to persons injured in consequence of such intoxication up to an aggregate amount of two hundred fifty thousand dollars, to be recovered in an action under this section, provided the aggrieved person or persons shall give written notice to such seller of such person's or persons' intention to bring an action under this section. Such notice shall be given (1) within one hundred twenty days of the occurrence of such injury to person or property, or (2) in the case of the death or incapacity of any aggrieved person, within one hundred eighty days of the occurrence of such injury to person or property. Such notice shall specify the time, the date and the person to whom such sale was made, the name and address of the person injured or whose property was damaged, and the time, date and place where the injury to person or property occurred. No action under the provisions of this section shall be brought but within one year from the date of the act or omission complained of. Such injured person shall have no cause of action against such seller for negligence in the sale of alcoholic liquor to a person twenty-one years of age or older. (1949 Rev., S. 4307; 1955, S. 2172d; 1957, P.A. 306; 1959, P.A. 631, S. 1; 1961, P.A. 432; P.A. 74-144, S. 1, 2; P.A. 86-338, S. 7; P.A. 87-227, S. 11; P.A. 03-91, S. 1; P.A. 06-69, S. 1; P.A. 07-165, S. 1.) History: 1959 act limited recovery to \$25,000 and extended the notice period from 60 to 90 days; 1961 act reduced recoverable amount to \$20,000 and notice period to 60 days and placed \$50,000 limitation on aggregate amount recoverable; P.A. 74-144 specified factors to be considered in computing 60-day period; P.A. 86-338 added Subsec. (b) establishing a rebuttable presumption that the last seller is solely liable; P.A. 87-227 deleted provision added in 1986 which established a rebuttable presumption that the last seller is solely liable; P.A. 03-91 made technical changes for the purpose of gender neutrality, raised damages limits to \$250,000 for injured person or persons and prohibited negligence action against seller for sale of alcoholic liquor to person 21 years of age or older, effective June 3, 2003; P.A. 06-69 extended notice period from 60 to 120 days and deleted provision re time excluded from computation of 60-day period, effective October 1, 2006, and applicable to causes of action arising on or after that date; P.A. 07-165 repositioned existing provision re written notice within 120 days of occurrence of injury as Subdiv. (1) and added provision re notice in case of death or incapacity of aggrieved person as Subdiv. (2), effective July 1, 2007, and applicable to causes of action arising on or after that date. Prior to 1957 amendment, statute governed by a 3-year statute of limitations. 142 C. 452. It is not necessary to prove a causal connection between the sale of the intoxicating liquor and the injury; the delict defined is not the sale of liquor to create the condition of intoxication but sale to one already intoxicated. 143 C. 53. The word "sell" is used in the sense of purvey or furnish; the dispensing of food in a restaurant for consumption on the premises does not constitute a sale but rather a service; a permit to sell liquor is a matter of privilege and not of right; by engaging in the liquor business, the permittee assumes the risk of a variety of situations which could impose liability on him; it is not an unconstitutional exercise of the police power for a permittee who sells in violation of the law to be prevented from defending on the ground that the particular drink which he sold did not cause or contribute to the buyer's intoxication; the furnishing of intoxicants for a price to a group of 2 or more in one company may be considered a sale to each member of that group. 144 C. 241. 1959 act limiting recovery to \$25,000 held substantive in nature and not applicable to pending action. 149 C. 402. Requirement of written notice to seller does not require plaintiff to give a "signed" written notice. *Id.*, 405. Dram Shop Act modifies common law rule that the proximate cause of intoxication is consumption of liquor, not furnishing of it, and is restricted to its terms; history of section. 154 C. 432. As a matter of law, negligent act of seller or donor of intoxicating beverages is not a substantial factor in recipient's injury of third party. 170 C. 356. Cited. 176 C. 676; 180 C. 252. There is no common law right of action in negligence against one who furnishes intoxicating liquor to another who becomes intoxicated and causes injury; however, an individual may be liable for the injurious consequences of wanton and reckless conduct in furnishing alcoholic beverages to another. 181 C. 355. Cited. 187 C. 147. To recover under statute, an essential element is proof that patron was intoxicated; to be intoxicated is something more than to be merely under the influence of, or affected to some extent by, liquor; it means an abnormal or physical condition due to the influence of intoxicating liquors, a visible excitation of the passions and impairment of the judgment, or a derangement or impairment of physical functions and energies. 196 C. 341. Cited. 201 C. 385. Payments under this section not encompassed by set off provisions of Sec. 38-175c(b)(1). 205 C. 178. Cited. 207 C. 88; 211 C. 67. Neither common law negligence action nor a public nuisance action exist against commercial vendor selling intoxicating liquor to an adult who because of his intoxication thereafter injures another. 213 C. 343. Cited. 214 C. 1; 223 C. 22. Section creates cause of action; does not require insurance coverage. *Id.*, 31. Cited. 233 C. 174; 236 C. 670. Dram Shop Act does not occupy the field so as to preclude a common-law action in negligence against purveyor of alcoholic beverages for service of alcoholic liquor to an adult patron who, as a result of intoxication, injures another. 262 C. 312. Intoxication under section requires both an internal effect and an external manifestation; plaintiff not entitled to judgment in his favor without proving that patron was visibly or otherwise perceptibly intoxicated when sold alcoholic liquor. 307 C. 231. Cited. 6 CA 491; 11 CA 122; *Id.*, 420; 15 CA 392; 16 CA 497; 22 CA 384; 26 CA 509; 31 CA 757; 34 CA 655. 60-day notice requirement is a condition precedent to maintaining an action that alleges only a violation of Dram Shop Act. 53 CA 282. Bar and restaurant owners may be liable for harm caused by employees consuming liquor on the job. 82 CA 186. To prove intoxication pursuant to section, plaintiff must present evidence showing visible or perceptible intoxication. 128 CA 794; judgment affirmed in part, see 307 C. 231. Award of interest pursuant to Sec. 52-192a for an unaccepted offer of compromise, in addition to judgment award of \$250,000 as limited by this section, did not undermine the legislative purpose of limiting recoverable damages under Dram Shop Act. 136 CA 805. Under former section, 1-year limitation period under statute enumerating classes of torts did not apply. 18 CS 224. Corporation is liable as seller; history of section reviewed. *Id.*, 271. Statute is compensatory as well as criminal; public policy not against a liquor seller insuring against his liability. 19 CS 222. Permittee not liable under statute for injuries to the intoxicated person himself. *Id.*, 311. Connecticut will enforce provisions of the New York Dram Shop Act where injury occurred in this state. 20 CS 165. Court could not enlarge upon the cause of action created by the legislature. *Id.*, 183. By "just damages" is meant compensatory, rather than exemplary or punitive, damages.

22 CS 297. Notice provision is mandatory and not excused by death of person injured. 23 CS 104. Statute does not specify no action shall be maintained unless requirement of notice is met, only limitation being that action be brought within 1 year from date of act or omission complained of. Id., 146. Dram Shop Act does not give remedy to one who joins and participates in and contributes to its violation. Id., 193. The 60-day notice is a condition precedent to bringing of action. 25 CS 1. Notice which contained no information relative to the names of the persons to whom the sale was made, held invalid. 31 CS 405. Contributory negligence and assumption of risk not defenses to dram shop action; participation defense discussed. 35 CS 91. "Participation" and "assumption of risk" are not applicable defenses. 39 CS 20. Sufficiency of notice discussed. 40 CS 48. Cited. Id., 331. Constitutionality of act no longer an open question. 4 Conn. Cir. Ct. 89.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-103. - Contracts and actions based on illegal sales.

All contracts, conveyances, liens, attachments and securities, any part of the consideration of which has been the illegal sale of alcoholic liquor, shall be void; and no action of any kind shall be maintained for the price of any such liquor sold in any other state or country contrary to its laws, or sold anywhere with intent to enable any person to violate any law of this state relating to the sale of such liquor, nor shall any action be maintained for the recovery of the possession of any such liquors held by the owner or possessor thereof contrary to law, or for damages for the seizure of the same; but the provisions of this section shall not affect the holder of any property or chose in action, who may have taken the same in good faith and without notice of any defect in the inception or transfer of its title. (1949 Rev., S. 4314.) If inducements to purchase were given in contravention of regulation, the sales were rendered void. 128 C. 436.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-104. - Jurisdiction.

Section 30-104 is repealed. (1949 Rev., S. 4308; 1959, P.A. 28, S. 204.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-105. - Prosecutions.

The state's attorneys and the assistant or deputy assistant state's attorneys shall have the right to bring and prosecute all violations of the laws relating to the sale of alcoholic liquor. (1949 Rev., S. 4309; 1959, P.A. 28, S. 66; 1963, P.A. 642, S. 34; P.A. 74-183, S. 266, 291; P.A. 76-436, S. 229, 681.) History: 1959 act removed references to prosecuting officers of municipal courts and prosecuting grand jurors and added circuit court; 1963 act deleted reference to prosecution power of court of common pleas; P.A. 74-183 replaced circuit court with court of common pleas; P.A. 76-436 replaced reference to the state's attorney and prosecuting attorneys of court of common pleas with reference to state's attorneys and assistant or deputy assistant state's attorneys, effective July 1, 1978.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-106. - Entry into disorderly house by officer.

Every officer who has a warrant for the arrest of any person charged with keeping a house of ill-fame, or a house reputed to be a house of ill-fame, or a house of assignation or a house where lewd, dissolute or drunken persons resort, or where drinking, carousing, dancing and fighting are permitted, to the disturbance of the neighbors, or with violating any law against gaming in the house or rooms occupied by such person, or with resorting to any house for any of said purposes, and every officer who has a warrant for the arrest of any person charged with keeping open any room, place, enclosure, building or structure, of any kind or description, in which it is reputed that alcoholic liquor is exposed for sale contrary to law, or with selling alcoholic liquor in any place contrary to law, or for the seizure of alcoholic liquor, may, at any time, for the purpose of gaining admission to such house, room, place, enclosure, building or structure, or for the purpose of arresting any of the persons aforesaid, make violent entry into such house, room, place, enclosure, building or structure, or any part thereof, after demanding admittance and giving notice that the officer is an officer and has such warrant, and may arrest any person so charged and take such person before the proper authority. The Department of Consumer Protection, its agents and any member of any organized police department in any town, city or borough, and any state policeman, may, at any time, enter upon the premises of any permittee to ascertain the manner in which such person conducts business and to preserve order. (1949 Rev., S. 4310; 1959, P.A. 516; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 80, 83; P.A. 00-99, S. 80, 154; P.A. 01-195, S. 94, 181; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.) History: 1959 act substituted, for entry on permit premises, any member of organized police department for chief or policeman authorized by him; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 00-99 deleted reference to the sheriff of the county and any specially authorized deputy sheriff, effective December 1, 2000; P.A. 01-195 made technical changes for purposes of gender neutrality, effective July 11, 2001; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of

Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004. Cited. 153 C. 155. Voluntary admittance of officer does not constitute forcible, warrantless entry; no illegal search and seizure. 160 C. 1. Cited. 226 C. 418. City police without warrants are not within the class of persons authorized by statute. 13 CS 171.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-107. - Arrest and seizure without warrant. Disposition of illegal liquor.

Any official so authorized in section 54-1f may, without a warrant, arrest any person whom he finds in the act of illegally manufacturing or selling alcoholic liquor, and seize the liquor, vessels and implements of manufacture or sale in the possession of such person and detain them in some place of safekeeping. Any property seized pursuant to this section may be adjudged a nuisance by the judge or court having jurisdiction of such arrested person and ordered destroyed or otherwise disposed of in the manner provided in section 54-33g. (1949 Rev., S. 4313; 1959, P.A. 28, S. 169; 1971, P.A. 130.) History: 1959 act substituted circuit court judge for trial justice; 1971 act replaced list of specific officials having arrest powers with reference to officials "so authorized in section 6-49", deleted detailed provisions setting forth procedure to be followed in obtaining warrant following arrest made without warrant and authorized judge or court to declare seized property a nuisance and to order its destruction or disposition. Articles not excluded as evidence because seized in violation of prohibition against unreasonable searches and seizures. 120 C. 573. Cited. 24 CS 32. Cited. 4 Conn. Cir. Ct. 127.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-108. - Court may order analysis of liquor.

When any prosecution is pending for manufacturing, selling or keeping with intent to sell any alcoholic liquor, and a sample of such liquor is presented in court, the court may order such sample to be conveyed to a state chemist for analysis and may adjourn the trial of such prosecution a reasonable time for such analysis. (1949 Rev., S. 4315.) Analysis of alcoholic content by state's chemist entitled to full credit though liquors are destroyed before accused can procure an analysis. 103 C. 145. Analysis by state chemist not exclusive method of proof. 119 C. 439. Not applicable to hearing before Liquor Control Commission concerning after hour sales. 160 C. 1. Cited. 23 CS 281.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-109. - State chemist to analyze samples. Copies of analysis to be evidence.

Each state chemist shall analyze all samples of alcoholic liquor presented to him for that purpose by any legal officer and keep a record of all such samples, stating the kind of liquor, the name and address of the person from whom he received it and the result of his analysis. Copies of records of any analysis of liquors, made by a state chemist or a United States government chemist and certified by him, shall be legal evidence of the facts stated in such records. (1949 Rev., S. 4316.) Not applicable to hearing before Liquor Control Commission concerning after hour sales. 160 C. 1. Cited. 23 CS 475.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-11. - Form of ballot label.

The ballot label designations in a vote upon the question of liquor permits shall be "Shall the sale of alcoholic liquor (Permit for All Alcoholic Liquor) be allowed in (Name of town)?" or "Shall the sale of alcoholic liquor under (Specified Permit or Permits) be allowed in (Name of town)?" or "Shall the sale of alcoholic liquor be prohibited (No Permits) in (Name of town)?" and shall be provided in accordance with the provisions of section 9-250. No elector shall vote for more than one designation. No permit shall be issued for "all alcoholic liquor" unless a majority of the votes cast shall be for "all alcoholic liquor" and votes for "all alcoholic liquor" shall be added to, and counted as, votes for "(specified) permit" or "(specified) permits" in case the votes for "all alcoholic liquor" shall not amount to a majority of the total number of votes cast. The provisions of this section shall not affect wholesaler permits. (1949 Rev., S. 4233; 1953, S. 2151d; February, 1965, P.A. 362, S. 2; P.A. 86-170, S. 12, 13.) History: 1965 act referred to "(Specified) Permits" rather than to "Beer Permits"; P.A. 86-170 required that designation on ballot label be in form of question. Cited. 184 C. 75; 191 C. 528.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-110. - Tampering with analysis.

No person shall tamper with samples of alcoholic liquor mentioned in sections 30-108 and 30-109 or alter the statements made upon the forms or certificates of the state chemist. (1949 Rev., S. 4317.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-111. - Reports of convictions, fines and forfeited bonds.

The clerks of the Superior Court shall report in writing the first Monday of every month to the Department of Consumer Protection the names and residences of all persons who have been convicted, paid a fine or penalty or forfeited their bonds, as provided in this

chapter; and shall, at the same time, file with the department a certified copy of the record of each such conviction. (1949 Rev., S. 4318; 1959, P.A. 28, S. 170; 1963, P.A. 642, S. 35; P.A. 75-567, S. 27, 80; P.A. 77-452, S. 60, 72; 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 81, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.) History: 1959 act deleted references to trial justices and municipal court clerks and added circuit court clerks; 1963 act deleted reference to clerks of common pleas courts; P.A. 75-567 replaced clerks of circuit courts with clerks of common pleas courts; P.A. 77-452 deleted reference to clerks of common pleas courts; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-112. - Civil action barred on certain debts.

No civil action shall be maintained upon any debt incurred for the sale of alcoholic liquor, except upon any debt incurred in the purchase of alcoholic liquor for off-premise consumption or for on-premise consumption together with an order of food, or unless the purchaser at the time of purchase was a permittee purchasing for resale. (1949 Rev., S. 4323; 1961, P.A. 563; February, 1965, P.A. 233.) History: 1961 act added exception for debt in purchase of liquor for off-premise consumption; 1965 act added exception for on-premise consumption with an order of food.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-113. - Penalties.

Any person convicted of a violation of any provision of this chapter for which a specified penalty is not imposed, shall, for each offense, be subject to any penalty set forth in section 30-55. (1949 Rev., S. 4305; P.A. 81-294, S. 18, 22; P.A. 21-37, S. 96.) History: P.A. 81-294 made no substantive change; P.A. 21-37 replaced provision re fine of not more than \$1,000 and imprisonment of not more than 1 year or both with reference to any penalty in Sec. 30-55, effective July 1, 2021. Cited. 118 C. 268. Statute, read together with Sec. 30-48, provides a penalty against a stockholder in a brewing company for violation of "tied house" provision. 128 C. 164. Cited. 130 C. 374; 152 C. 470; 153 C. 67; 160 C. 4; 200 C. 400. Cited. 5 CS 418; 23 CS 474. Violation of Sec. 30-77 is a misdemeanor. 4 Conn. Cir. Ct. 125; 5 Conn. Cir. Ct. 373.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-114. - Beer keg identification and receipt requirements. Restrictions on keg deposit refunds. Grounds for permit revocation or suspension.

(a) As used in this section, "keg" means any brewery-sealed individual container of beer having a liquid capacity of at least four gallons. (b) Any holder of a package store permit or a grocery store beer permit under section 30-20, or of a manufacturer permit for beer under subsection (b) of section 30-16, that sells kegs for consumption off the permit premises shall, at the time of sale, (1) place an identification tag on all kegs sold by the permittee, (2) require each purchaser of any such keg to sign a receipt for the keg, and (3) inform such purchaser that any deposit paid by the purchaser for the keg, if required, shall be forfeited if the keg is returned without the original identification tag intact and readable. (c) (1) The identification tag required under subdivision (1) of subsection (b) of this section shall be in the form of a numbered label, prescribed and furnished by the department, that clearly identifies the seller of the keg. Such tags shall be fabricated and made attachable in such a manner as to make the tag easily removable by a beer manufacturer for the purpose of cleaning and reusing the keg. (2) The receipt required under subdivision (2) of subsection (b) of this section shall be on a form prescribed and furnished by the department and shall include the name, address and signature of the purchaser of the keg and the purchaser's motor vehicle operator's license number or such other identifying information as the department may prescribe by regulation under section 30-6a. The permittee shall retain a copy of all such receipts on the permit premises for a period of six months. Such receipts shall be available for inspection and copying by the department or any authorized criminal justice agency. (3) The information required under subdivision (3) of subsection (b) of this section may be given verbally to each purchaser of a keg or may be provided by means of a sign conspicuously posted at the point of sale in such form and containing such disclosures as the department may require by regulation under section 30-6a. (4) The department may charge a reasonable fee for furnishing the forms required by subdivisions (1) and (2) of this subsection, not to exceed the actual cost of furnishing such forms. (d) No holder of a package store permit or a grocery store beer permit under section 30-20, or of a manufacturer permit for beer under subsection (b) of section 30-16, may refund any deposit upon the return of any keg that (1) does not have an identification tag required under subdivision (1) of subsection (b) of this section, or (2) has an identification tag that has been defaced to the extent that the information contained on the tag cannot be read. (e) The violation by any holder of a package store permit or a grocery store beer permit under section 30-20, or of a manufacturer permit for beer under subsection (b) of section 30-16, of any provision of this section shall be cause for revocation or suspension of such permit under section 30-55. (P.A. 98-236, S. 1, 6; P.A. 23-50, S. 24.) History: P.A. 98-236 effective January 1, 1999; P.A. 23-50 amended Subsec. (a) by redefining "keg" and Subsecs. (b), (d) and (e) by adding references to holders of manufacturer permits for beer under Sec. 30-16(b), effective June 13,

2023.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-115. - Possession of beer keg lacking required identification. False information on beer keg receipt. Penalties.

(a) For the purposes of this section, “keg” has the same meaning as provided in section 30-114. (b) Any person who possesses any keg containing beer that is required to have an identification tag pursuant to section 30-114, knowing that such keg does not have such required identification tag, shall be guilty of a class C misdemeanor. This subsection shall not apply to any manufacturer, shipper, wholesaler or retail seller of beer, or to any person who finds a discarded keg containing beer on such person's property. (c) Any person who purchases any keg containing beer and who knowingly provides false information on any receipt required by section 30-114 at the time of such purchase shall be guilty of a class C misdemeanor. (P.A. 98-236, S. 2, 6; P.A. 23-50, S. 25.) History: P.A. 98-236 effective January 1, 1999; P.A. 23-50 added new Subsec. (a) defining “keg”, and redesignated existing Subsecs. (a) and (b) as Subsecs. (b) and (c), effective June 13, 2023.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-116. - Sale, purchase or possession of alcohol vaporization device prohibited. Penalty.

(a) For purposes of this section, “alcohol vaporization device” means a device, machine or process which mixes spirits, alcoholic liquors or any product containing alcoholic liquor with oxygen or any other gas to produce a vaporized product for consumption by humans by inhalation. (b) No person shall sell, purchase or possess an alcohol vaporization device. No person shall permit such a device on premises licensed for the sale of alcoholic liquor. (c) Any person who violates subsection (b) of this section shall be fined not more than one thousand dollars or imprisoned not more than six months, or both. (P.A. 06-95, S. 1.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-117. - Purchase, possession or sale of powdered alcohol prohibited. Penalty.

(a) As used in this section, “powdered alcohol” means molecularly encapsulated alcohol in powdered form that may be used in such form or reconstituted as an alcoholic beverage when mixed with water or other liquid. (b) No person shall knowingly purchase, possess or sell powdered alcohol. (c) Any person who knowingly purchases or possesses powdered alcohol in violation of subsection (b) of this section shall be fined one hundred dollars for the first offense, two hundred fifty dollars for the second offense and five hundred dollars for each subsequent offense. (d) Any person who knowingly sells powdered alcohol in violation of subsection (b) of this section shall be fined two hundred fifty dollars for the first offense, five hundred dollars for the second offense and one thousand dollars for each subsequent offense. (P.A. 15-24, S. 1.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-118. - Sale or transfer of ownership of alcoholic liquor by fiduciary of decedent's estate.

Notwithstanding any provision of this title, a fiduciary of a decedent's estate may sell or transfer ownership of alcoholic liquor listed in an inventory filed for such estate pursuant to section 45a-341, provided such sale or transfer is: (1) Approved in writing by the Probate Court having jurisdiction of the estate, (2) approved in writing by the Commissioner of Consumer Protection or the commissioner's designee, and (3) made for the purposes of an auction of the alcoholic liquor by an auctioneer licensed pursuant to chapter 403. (P.A. 16-56, S. 1.) History: P.A. 16-56 effective July 1, 2016.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-12. - Liquor permit contrary to vote void. Exception.

When any town has so voted upon the question of liquor permits, any liquor permit granted in such town which is not in accordance with such vote shall be void except manufacturer permits and cafe permits issued under subsections (g) and (h) of section 30-22a. (1949 Rev., S. 4234; February, 1965, P.A. 553, S. 2; P.A. 21-37, S. 55; P.A. 22-104, S. 9.) History: 1965 act included reference to golf country club permits; P.A. 21-37 deleted reference to railroad and golf country club permits and added reference to cafe permits, effective July 1, 2021; P.A. 22-104 made technical and conforming changes, effective May 24, 2022. See Sec. 30-44 re mandatory refusal of permit when sale prohibited. Cited. 138 C. 178; 184 C. 75; 191 C. 528.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-13. - Previous town action to remain in effect.

In all cases in which a town, either by vote of a town meeting or by ordinance, previous to May 18, 1950, acted on the sale of alcoholic liquors or the reduction of the number of hours when such sale is permissible, such action shall remain in effect until further action is taken in accordance with this chapter. (March, 1950, S. 2176d.) Cited. 184 C. 75; 191 C. 528.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-13a. - Prior vote not to apply to sale under cafe permit. Referendum requirement.

In any case in which a town has, under the provisions of this part, acted, prior to October 1, 1965, to prohibit the sale of alcoholic liquor or restrict such sale to beer only, such action shall not apply to the sale of alcoholic liquor under a cafe permit issued pursuant

to subsection (g) of section 30-22a, except that the granting of any such permit by the Department of Consumer Protection shall be subject to the provisions of section 30-25a. (February, 1965, P.A. 553, S. 3; P.A. 73-601, S. 1; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 16, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 21-37, S. 56.) History: P.A. 73-601 stated when granting of permit is to be subject to provisions of Sec. 30-25a; P.A. 77-614 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 78-303 clarified and qualified name change enacted in P.A. 77-614; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 21-37 changed reference from golf country club permit to cafe permit and deleted provision re permits issued prior to October 1, 1973, effective July 1, 2021. Cited. 191 C. 528.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-13b. - Local option re nonprofit theater permits.

Section 30-13b is repealed. (1967, P.A. 725, S. 5; P.A. 74-20, S. 1, 2.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-14. - Nature and duration of permit. Renewal by transferee or purchaser of permit premises.

(a) Each permit shall be a purely personal privilege that is revocable in the discretion of the Department of Consumer Protection, and subject to appeal, as provided in section 30-55. Except as otherwise provided in the general statutes, including, but not limited to, sections 30-35, 30-37g and 30-37u, each permit shall expire annually. No permit shall constitute property, be subject to attachment and execution or be alienable, except a permit shall descend to the estate of a deceased permittee by the laws of testate or intestate succession. An airline permit issued under section 30-28a or a cafe permit issued under subsection (h) of section 30-22a shall be granted to the airline corporation or railway corporation and not to any person, and the corporation shall be the permittee. (b) Any permit in this part, except a permit issued under sections 30-35, 30-37g and 30-37u, may be issued for a continuous period of not more than six consecutive calendar months, at two-thirds of regular fees, but rebate of fees shall not be permitted for any unexpired portion of the term of a permit revoked by reason of a violation of any provision of this chapter. (c) The executors or administrators of the estate of any deceased permittee, and the trustees of any insolvent or bankrupt estate of a permittee, when such estate consists in whole or in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt permittee for a period not exceeding six months after the date of such decease or of such insolvency or bankruptcy, or until such time as the applicable permit expires, whichever date is later. A certified copy of the order of the court authorizing the continuance of such business shall be filed with the department. In the event of the death, insolvency or bankruptcy of a backer, the permittee of such backer shall have the same rights and privileges as set forth in this section, provided, in addition to the order of said court, the executor or administrator of the estate of any deceased backer, or the trustee of any insolvent or bankrupt estate of a backer, shall file a notice with the department that he has authorized such permittee to continue such business. (d) Notwithstanding any provision of this section, a package store permit may be renewed by a transferee or purchaser of permit premises under section 30-14a. (1949 Rev., S. 4236; P.A. 73-543, S. 5, 14; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 81-294, S. 7, 22; P.A. 93-139, S. 7; P.A. 95-195, S. 17, 83; P.A. 97-175, S. 2; P.A. 99-194, S. 23; P.A. 01-195, S. 93, 181; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 21-37, S. 57; P.A. 22-104, S. 10; P.A. 23-50, S. 8, 9.) History: P.A. 73-543 included references to airline permits and airline corporations; P.A. 77-614 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 78-303 clarified and qualified name change enacted in P.A. 77-614; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 81-294 added Subsec. (b) allowing renewal of permit by transferee or purchaser of premises on and after June 8, 1981; P.A. 93-139 made technical changes and added a provision for a six-month permit as new Subsec. (b), relettering a part of former Subsec. (a) as (c) and former Subsec. (b) as (d); P.A. 95-195 amended Subsec. (a) by substituting Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 97-175 amended Subsec. (a) to provide that permits shall descend to the estate of a deceased permittee by the laws of testate or intestate succession and to make a technical change, and amended Subsec. (c) by adding provision re exercise of privileges of deceased or insolvent or bankrupt permittee until such time as the applicable permit expires, deleting provision re filing of court order within ten days of the date of issuance of such order, and making a technical change; P.A. 99-194 amended Subsec. (a) to make technical change; P.A. 01-195 made a technical change in Subsec. (a), effective July 11, 2001; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 21-37 amended Subsec. (a) to replace reference to railroad permit with cafe permit and make a technical change, effective July 1, 2021; P.A. 22-104 amended Subsec. (a) by providing that each permit shall expire annually except as otherwise provided in the

general statutes, and made technical and conforming changes, effective May 24, 2022; P.A. 23-50 amended Subsecs. (a) and (b) by deleting references to Secs. 30-25, 30-37b, 30-37d and 30-37h and making technical and conforming changes, effective July 1, 2023, and further amended Subsecs. (a) and (b) by adding references to Sec. 30-37u and making technical and conforming changes, effective October 1, 2023.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-14a. - Renewal and issuance of package store permits. Removal of premises. Prohibition re placeholding.

(a) A package store permit issued under subsection (b) of section 30-20 may be renewed by the person to whom such permit was issued or by any person who (1) is a transferee or purchaser of premises operating under a package store permit issued under subsection (b) of section 30-20, and (2) meets the requirements of this chapter concerning eligibility for a liquor permit. Commencing June 8, 1986, the Department of Consumer Protection may issue one package store permit under subsection (b) of section 30-20 for every twenty-five hundred residents of a town as determined by the most recently completed decennial census. The department may authorize the holder of such permit to remove such holder's permit premises to a location in another town provided such removal complies with the provisions of this chapter. (b) (1) The Department of Consumer Protection may (A) refuse to accept any incomplete application for a package store permit under subsection (b) of section 30-20, or (B) establish a deadline by which an applicant for a package store permit under subsection (b) of section 30-20 shall open to the public for continuous operation. (2) If an applicant for a package store permit under subsection (b) of section 30-20 fails to open to the public for continuous operation on or before the deadline established by the Department of Consumer Protection under subparagraph (B) of subdivision (1) of this subsection, the department may deem such applicant's application to have been withdrawn and expired for the purpose of preventing placeholding. For the purposes of this subdivision, "placeholding" means (A) applying for the last available package store permit in a town, and (B) failing to open to the public for continuous operation on or before the deadline established by the department under subparagraph (B) of subdivision (1) of this subsection. (P.A. 81-294, S. 5, 22; P.A. 85-361, S. 1, 3; P.A. 93-139, S. 8; P.A. 95-195, S. 18, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 24-142, S. 57.) History: P.A. 85-361 added provisions re removal of permit premises; P.A. 93-139 deleted an obsolete moratorium provision applicable from 1981 to 1986; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 24-142 designated existing provisions as Subsec. (a) and amended same by dividing existing provisions into Subdivs. (1) and (2), adding references to Sec. 30-20(b) and making technical and conforming changes, and added Subsec. (b) re incomplete applications, deadline to open to public for continuous operation and placeholding, effective June 6, 2024. Cited. 5 CA 432.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-15. - Issuance of permits.

The Department of Consumer Protection may issue permits in the classes described in this chapter. Permits shall be subject to the regulations of the Department of Consumer Protection and the provisions of this chapter. (1949 Rev., S. 4237; 1953, S. 2155d; February, 1965, P.A. 553, S. 4; 1967, P.A. 725, S. 2; 1969, P.A. 724, S. 2; 1971, P.A. 254, S. 2; 1972, P.A. 68, S. 4; P.A. 73-533, S. 3; 73-543, S. 2, 14; P.A. 74-307, S. 4; P.A. 75-598, S. 3; 75-641, S. 2; P.A. 76-347, S. 1; P.A. 77-614, S. 165, 587, 610; P.A. 78-82, S. 3; 78-202, S. 3, 5; 78-279, S. 1, 2, 6; 78-294, S. 2, 5; 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 192, 345, 348; P.A. 81-287, S. 2; 81-367, S. 1, 9; P.A. 82-299, S. 2, 6; P.A. 83-152, S. 3; 83-283, S. 1, 5; 83-434, S. 1, 4; P.A. 84-494, S. 1, 11; P.A. 85-380, S. 1, 6, 12; P.A. 87-321, S. 1, 6; P.A. 89-155, S. 1, 4; 89-181, S. 2, 6; P.A. 91-353, S. 4, 7; P.A. 93-139, S. 9; P.A. 95-195, S. 19, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.) History: 1965 act added golf country club permits; 1967 act added nonprofit theater permits; 1969 act added nonprofit public art museum permits; 1971 act added charitable organization permits; 1972 act added university permits; P.A. 73-533 added coliseum and coliseum concession permits; P.A. 73-543 added airline permits; P.A. 74-307 added special sporting facility permits; P.A. 75-598 added night club permits; P.A. 75-641 reordered subdivisions and added cafe permits; P.A. 76-347 added bowling establishment permits; P.A. 77-614 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 78-82 added resort permits; P.A. 78-202 added special outing facility permits; P.A. 78-279 added university liquor permits; P.A. 78-294 added manufacturers' permits for farm wineries; P.A. 78-303 clarified and qualified extent of name change enacted in P.A. 77-614; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 81-287 amended Subdiv. (6) to add reference to nonprofit club permit; P.A. 81-367 eliminated references to druggist permit for beer only and package store beer permit as of May 29, 1981, allowed issuance of such permits to persons making application prior to said date and allowed renewal of such licenses; P.A. 82-299 added restaurant permit for catering establishment; P.A. 83-152 added Subsec. (a)(32) for nonprofit public television corporation permits; P.A. 83-283 amended Subsec. (a) by creating a new racquetball facility permit in Subdiv. (30); P.A. 83-434 amended Subsec. (a) by adding a provision for bowling establishment permit for beer only in Subdiv. (30); P.A. 84-494 amended Subsec. (a) by adding an airport restaurant permit and an airport bar permit; P.A. 85-380 eliminated night club permits and added nonprofit golf tournament permits; P.A. 87-321 amended Subsec. (a) by adding an airport airline club permit classification; P.A. 89-155 amended Subsec. (a) to include temporary permits for alcoholic liquor, university

permits for beer only and for beer and wine only and nonprofit corporation permits; P.A. 89-181 amended Subsec. (a) to include manufacturer permits for brew pubs; P.A. 91-353 added Subdiv. (34), the ninety-day provisional permit, to the classes of permits; P.A. 93-139 deleted the list of the classes of permits in former Subsec. (a) and deleted former Subsecs. (b) and (c) re druggist permits and night club permit renewals; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004. Cited. 118 C. 252; 119 C. 437; 134 C. 557; 148 C. 412; Id., 721; 150 C. 69; 184 C. 75. Cited. 15 CS 290; 28 CS 186.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-16. - Manufacturer permit for spirits. Manufacturer permit for beer. Manufacturer permit for a farm winery. Manufacturer permit for wine, cider and mead.

(a)(1) As used in this subdivision, “proof gallon” has the same meaning as provided in section 12-433. A manufacturer permit for spirits shall allow the manufacture of spirits and the storage, bottling and wholesale distribution and sale of spirits manufactured or bottled to permittees in this state and without the state as may be permitted by law; but no such permit shall be granted unless the place or the plan of the place of manufacture has received the approval of the Department of Consumer Protection. The holder of a manufacturer permit for spirits who produces less than fifty thousand proof gallons of spirits in a calendar year may sell at retail from the premises sealed bottles or other sealed containers of spirits manufactured on the premises for consumption off the premises, provided such holder shall not sell to any one consumer more than three liters of spirits per day nor more than five gallons of spirits in any two-month period. Retail sales by a holder of a manufacturer permit for spirits shall occur only on the days and times permitted under subsection (d) of section 30-91. A holder of a manufacturer permit for spirits, alone or in combination with any parent or subsidiary business or related or affiliated party, who sells more than ten thousand gallons of spirits in any calendar year may not sell spirits at wholesale to retail permittees within this state. Such permit shall also authorize the offering and tasting, on the premises of the permittee, of free samples of spirits distilled on the premises. Such free samples of spirits distilled on the premises may be offered for consumption in combination with a nonalcoholic beverage. Tastings shall not exceed two ounces per patron per day and shall not be allowed on such premises on Sunday before eleven o'clock a.m. and after eight o'clock p.m. and on any other day before ten o'clock a.m. and after eight o'clock p.m. No tastings shall be offered to or allowed to be consumed by any minor or intoxicated person. A holder of a manufacturer permit for spirits may apply for and shall receive an out-of-state shipper's permit for manufacturing plants and warehouse locations outside the state owned by such manufacturer or a subsidiary corporation thereof, at least eighty-five per cent of the voting stock of which is owned by such manufacturer, to bring into any of its plants or warehouses in the state spirits for reprocessing, repackaging, reshipment or sale either: (A) Within the state to wholesaler permittees not owned or controlled by such manufacturer; or (B) outside the state. The annual fee for a manufacturer permit for spirits shall be one thousand eight hundred fifty dollars. (2) A holder of a manufacturer permit for spirits issued under this subsection may sell and offer free tastings of spirits manufactured by such permittee at a farmers' market, as defined in section 22-6r, that is operated as a nonprofit enterprise or association, provided such farmers' market invites such holder to sell spirits at such farmers' market and such holder has a farmers' market sales permit issued by the commissioner in accordance with the provisions of section 30-37o. (b) (1) A manufacturer permit for beer shall allow the manufacture of beer and the storage, bottling and wholesale distribution and sale of beer manufactured or bottled on the premises of the permittee to permittees in this state and without the state as may be permitted by law, but no such permit shall be granted unless the place or the plan of the place of manufacture has received the approval of the Department of Consumer Protection. A holder of a manufacturer permit for beer who sells beer brewed on such premises at wholesale to retail permittees within this state shall make such beer available to all holders of a package store permit issued pursuant to section 30-20 and to all holders of a grocery store beer permit held pursuant to said section in the geographical region in which the holder of the manufacturer permit for beer self distributes, subject to reasonable limitations, as determined by the Department of Consumer Protection. Such permit shall also allow: (A) The retail sale of such beer, and beer brewed in collaboration with at least one other holder of such a permit, to be consumed on the premises with or without the sale of food; (B) the selling at retail from the premises of sealed bottles or other sealed containers of beer brewed on such premises, or in collaboration with at least one other holder of such a permit, for consumption off the premises; and (C) the sale of sealed bottles or other sealed containers of beer brewed on such premises to the holder of a wholesaler permit issued pursuant to section 30-17, provided the holder of such permit produces at least five thousand gallons of beer on the premises annually. Such selling at retail from the premises of sealed bottles or other sealed containers shall comply with the provisions of subsection (d) of section 30-91 and shall permit not more than nine gallons of beer to be sold to any person on any day on which such sale is authorized under the provisions of subsection (d) of section 30-91. The annual fee for a manufacturer permit for beer shall be one thousand four hundred dollars. For the purposes of this subdivision and section 30-22d, “collaboration” means an arrangement, other than contract brewing or an alternating proprietorship, under which the holder of a manufacturer permit for beer issued under this subsection works together with at least one other such permit holder to manufacture beer by, among other things, sharing the beer recipe or at least forty-nine per cent of the ingredients or labor necessary to manufacture such beer. (2) A holder of a manufacturer permit for beer issued under this subsection may sell and offer free tastings of beer manufactured by such permittee at a farmers' market, as defined in section 22-6r, that is operated as a nonprofit enterprise or association, provided such farmers' market invites such holder to sell beer at such farmers' market and such holder has a farmers' market sales permit issued by the commissioner in accordance with the provisions of section 30-37o. (c) (1) A

manufacturer permit for a farm winery shall be in all respects the same as a manufacturer permit, except that the scope of operations of the holder shall be limited to wine and brandies distilled from grape products or other fruit products, including grappa and eau-de-vie. As used in this section, "farm winery" means any place or premises that is located on a farm in the state in which wine is manufactured and sold. (2) Such permit shall, at the single principal premises of the farm winery, authorize: (A) The sale in bulk by the holder thereof from the premises where the products are manufactured pursuant to such permit; (B) as to a manufacturer who produces one hundred thousand gallons of wine or less per year, the sale and shipment by the holder thereof to a retailer of wine manufactured by the farm winery permittee in the original sealed containers of not more than fifteen gallons per container; (C) the sale and shipment by the holder thereof of wine manufactured by the farm winery permittee to persons outside the state; (D) the offering and tasting of free samples of such wine or brandy, dispensed out of bottles or containers having capacities of not more than two gallons per bottle or container, to visitors and prospective retail customers for consumption on the premises of the farm winery permittee; (E) the sale at retail from the premises of sealed bottles or other sealed containers of such wine or brandy for consumption off the premises; (F) the sale at retail from the premises of wine or brandy by the glass and bottle to visitors on the premises of the farm winery permittee for consumption on the premises; and (G) subject to the provisions of subdivision (3) of this subsection, the sale and delivery or shipment of wine manufactured by the permittee directly to a consumer in this state. Notwithstanding the provisions of subparagraphs (D), (E) and (F) of this subdivision, a town may, by ordinance or zoning regulation, prohibit any such offering, tasting or selling at retail at premises within such town for which a manufacturer permit for a farm winery has been issued. (3) A permittee, when selling and shipping wine directly to a consumer in this state, shall: (A) Ensure that the shipping labels on all containers of wine shipped directly to a consumer in this state conspicuously state the following: "CONTAINS ALCOHOL—SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY"; (B) obtain the signature of a person age twenty-one or older at the address prior to delivery, after requiring the signer to demonstrate that such signer is age twenty-one or older by providing a valid motor vehicle operator's license or a valid identity card described in section 1-1h; (C) not ship more than five gallons of wine in any two-month period to any person in this state; (D) pay, to the Department of Revenue Services, all sales taxes and alcoholic beverage taxes due under chapters 219 and 220 on sales of wine to consumers in this state, and file, with said department, all sales tax returns and alcoholic beverage tax returns relating to such sales; (E) report to the Department of Consumer Protection a separate and complete record of all sales and shipments to consumers in the state, on a ledger sheet or similar form which readily presents a chronological account of such permittee's dealings with each such consumer; (F) not ship to any address in the state where the sale of alcoholic liquor is prohibited by local option pursuant to section 30-9; and (G) hold an in-state transporter's permit pursuant to section 30-19f or make any such shipment through the use of a person who holds such an in-state transporter's permit. (4) No licensed farm winery may sell any such wine or brandy not manufactured by such winery, except a licensed farm winery may sell from the premises: (A) Wine manufactured by another farm winery located in this state; and (B) brandy manufactured from fruit harvested in this state and distilled off the premises in this state. (5) (A) Except as provided in subparagraph (B) of this subdivision, the farm winery permittee shall grow on the premises of the farm winery or on property under the same ownership and control of said permittee or leased by the backer of a farm winery permit or by said permittee within the farm winery's principal state an average crop of fruit equal to not less than twenty-five per cent of the fruit used in the manufacture of the farm winery permittee's wine. An average crop shall be defined each year as the average yield of the farm winery permittee's two largest annual crops out of the preceding five years, except that during the first seven years from the date of issuance of a farm winery permit, an average crop shall be defined as three tons of grapes for each acre of vineyard farmed by the farm winery permittee. Such seven-year period shall not begin anew if the property for which the farm winery permit is held is transferred or sold during such seven-year period. In the event the farm winery consists of more than one property, the aggregate acreage of the farm winery shall not be less than five acres. (B) If a farm winery permittee sustains a significant loss of the farm winery permittee's crop of fruit, such farm winery permittee shall, not later than December thirty-first of the year in which such farm winery permittee sustains such significant loss, certify to the Commissioner of Consumer Protection, in a form and manner prescribed by the commissioner, that such farm winery permittee has sustained such significant loss. If the commissioner determines, in the commissioner's discretion, that such farm winery permittee sustained such significant loss through no fault of such farm winery permittee, such farm winery permittee's lost crop of fruit shall, for the year in which such farm winery permittee sustained such significant loss, be deemed to satisfy the average crop requirement established in subparagraph (A) of this subdivision. For the purposes of this subparagraph, the commissioner shall, in the commissioner's discretion, determine whether a qualitative or quantitative reduction in crop yield suffered by a farm winery permittee constitutes a significant loss. (6) A holder of a manufacturer permit for a farm winery, when advertising or offering wine for direct shipment to a consumer in this state via the Internet or any other on-line computer network, shall clearly and conspicuously state such liquor permit number in its advertising. (7) A holder of a manufacturer permit for a farm winery may sell and offer free tastings of wine manufactured from such winery at a farmers' market, as defined in section 22-6r, that is operated as a nonprofit enterprise or association, provided such farmers' market invites such holder to sell wine at such farmers' market and such holder has a farmers' market wine sales permit issued by the Commissioner of Consumer Protection in accordance with the provisions of section 30-37o. (8) A holder of a manufacturer permit for a farm winery may, with the prior approval of the Department of Consumer Protection, sell wine, brandies, grappa and eau-de-vie manufactured by such farm winery permittee at not more than three retail outlets in addition to such farm winery permittee's permit premises, provided (A) each such retail outlet is located on land that is leased or owned by the backer of the farm winery permit and such farm winery permittee utilizes such land to grow fruit and produce alcoholic beverages manufactured exclusively by the farm winery, and (B) no such retail outlet is located within a grocery store, as defined in section 30-20, or any other retail outlet unless otherwise

permitted under the general statutes. (9) The annual fee for a manufacturer permit for a farm winery shall be three hundred dollars.

(d) (1) A manufacturer permit for wine, cider and mead shall allow the manufacture of wine, cider not exceeding six per cent alcohol by volume, apple wine not exceeding fifteen per cent alcohol by volume, apple brandy, eau-de-vie and mead and the storage, bottling and wholesale distribution and sale of wine, cider not exceeding six per cent alcohol by volume, apple wine not exceeding fifteen per cent alcohol by volume, apple brandy, eau-de-vie and mead manufactured or bottled by the permit holder to permittees in this state and without the state as may be permitted by law; but no such permit shall be granted unless the place or the plan of the place of manufacture has received the approval of the Department of Consumer Protection. (2) Such permit shall, at a single principal premises, authorize: (A) The sale in bulk by the holder thereof from the premises where the products are manufactured pursuant to such permit; (B) as to a manufacturer who produces one hundred thousand gallons or less per year of products manufactured pursuant to such permit, the sale and shipment by the holder thereof to a retailer of such products manufactured by the permittee in the original sealed containers of not more than fifteen gallons per container; (C) the sale and shipment by the holder thereof of such products manufactured by the permittee to persons outside the state; (D) the offering and tasting of free samples of such products, dispensed out of bottles or containers having capacities of not more than two gallons per bottle or container, to visitors and prospective retail customers for consumption on the premises of the permittee; (E) subject to the provisions of subsection (d) of section 30-91, the sale at retail from the premises of sealed bottles or other sealed containers of such products for consumption off the premises; (F) the sale at retail from the premises of such products by the glass and bottle to visitors on the premises of the permittee for consumption on the premises; and (G) subject to the provisions of subdivision (3) of this subsection, the sale and delivery or shipment of such products manufactured by the permittee directly to a consumer in this state. Notwithstanding the provisions of subparagraphs (D), (E) and (F) of this subdivision, a town may, by ordinance or zoning regulation, prohibit any such offering, tasting or selling at retail at premises within such town for which a manufacturer permit has been issued. (3) A permittee, when selling and shipping a product produced pursuant to this permit, directly to a consumer in this state, shall: (A) Ensure that the shipping labels on all containers of such products shipped directly to a consumer in this state conspicuously state the following: “CONTAINS ALCOHOL—SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY”; (B) obtain the signature of a person age twenty-one or older at the address prior to delivery, after requiring the signer to demonstrate that such signer is age twenty-one or older by providing a valid motor vehicle operator's license or a valid identity card described in section 1-1h; (C) not ship more than five gallons of product produced pursuant to this permit in any two-month period to any person in this state; (D) pay, to the Department of Revenue Services, all sales taxes and alcoholic beverage taxes due under chapters 219 and 220 on sales of products produced pursuant to this permit to consumers in this state, and file, with said department, all sales tax returns and alcoholic beverage tax returns relating to such sales; (E) report to the Department of Consumer Protection a separate and complete record of all sales and shipments to consumers in the state, on a ledger sheet or similar form which readily presents a chronological account of such permittee's dealings with each such consumer; (F) not ship to any address in the state where the sale of alcoholic liquor is prohibited by local option pursuant to section 30-9; and (G) hold an in-state transporter's permit pursuant to section 30-19f or make any such shipment through the use of a person who holds such an in-state transporter's permit. (4) No holder of a manufacturer permit for wine, cider and mead may sell any product not manufactured by such permit holder, except such permittee may sell from the premises: (A) Wine, cider not exceeding six per cent alcohol by volume, apple wine not exceeding fifteen per cent alcohol by volume, apple brandy and eau-de-vie and mead manufactured by another such permit holder located in this state; and (B) brandy manufactured from fruit harvested in this state and distilled off the premises in this state. (5) A holder of a manufacturer permit for wine, cider and mead, when advertising or offering products for direct shipment to a consumer in this state via the Internet or any other on-line computer network, shall clearly and conspicuously state such liquor permit number in its advertising. (6) A holder of a manufacturer permit for wine, cider and mead may sell and offer free tastings of products produced pursuant to such permit that are manufactured by such permit holder at a farmers' market, as defined in section 22-6r, that is operated as a nonprofit enterprise or association, provided such farmers' market invites such holder to sell such products at such farmers' market and such holder has a farmers' market sales permit issued by the Commissioner of Consumer Protection in accordance with the provisions of section 30-37o. (7) The annual fee for a manufacturer permit for wine, cider and mead shall be two hundred dollars. (1949 Rev., S. 4238; February, 1965, P.A. 180; 1967, P.A. 327, S. 1; P.A. 77-614, S. 165, 587, 610; P.A. 78-294, S. 3, 5; 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 87-141, S. 1, 2; P.A. 88-97; P.A. 89-181, S. 3, 6; P.A. 90-72, S. 3; P.A. 91-353, S. 1, 7; P.A. 93-139, S. 10; 93-266; P.A. 95-161, S. 1, 3; 95-195, S. 20, 83; P.A. 96-220, S. 1-3, 7; P.A. 98-236, S. 5, 6; P.A. 02-25, S. 1; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-111, S. 1; 04-169, S. 17; 04-189, S. 1; P.A. 05-7, S. 1; 05-274, S. 1; P.A. 06-67, S. 1; P.A. 07-39, S. 1; 07-145, S. 1; 07-165, S. 2; P.A. 08-187, S. 1; P.A. 09-47, S. 1; June Sp. Sess. P.A. 09-3, S. 327; P.A. 11-164, S. 1; P.A. 12-17, S. 1-3; P.A. 13-30, S. 1; 13-101, S. 1; P.A. 15-24, S. 4-6, 8; P.A. 16-103, S. 4; P.A. 17-160, S. 1; 17-232, S. 1; P.A. 19-24, S. 4, 5; P.A. 21-37, S. 107; P.A. 22-56, S. 6; P.A. 23-49, S. 1; 23-50, S. 10.) History: 1965 act added provisions in Subdiv. (1) re application by holder of manufacturer's permit for out-of-state shipper's permit; 1967 act specified that such out-of-state shipper's permit is “to bring into any of its plants or warehouses in the state alcoholic liquors for reprocessing, repackaging, reshipment or sale ...” rather than “for the sale of alcoholic liquors to wholesaler permittees in this state not owned or controlled by said manufacturer”; P.A. 77-614 replaced liquor control commission with division of liquor control within the department of business regulation, except as later specified in P.A. 78-303, effective January 1, 1979; P.A. 78-294 added Subdiv. (5) re manufacturer's permits for farm wineries; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 87-141 amended Subdiv. (5) by clarifying that a

manufacturer permit does not authorize the offering and tasting of free samples of wine to visitors and prospective retail customers in towns which by ordinance prohibit such conduct, and eliminated the limitation on the number of finished gallons of wine a manufacturer may produce annually; P.A. 88-97 amended Subsec. (5) to provide that farm winery permits may be limited by local ordinance with respect to wine tastings and retail sales; P.A. 89-181 added Subsec. (6) concerning manufacturer permit for a brew pub; P.A. 90-72 allowed holders of a permit to sell alcoholic liquor in addition to beer; P.A. 91-353 amended Subdiv. (6) to require that the holder of a manufacturer permit for a brew pub must produce at least 5,000 gallons of beer on the premises annually; P.A. 93-139 added the annual fee for each manufacturer permit, defined "farm winery" in Subsec. (e) and made technical changes; P.A. 93-266 amended Subdiv. (5) expanding a manufacturer permit for a farm winery to allow the production of brandies from grape and other fruit products in addition to the production of wine; P.A. 95-161 amended Subsec. (b) to authorize the offering of beer to and tasting of beer by tour attendees and amended Subsec. (f) to authorize the retail sale of beer produced on the premises for off-premise consumption; P.A. 95-195 amended Subsec. (a) to substitute Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 96-220 amended Subsec. (c) to permit the sale of apple wine not exceeding 15% alcohol by volume, amended Subsec. (e) to permit the selling at retail of wine by the glass and bottle for on-premise consumption and amended Subsec. (f) to delete the sunset on the retail sale of beer for off-premise consumption, effective June 4, 1996; P.A. 98-236 amended Subsec. (d) by adding provisions re eau-de-vie, effective June 8, 1998; P.A. 02-25 amended Subsec. (e) to allow farm winery to sell wine manufactured by another farm winery located in this state; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-111 amended Subsec. (e) by decreasing the percentage of the average crop of fruit required to be produced within the state, for use in the manufacture of a farm winery permittee's wine, from 51% to 25%; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 05-7 made a technical change in Subsec. (a) and amended Subsecs. (b) and (f) to include authorization to sell bottles or sealed containers at retail for off-premises consumption, effective April 19, 2005; P.A. 05-274 amended Subsec. (e) to establish Subdivs. (1) to (7) and authorize the sale and shipment of wine manufactured by the farm winery permittee to a retailer when a farm winery permittee produces 100,000 gallons of wine or less per year, the sale at retail from the premises of wine or brandy by the glass and bottle to visitors on the premises of the farm winery permittee and the sale and delivery or shipment of wine manufactured by the permittee directly to a consumer in this state, effective July 13, 2005; P.A. 06-67 amended Subsec. (e)(5) to add provision re production of fruit on premises of farm winery or on property adjacent to and under same ownership and control of permittee, effective May 19, 2006; P.A. 07-39 changed 60-day period to 2-month period in Subsec. (e)(3)(C); P.A. 07-145 and 07-165 both amended Subsec. (f) by designating existing items allowed under manufacturer permit for a brew pub as Subdivs. (1), (2) and (3) and adding Subdiv. (4) allowing sale of sealed bottles or containers of beer brewed on premises to wholesaler permittee, effective June 25, 2007; P.A. 08-187 amended Subsec. (e) to add "at the single principal premises of the farm winery" in Subdiv. (2) and, in Subdiv. (5), to change "produce" to "grow", to delete "adjacent to", to add "or leased by the backer of a farm winery permit", to authorize growing of fruit crop "within the farm winery's principal state" and to require that if farm winery consists of more than one property, aggregate acreage of the winery be not less than 5 acres, effective June 12, 2008; P.A. 09-47 amended Subsec. (c) by designating existing provisions re activities allowed by permit as Subdiv. (1) and adding Subdiv. (2) to allow sale and shipment of cider and apple wine in same manner and subject to same conditions as permitted for wine by a farm winery manufacturer permittee, effective May 20, 2009; June Sp. Sess. P.A. 09-3 increased fees; P.A. 11-164 amended Subsec. (e) by adding new Subdiv. (7) re sale of wine at farmers' markets and redesignating existing Subdiv. (7) as Subdiv. (8), effective July 1, 2011; P.A. 12-17 amended Subsec. (b) by changing "shall" to "may" re limiting offering and tasting of free samples of beer to visitors who have attended a tour of premises and increasing amount of beer permitted to be sold to any person on any day from 8 liters to 9 liters, amended Subsec. (f) by increasing amount of beer permitted to be sold to any person on any day from 8 liters to 9 liters and added Subsec. (g) re manufacturer permit for beer and brew pub, effective July 1, 2012; P.A. 13-30 amended Subsec. (e)(5) by adding provision re 7-year period not to begin anew if property for which permit held is transferred or sold during that period, effective May 24, 2013; P.A. 13-101 amended Subsec. (a) by adding provision re offering and tasting of free samples of spirits distilled on premises, subject to certain conditions, effective June 6, 2013; P.A. 15-24 amended Subsec. (a) by adding provisions re holder of manufacturer permit who produces less than 25,000 gallons of alcoholic liquor in a calendar year to sell at retail from premises sealed bottles or containers of alcoholic liquor manufactured on premises for consumption off premises, changed tasting amount from one-half ounce to two ounces per day and deleted provision re holder of manufacturer permit to apply for and receive wholesaler permit, amended Subsec. (c) by adding Subdiv. (3) re offering and tasting, on premises of permittee, of free samples of cider and apple wine manufactured on such premises, and amended Subsec. (e)(4) by designating provision re wine manufactured by another farm winery as Subpara. (A) and adding Subpara. (B) re brandy manufactured from fruit harvested in this state and distilled off the premises in this state, effective June 4, 2015, and further amended Subsec. (e) by making a technical change in Subdiv. (1) and adding "dispensed out of bottles or containers having capacities of not more than two gallons per bottle or container," in Subdiv. (2)(D), effective July 1, 2015; P.A. 16-103 amended Subsec. (e)(7) by adding "and offer free tastings of", effective June 2, 2016; P.A. 17-160 added new Subsec. (f) re manufacturer permit for farm brewery, redesignated existing Subsecs. (f) and (g) as Subsecs. (g) and (h), and made a conforming change, effective July 7, 2017; P.A. 17-232 added Subsec. (h), codified by the Revisors as Subsec. (i), re manufacturer permit for farm distillery; P.A. 19-24 amended Subsecs. (b), (f)(2) and (g) to replace "nine liters" with "nine gallons", amended Subsec. (c) to add Subdiv. (4) re retail sale of cider and apple wine on premises, and made technical and conforming changes, effective June 5, 2019, and replaced references to alcoholic liquor with references to spirits, amended Subsec.

(a) to replace 25,000 gallons with 50,000 gallons re production, replace “one and one-half liters” with “three liters” re sale to any one consumer, add provision re free samples of spirits distilled on premises, substantially amended Subsec. (b) including by deleting provisions re scope of manufacturer permit for beer and authorized activities with provisions re authorized activities under beer manufacturer permit, and replaced annual permit fee of \$1,000 with annual permit fee of \$1,400, deleted former Subsec. (c) re manufacturer permit for cider, deleted former Subsec. (d) re manufacturer permit for apple brandy and eau-de-vie, redesignated existing Subsec. (e) as new Subsec. (c), deleted former Subsec. (f) re manufacturer permit for farm brewery, deleted former Subsec. (g) re manufacturer permit for brew pub, deleted former Subsec. (h) re manufacturer permit for beer and brew pub, deleted former Subsec. (i) re manufacturer permit for farm distillery, added new Subsec. (d) re manufacturer permit for wine, cider and mead, and made conforming changes, effective July 1, 2020; P.A. 21-37 amended Subsec. (a) by adding definition of “proof gallon” and replacing reference to 50,000 gallons of spirits with 50,000 proof gallons of spirits, effective July 1, 2021; P.A. 22-56 amended Subsec. (b) by adding provisions re collaborative brewing in Subdivs. (1) and (2) and definition of “collaboration”, effective May 23, 2022; P.A. 23-49 amended Subsec. (c) by redesignating existing Subdiv. (5) as Subdiv. (5)(A), adding Subdiv. (5)(B) re crop losses sustained by farm wineries, adding new Subdiv. (8) re retail sales by farm wineries at locations in addition to farm wineries' permit premises, redesignating existing Subdiv. (8) as Subdiv. (9), and making technical and conforming changes, effective June 13, 2023; P.A. 23-50 amended Subsec. (a) by designating existing provisions as Subdiv. (1), redesignating existing Subdivs. (1) and (2) as Subparas. (A) and (B) and adding new Subdiv. (2) re farmers' markets sales and tastings, amended Subsec. (b) by designating existing provisions as Subdiv. (1), redesignating existing Subdivs. (1) to (3) as Subparas. (A) to (C) and adding new Subdiv. (2) re farmers' markets sales and tastings, and made technical and conforming changes throughout, effective June 13, 2023.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-16a. - Off-site farm winery sales and wine, cider and mead tasting permit.

(a) The Commissioner of Consumer Protection shall issue an off-site farm winery sales and wine, cider and mead tasting permit to a holder of a manufacturer permit for a farm winery or to a holder of a manufacturer permit for wine, cider and mead upon the holder's submission of proof to the commissioner that the holder is in compliance with the requirements of subsection (c) or (d) of section 30-16. An off-site farm winery sales and wine, cider and mead tasting permit shall authorize the sale and offering of free samples of products manufactured by such permittees during a total of not more than seven events or functions per year at locations outside the permit holder's permit premises, provided such holder: (1) Notifies the Department of Consumer Protection, on a form prescribed by the Commissioner of Consumer Protection, not less than five business days prior to the date of the event or function, of the date, hours and location of each event or function, (2) sells only wine, cider and mead by the bottle at the event or function, and (3) is present, or has an authorized representative present, at the time of the sale of any such bottles or the offering of a free sample of such products from the permit holder at the event or function. An off-site farm winery sales and wine, cider and mead tasting permit shall be valid for a period of one year from the date of issuance. The annual fee for such permit shall be two hundred fifty dollars. There shall be a one-hundred-dollar nonrefundable filing fee for any such permit. (b) Any town or municipality may, by ordinance or zoning regulation, prohibit the sale or offering of free samples by the holder of an off-site farm winery sales and wine, cider and mead tasting permit at an event or function held in such town or municipality. (P.A. 14-189, S. 1; P.A. 19-24, S. 10; P.A. 23-50, S. 11.) History: P.A. 14-189 effective July 1, 2014; P.A. 19-24 added references to cider and mead and references to manufacturer permit for wine, cider and mead, and made technical and conforming changes, effective July 1, 2020; P.A. 23-50 amended Subsec. (a) by deleting references to Secs. 30-35, 30-37b and 30-37h, effective July 1, 2023.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-16b. - Authorization to sell alcoholic liquor for off-premises consumption. Sale with food. Delivery. Hours. Limits for order.

(a) The holder of a permit issued under section 30-16, 30-21 or 30-22, subsection (c) or (g) of section 30-22a or section 30-22aa may sell for off-premises consumption sealed containers of all alcoholic liquor such permit holder is allowed to sell for on-premises consumption, subject to the requirements of this section and consistent with all local ordinances for the town in which the permit premises are located. (b) Any alcoholic liquor sold for off-premises consumption under this section shall be accompanied by food prepared on the permit premises for off-premises consumption. (c) Alcoholic liquor sold for off-premises consumption under this section may be sold in a container other than the manufacturer's original sealed container, unless sold by a permittee under section 30-16. All such alcoholic liquor shall be given to a consumer in a securely sealed container that prevents consumption without the removal of a tamper-evident lid, cap or seal. A securely sealed container does not include a container with a lid with sipping holes or openings for straws. Each securely sealed container shall be placed in a bag by the permittee's agent or employee prior to removal from the permit premises. (d) If a permittee is delivering alcoholic liquor and food, such delivery shall be made only by a direct employee of the permittee and not by a third-party vendor or entity, unless such third-party vendor or entity holds an in-state transporter's permit issued under section 30-19f. (e) The sale of alcoholic liquor for off-premises consumption under this section shall: (1) Be conducted only during the hours a package store is permitted to sell alcoholic liquor under the provisions of subsection (d) of section 30-91, and (2) if such alcoholic liquor is sold by a permittee under section 30-21 or 30-22, subsection (c) or (g) of section 30-22a or section 30-22aa, comply with all applicable requirements of said sections and the limits imposed under subsection (g) of this section. (f) A sealed container of alcoholic liquor sold under this section shall not be deemed an open container, provided the sealed container is unopened, the seal has not been tampered with and the contents of the sealed container have not been partially removed. (g) The sale of alcoholic liquor for off-premises consumption under this section by a permittee under section 30-21 or

30-22, subsection (c) or (g) of section 30-22a or section 30-22aa shall comply with the following limits for any one order, per customer: (1) One hundred ninety-six ounces for beer; (2) one liter for spirits; and (3) one and one-half liters for wine. (h) The provisions of this section shall not apply to the retail sale of any alcoholic liquor manufactured by a manufacturer permittee under section 30-16 on the manufacturer's permit premises for off-premises consumption, which shall be subject to the requirements of section 30-16, including, but not limited to, the volume limits and hours of sale set forth in section 30-16. (P.A. 21-37, S. 108; P.A. 22-104, S. 11; P.A. 23-50, S. 12.) History: P.A. 21-37 effective June 4, 2021; P.A. 22-104 amended Subsec. (a) by substituting reference to Subsec. (c) or (g) of Sec. 30-22a for reference to Subsec. (a), (g), (h) or (i) of Sec. 30-22a and adding reference to Sec. 30-22aa, amended Subsecs.(e)(2) and (g) by adding references to Subsec. (c) or (g) of Sec. 30-22a and Sec. 30-22aa, and made technical and conforming changes, effective May 24, 2022; P.A. 23-50 amended Subsec. (a) by deleting sunset on sales for off-premises consumption, effective July 1, 2023.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-16c. - Delivery of alcoholic liquor manufactured by holder of manufacturer permit.

(a) From June 4, 2021 until three years after June 4, 2021, the holder of any manufacturer permit issued pursuant to section 30-16 may deliver alcoholic liquor manufactured by such permittee, provided such delivery is made only by a direct employee of the permittee and not by a third-party vendor or entity, unless such third-party vendor or entity holds an in-state transporter's permit. Any alcoholic liquor delivered by a permittee under this section shall comply with all applicable limits of section 30-16 allowing the permittee to sell at retail, from the permittee's premises, sealed bottles or other sealed containers of alcoholic liquor manufactured by the permittee on the premises for off-premises consumption. (b) Any alcoholic liquor delivered by a permittee under section 30-16 for off-premises consumption pursuant to this section need not be accompanied by food. (c) The delivery of alcoholic liquor by a permittee under section 30-16 for off-premises consumption pursuant to this section shall (1) be conducted only during the hours a package store is permitted to sell alcoholic liquor under the provisions of subsection (d) of section 30-91, and (2) comply with all applicable requirements of section 30-91. (P.A. 21-37, S. 109.) History: P.A. 21-37 effective June 4, 2021.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-16d. - Alternating proprietorship agreements. Requirements. Regulations.

(a) For the purposes of this section: (1) "Alternating proprietorship agreement" or "agreement" means a written agreement between a host manufacturer and at least one tenant manufacturer under which the host manufacturer agrees to share permit premises with, or rent permit premises to, a tenant manufacturer for the purpose of producing alcoholic beverages; (2) "Certificate of label approval" has the same meaning as provided in 27 CFR 4.10, as amended from time to time; (3) "Host manufacturer" means a manufacturer who enters into an alternating proprietorship agreement with a tenant manufacturer and agrees to share permit premises with, or rent permit premises to, the tenant manufacturer pursuant to such agreement; (4) "Manufacturer" means the holder of a manufacturer permit issued under section 30-16; (5) "Permit premises" means the location where alcoholic beverages are produced under an alternating proprietorship agreement; and (6) "Tenant manufacturer" means a manufacturer who enters into an alternating proprietorship agreement with a host manufacturer and agrees to share permit premises with, or rent permit premises from, the host manufacturer pursuant to such agreement. (b) (1) A host manufacturer and a tenant manufacturer may enter into an alternating proprietorship agreement, provided: (A) If the host manufacturer is sharing permit premises with the tenant manufacturer pursuant to such agreement, the host manufacturer or tenant manufacturer shall be deemed to be in exclusive control and possession of those portions of the permit premises which such host manufacturer or tenant manufacturer is actively using to produce and store alcoholic beverages pursuant to such agreement. (B) (i) Each manufacturer shall separately hold title to (I) all ingredients, packaging supplies and raw materials that such manufacturer uses to produce alcoholic beverages pursuant to such agreement, and (II) all alcoholic beverages such manufacturer produces on the permit premises pursuant to such agreement until such alcoholic beverages are removed from such permit premises. (ii) All alcoholic beverages, ingredients, packaging supplies and raw materials described in subparagraph (B)(i) of this subdivision shall be conspicuously labeled in a manner that identifies the manufacturer who is in possession of such alcoholic beverages, ingredients, packaging supplies or raw materials. (iii) Nothing in subparagraph (B)(i) or (B)(ii) of this subdivision shall be construed to prohibit a tenant manufacturer from purchasing ingredients, packaging supplies or raw materials from the host manufacturer before the tenant manufacturer begins producing an alcoholic beverage pursuant to such agreement. (C) During all stages of the production process, each alcoholic beverage that a manufacturer produces pursuant to such agreement shall be maintained (i) separately from the alcoholic beverages produced by all other manufacturers pursuant to such agreement, and (ii) in a manner in which such manufacturer's alcoholic beverages are readily identifiable as such manufacturer's alcoholic beverages. (D) Each manufacturer who is a party to such agreement shall assume any risk of loss of an alcoholic beverage that such manufacturer produces pursuant to such agreement, and no tenant manufacturer shall return to the host manufacturer any alcoholic beverage that such tenant manufacturer produces pursuant to such agreement. (E) (i) Each manufacturer who is a party to such agreement shall (I) separately maintain control and responsibility over the alcoholic beverages that such manufacturer produces pursuant to such agreement as well as the production quantity of, and formula development and quality control standards for, such alcoholic beverages, and (II) ensure the independence of such manufacturer's brands, marketing, product registrations, sales and trademarks. (ii) Nothing in subparagraph (E)(i) of this subdivision shall be construed to preclude a tenant manufacturer from paying a host manufacturer for any service rendered by a host manufacturer's employee for the purpose of assisting the tenant manufacturer with any aspect of such tenant manufacturer's operations. (F) Each manufacturer who is a party to such agreement shall (i) maintain

separate records concerning such manufacturer's production pursuant to such agreement, sales and any other matter required by other applicable law, (ii) file separate licensing, production and sales reports with federal and state authorities as required by other applicable law, and (iii) separately pay any tax due on the alcoholic beverages such manufacturer has produced pursuant to such agreement. (G) Each manufacturer who is a party to such agreement shall (i) be approved, licensed or qualified by the federal Alcohol and Tobacco Tax and Trade Bureau as required by federal law, (ii) be responsible for obtaining such manufacturer's (I) certificates of label approval, and (II) brand registrations from the department under section 30-63, and (iii) label each alcoholic beverage that such manufacturer produces pursuant to such agreement with such manufacturer's business name and the address of the permit premises. (H) No manufacturer who is a party to such agreement may be owned by any person who owns any other manufacturer who is a party to such agreement, except if such manufacturers are producing different classes of alcoholic beverage. (2) Nothing in subdivision (1) of this subsection shall be construed to prohibit (A) multiple manufacturers from equally sharing the ownership or use of any permit premises, or (B) an out-of-state manufacturer from entering into an alternating proprietorship agreement with a host manufacturer as a tenant manufacturer, provided the out-of-state manufacturer applies for a manufacturer permit under section 30-16. (c) The department may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section. (P.A. 23-50, S. 3.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-16e. - Contract manufacturing agreements. Requirements. Regulations.

(a) For the purposes of this section: (1) "Certificate of label approval" has the same meaning as provided in 27 CFR 4.10, as amended from time to time; (2) "Contract manufacturing agreement" or "agreement" means a written agreement, including, but not limited to, a custom crush agreement, in which a primary manufacturer agrees to produce an alcoholic beverage on behalf of a contracting party; (3) "Contracting party" means the holder of a manufacturer permit issued under section 30-16, a wholesaler permit issued under section 30-17 or an out-of-state shipper's permit for alcoholic liquor issued under section 30-18 that owns the recipe for an alcoholic beverage; (4) "Custom crush agreement" means a contract manufacturing agreement under which a primary manufacturer that holds a manufacturer permit issued under section 30-16 for the production of wine produces wine on behalf of a contracting party by using grapes or other fruit provided by the contracting party; and (5) "Primary manufacturer" means a manufacturer who produces an alcoholic beverage on behalf of a contracting party on the manufacturer's permit premises pursuant to a contract manufacturing agreement. (b) A contracting party may enter into a contract manufacturing agreement with a primary manufacturer, provided: (1) The primary manufacturer shall: (A) Maintain, at all times during the term of such agreement, exclusive control and possession of all premises on which the primary manufacturer produces alcoholic beverages on behalf of the contracting party pursuant to such agreement; (B) Bear sole responsibility for production of all alcoholic beverages on behalf of the contracting party pursuant to such agreement; (C) Label with the primary manufacturer's business name and address all alcoholic beverages the primary manufacturer produces on behalf of the contracting party pursuant to such agreement; (D) Maintain title to (i) all ingredients that the primary manufacturer uses during the production process for an alcoholic beverage that the primary manufacturer produces on behalf of the contracting party pursuant to such agreement unless such agreement is a custom crush agreement, (ii) all machinery and supplies that the primary manufacturer uses during the production process for an alcoholic beverage that the primary manufacturer produces on behalf of the contracting party pursuant to such agreement, and (iii) each alcoholic beverage the primary manufacturer produces on behalf of the contracting party pursuant to such agreement until such alcoholic beverage is removed from such primary manufacturer's permit premises; (E) Maintain appropriate production records concerning all alcoholic beverages the primary manufacturer produces on behalf of the contracting party pursuant to such agreement; (F) Obtain from the federal Alcohol and Tobacco Tax and Trade Bureau any certificate of label approval required for an alcoholic beverage that the primary manufacturer produces on behalf of the contracting party pursuant to such agreement; (G) File any registration required under section 30-63 for an alcoholic beverage that the primary manufacturer produces on behalf of the contracting party pursuant to such agreement; (H) Pay any tax due on the alcoholic beverages the primary manufacturer has produced on behalf of the contracting party pursuant to such agreement, which agreement may require the contracting party to reimburse the primary manufacturer for the cost of such tax; (I) Provide to the department, upon inspection or request, an up-to-date list and copies of all contract manufacturing agreements to which the primary manufacturer is a party and production records concerning such agreements, which list, copies and records shall be provided to the department in an electronic format unless it is commercially impractical; and (J) Not sell at retail for off-premises consumption or at wholesale any alcoholic beverage such primary manufacturer produces on behalf of the contracting party if any wholesaler permittee under section 30-17 has the distribution rights for such alcoholic beverage; and (2) The contracting party shall not produce any alcoholic beverage on the primary manufacturer's permit premises. (c) The department may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section. (P.A. 23-50, S. 4.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-17. - Wholesaler permit. Termination or diminishment of distributorship. Wholesaler beer permit. Tastings.

(a)(1) A wholesaler permit shall allow the bottling of alcoholic liquor and the wholesale sale of alcoholic liquor to permittees in this state and without the state, as may be permitted by law, and the sale of alcoholic liquors to vessels engaged in coastwise or foreign commerce, and the sale of alcohol and alcoholic liquor for industrial purposes to nonpermittees, such sales to be made in accordance with the regulations adopted by the Department of Consumer Protection, and the sale of alcohol and alcoholic liquor for medicinal purposes to hospitals and charitable institutions and to religious organizations for sacramental purposes and the receipt from

out-of-state shippers of multiple packages of alcoholic liquor. The holder of a wholesaler permit may apply for and shall thereupon receive an out-of-state shipper's permit for direct importation from abroad of alcoholic liquors manufactured outside the United States and an out-of-state shipper's permit for direct importation from abroad of beer manufactured outside the United States. The annual fee for a wholesaler permit shall be two thousand six hundred fifty dollars. (2) When a holder of a wholesaler permit has had the distributorship of any alcohol, beer, spirits or wine product of a manufacturer or out-of-state shipper for six months or more, such distributorship may be terminated or its geographic territory diminished upon (A) the execution of a written stipulation by the wholesaler and manufacturer or out-of-state shipper agreeing to the change and the approval of such change by the Department of Consumer Protection; or (B) the sending of a written notice by certified or registered mail, return receipt requested, by the manufacturer or out-of-state shipper to the wholesaler, a copy of which notice has been sent simultaneously to the department in a manner prescribed by the Commissioner of Consumer Protection. No such termination or diminishment shall become effective except for just and sufficient cause, provided such cause shall be set forth in such notice and the department shall determine, after hearing, that just and sufficient cause exists. If an emergency occurs, caused by the wholesaler, prior to such hearing, which threatens the manufacturers' or out-of-state shippers' products or otherwise endangers the business of the manufacturer or out-of-state shipper and said emergency is established to the satisfaction of the department, the department may temporarily suspend such wholesaler permit or take whatever reasonable action the department deems advisable to provide for such emergency and the department may continue such temporary action until its decision after a full hearing. The department shall render its decision with reasonable promptness following such hearing. Notwithstanding the aforesaid, a manufacturer or out-of-state shipper may appoint one or more additional wholesalers as the distributor for an alcohol, spirits or wine product within such territory, provided such appointment shall not be effective until six months from the date such manufacturer or out-of-state shipper sets forth such intention in written notice to the existing wholesaler by certified or registered mail, return receipt requested, with a copy of such notice simultaneously sent to the department in a manner prescribed by the Commissioner of Consumer Protection. For just and sufficient cause, a manufacturer or out-of-state shipper may appoint one or more additional wholesalers as the distributor for a beer product within such territory provided such manufacturer or out-of-state shipper sets forth such intention and cause in written notice to the existing wholesaler by certified or registered mail, return receipt requested, with a copy of such notice simultaneously sent to the department in a manner prescribed by the Commissioner of Consumer Protection. Such written notice shall include the name of each additional wholesaler appointed as a distributor and provide a detailed description of the just and sufficient cause necessitating such appointment. For the purposes of this section, "just and sufficient cause" means the existence of circumstances which, in the opinion of a reasonable person considering all of the equities of both the wholesaler and the manufacturer or out-of-state shipper warrants a termination or a diminishment of a distributorship as the case may be. For the purposes of this section, "manufacturer or out-of-state shipper" means the manufacturer or out-of-state shipper who originally granted a distributorship of any alcohol, beer, spirits or wine product to a wholesaler, any successor to such manufacturer or out-of-state shipper, which successor has assumed the contractual relationship with such wholesaler by assignment or otherwise, or any other manufacturer or out-of-state shipper who acquires the right to ship such alcohol, beer, spirits or wine into the state. (3) Nothing contained in this section shall be construed to interfere with the authority of the Department of Consumer Protection to retain or adopt reasonable regulations concerning the termination or diminishment of a distributorship held by a wholesaler for less than six months. (4) All hearings held under this section shall be held in accordance with the provisions of chapter 54. (b) A wholesaler permit for beer shall be in all respects the same as a wholesaler permit, except that the scope of operations of the holder shall be limited to beer; but shall not prohibit the handling of nonalcoholic merchandise. The holder of a wholesaler permit for beer may apply for and shall thereupon receive an out-of-state shipper's permit for direct importation from abroad of beer manufactured outside the United States. The annual fee for a wholesaler permit for beer shall be one thousand dollars. (c) A wholesaler permittee may offer to industry members and its own staff free samples of alcoholic liquor that it distributes for tasting on the wholesaler's premises. Any offering, tasting, wine education and tasting class demonstration held on permit premises shall be conducted only during the hours a package store is permitted to sell alcoholic liquor under section 30-91. No tasting of wine on the premises shall be offered from more than ten uncorked or open bottles at any one time. A wholesaler may offer such tastings to retail permittees not more than four times per year. (1949 Rev., S. 4239; 1955, S. 2156d; 1971, P.A. 605, S. 1; 747, S. 1; 1972, P.A. 95, S. 1; P.A. 73-230; P.A. 75-186, S. 1, 3; 75-641, S. 3; P.A. 77-373; 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 79-131, S. 1, 2; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 81-367, S. 2, 9; P.A. 84-432, S. 2, 3; P.A. 86-57, S. 1, 2; P.A. 93-139, S. 11; P.A. 95-161, S. 6, 9; 95-195, S. 21, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; June Sp. Sess. P.A. 09-3, S. 328; P.A. 17-77, S. 3; P.A. 21-37, S. 80; P.A. 24-142, S. 58.) History: 1971 acts added Subsec. (1)(B) and (C) re termination of distributorship of products and diminishment of territories and specified that wholesaler permit allows "the receipt from out-of-state shippers of multiple packages of still wines and sparkling wines"; 1972 act specified products distributed in Subsec. (1)(B) as alcohol, beer, spirits or wine and added provisions re appointment of successor distributors; P.A. 73-230 made technical correction; P.A. 75-186 substituted "beer" for "malt beverages" in Subsec. (1); P.A. 75-641 changed manner of designating subsections, subdivisions, etc. for consistency with other statutes; P.A. 77-373 deleted word "beer" (added by P.A. 73-230) in provision re appointment of successor distributor; P.A. 77-614 replaced liquor control commission with division of liquor control within the department of business regulation, except as later limited by P.A. 78-303, effective January 1, 1979; P.A. 79-131 deleted provision which had stated that termination of distributorship or diminishment of territory is effective not earlier than one year from date of notice unless there is just and sufficient cause for imposing an earlier date, defined meaning of just and sufficient cause for purposes of section and changed effective date of successor distributor's powers (previously 90 days after notice), distinguishing between alcohol, spirits or wine products and beer;

P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 81-367 amended Subsec. (a) to provide that termination or diminishment of a wholesaler's distributorship may be effected only for just and sufficient cause if the wholesaler has had the distributorship for 6 months or more where prior law extended this protection only after 24 months, and to provide that the 6-month time period applies to the successors or assigns of a manufacturer or out-of-state shipper; P.A. 84-432 amended Subsec. (a) by specifying the conditions under which a manufacturer or out-of-state shipper might appoint an additional wholesaler as a distributor of beer, and by adding Subdiv. (4) requiring hearings to be held in accordance with chapter 54; P.A. 86-57 amended Subsec. (a) to add definition of "manufacturer or out-of-state shipper"; P.A. 93-139 made technical changes and added the annual fee for each wholesaler permit; P.A. 95-161 amended Subsec. (a) to change the type of alcohol that can be received from an out-of-state shipper from still and sparkling wines to alcoholic liquor, effective June 27, 1995; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; June Sp. Sess. P.A. 09-3 increased fee in Subsec. (a)(1) from \$2,400 to \$2,650 and increased fee in Subsec. (b) from \$800 to \$1,000; P.A. 17-77 amended Subsec. (a)(2) to add provisions re sending notice by certified mail, effective July 1, 2017; P.A. 21-37 amended Subsec. (a)(3) and (4) to make technical changes and added Subsec. (c) re tastings of alcoholic liquor, effective July 1, 2021; P.A. 24-142 amended Subsec. (a)(2) by providing that copies of notices shall be sent to Department of Consumer Protection in manner prescribed by Commissioner of Consumer Protection, adding provisions setting forth contents of notices re appointment of 1 or more additional wholesalers as distributors, and making technical and conforming changes, effective June 6, 2024. See Sec. 30-38 re storage facilities for liquor. Cited. 148 C. 652; 177 C. 616; 184 C. 75. Statute, as amended by P.A. 81-367, effective May 29, 1981, applies to dealerships in existence at the time amendment became effective. 194 C. 165. Cited. 202 C. 405; 208 C. 187; 213 C. 184.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-17a. - Sales by wholesaler permittees to retail permittees outside territory.

Notwithstanding any provision of the general statutes to the contrary, no wholesaler permittee shall refuse to sell alcohol, spirits or wine to any retail permittee, without regard to the location of such retail permittee's place of business if (1) such retail permittee is willing to accept delivery at such wholesaler permittee's place of distribution, (2) such retail permittee meets any reasonable conditions imposed upon other retail permittees located within such wholesaler permittee's geographic territory and (3) the item of alcohol spirits or wine sought by such retail permittee is not available from any wholesaler permittee serving a geographic territory in which such retail permittee's place of business is located or is only available from such a wholesaler permittee at a higher price. Any agreement entered into on or after June 8, 1981, which conflicts with the terms of this section shall be void. As used in this section, the term "retail permittee" means the holder of a permit allowing the sale of alcoholic liquor for on or off-premises consumption. (P.A. 81-294, S. 19, 22; P.A. 82-332, S. 7, 13.) History: P.A. 82-332 made section applicable to holders of permits allowing on or off-premises consumption where previously more broadly applicable by deleting reference to specific sections. Cited. 2 CA 628.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-17b. - Wholesaler's salesman certificates.

Section 30-17b is repealed, effective January 1, 2018. (P.A. 86-191; P.A. 95-195, S. 22, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; June Sp. Sess. P.A. 09-3, S. 329; P.A. 12-17, S. 4; P.A. 17-75, S. 5.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-17c. - Wholesaler and manufacturer permittees to inventory and unload alcoholic liquor prior to sale and delivery. Penalty.

(a) No alcoholic liquor shall be sold or delivered by any wholesaler or manufacturer permittee except from such wholesaler's or manufacturer's permit premises, unless the wholesaler or manufacturer permittee has first received and inventoried the alcoholic liquor, which shall be unloaded from the delivery truck and come to rest in the warehouse facility of such wholesaler or manufacturer before being shipped to a retailer directly. The Commissioner of Consumer Protection or his or her authorized agent may inspect such wholesaler's or manufacturer's permit premises, books and records to ensure compliance with the provisions of this section. Notwithstanding the foregoing, the provisions of this section shall not apply to the sale, delivery or shipment of wine by a farm winery pursuant to subsection (a) of section 30-18 or to the holder of an out-of-state small winery shipper's permit for wine issued pursuant to section 30-18a. (b) Any person who violates the provisions of subsection (a) of this section shall have engaged in an unfair or deceptive act or practice in violation of section 42-110b. (June Sp. Sess. P.A. 17-2, S. 263.) History: June Sp. Sess. P.A. 17-2 effective October 31, 2017.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-17d. - Assessment and remittance of infused beverage fee by wholesaler permittees.

(a) For the purposes of this section: (1) "Container" has the same meaning as provided in section 21a-425; and (2) "Infused

beverage” has the same meaning as provided in section 21a-425. (b) A fee of one dollar shall be assessed by the holder of a wholesaler permit or a wholesaler permit for beer issued under section 30-17 on each infused beverage container sold to the holder of a package store permit issued under subsection (b) of section 30-20. Such fee shall not be subject to any sales tax or treated as income pursuant to any provision of the general statutes. (c) On January 2, 2025, and every six months thereafter, each holder of a wholesaler permit or a wholesaler permit for beer issued under section 30-17 shall remit payment to the department for each infused beverage container sold during the preceding six-month period. The funds received by the department from infused beverage sales shall be deposited in the consumer protection enforcement account established in section 21a-8a for the purposes of (1) protecting public health and safety, (2) educating consumers and licensees, and (3) ensuring compliance with cannabis and liquor control laws. (P.A. 24-76, S. 35.) History: P.A. 24-76 effective July 1, 2024.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-18. - Out-of-state shipper's permit for alcoholic liquors.

(a) An out-of-state shipper's permit for alcoholic liquor other than beer shall allow the sale of such alcoholic liquor to manufacturer and wholesaler permittees in this state and outside of this state as permitted by law and, as to any out-of-state shipper operating a farm winery who produces not more than one hundred thousand gallons of wine per year, the sale and shipment by the holder thereof to a retailer of wine manufactured by such permittee on the permitted premises in the original sealed containers of not more than fifteen gallons per container. The permit premises of an out-of-state shipper's permit for alcoholic liquor may be located within this state or outside this state. The annual fee for an out-of-state shipper's permit for alcoholic liquor other than beer shall be ninety dollars for a Connecticut manufacturer or wholesaler holding such a permit and shall be one thousand two hundred fifty dollars for any other person holding such a permit. For purposes of this subsection, “farm winery” means any place or premises, located on a farm in which wine is manufactured and sold provided not less than twenty-five per cent of the fruit used in the manufacture of such wine is produced on such farm. (b) Subject to the provisions of this subsection, an out-of-state shipper's permit for alcoholic liquor other than beer shall allow the sale and delivery or shipment of wine manufactured by the permittee on the permitted premises directly to a consumer in this state. Such permittee, when selling and shipping wine directly to a consumer in this state, shall: (1) Ensure that the shipping labels on all containers of wine shipped directly to a consumer in this state conspicuously state the following: “CONTAINS ALCOHOL—SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY”; (2) obtain the signature of a person age twenty-one or older at the address prior to delivery, after requiring the signer to demonstrate that he or she is age twenty-one or older by providing a valid motor vehicle operator's license or a valid identity card described in section 1-1h; (3) not ship more than five gallons of wine in any two-month period to any person in this state and not ship any wine until such permittee is registered, with respect to the permittee's sales of wine to consumers in this state, for purposes of the taxes imposed under chapters 219 and 220, with the Department of Revenue Services; (4) pay, to the Department of Revenue Services, all sales taxes and alcoholic beverage taxes due under chapters 219 and 220 on sales of wine to consumers in this state, and file, with said department, all sales tax returns and alcoholic beverage tax returns relating to such sales, with the amount of such taxes to be calculated as if the sale were in this state at the location where delivery is made; (5) report to the Department of Consumer Protection a separate and complete record of all sales and shipments to consumers in the state, on a ledger sheet or similar form which readily presents a chronological account of such permittee's dealings with each such consumer; (6) permit the Department of Consumer Protection and Department of Revenue Services, separately or jointly, to perform an audit of the permittee's records upon request; (7) not ship to any address in the state where the sale of alcoholic liquor is prohibited by local option pursuant to section 30-9; (8) hold an in-state transporter's permit pursuant to section 30-19f or make any such shipment through the use of a person who holds such an in-state transporter's permit; and (9) execute a written consent to the jurisdiction of this state, its agencies and instrumentalities and the courts of this state concerning the enforcement of this section and any related laws, rules, or regulations, including, but not limited to, tax laws, rules or regulations. (c) The Department of Consumer Protection, in consultation with the Department of Revenue Services, may adopt regulations, in accordance with the provisions of chapter 54, to assure compliance with the provisions of subsection (b) of this section. (d) A holder of an out-of-state shipper's permit for alcoholic liquor other than beer, when advertising or offering wine for direct shipment to a consumer in this state via the Internet or any other on-line computer network, shall clearly and conspicuously state such liquor permit number in its advertising. (e) (1) For purposes of chapter 219, the holder of an out-of-state shipper's permit for alcoholic liquor other than beer, when shipping wine directly to a consumer in this state, shall be deemed to be a retailer engaged in business in this state, as defined in chapter 219, and shall be required to be issued a seller's permit pursuant to chapter 219. (2) For purposes of chapter 220, the holder of an out-of-state shipper's permit for alcoholic liquor other than beer, when shipping wine directly to a consumer in this state, shall be deemed to be a distributor as defined in chapter 220 and shall be required to be licensed pursuant to chapter 220. (f) As used in this section, “out-of-state” means any state other than Connecticut, any territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico, but does not include any foreign country. (1949 Rev., S. 4240; P.A. 93-139, S. 12; P.A. 01-60, S. 1; P.A. 05-274, S. 2; P.A. 07-39, S. 2; June Sp. Sess. P.A. 09-3, S. 330; P.A. 21-37, S. 98.) History: P.A. 93-139 added the annual fee for each out-of-state shipper's permit for alcoholic liquor; P.A. 01-60 added provision re location of permit premises in or outside of state; P.A. 05-274 designated existing provisions as Subsec. (a) and amended same to provide for the sale to a retailer when the out-of-state shipper produces not more than 100,000 gallons of wine per year and define “farm winery”, and added Subsec. (b) re the sale and delivery or shipment directly to a consumer in this state, Subsec. (c) re regulations for direct shipment to consumers by out-of-state shippers, Subsec. (d) re the offering of wine for direct shipment to a consumer in this state via the Internet, Subsec. (e) re classification as a

retailer engaged in business in this state and classification as a distributor, and Subsec. (f) defining “out-of-state”, effective July 13, 2005; P.A. 07-39 changed 60-day period to 2-month period in Subsec. (b)(3); June Sp. Sess. P.A. 09-3 increased fees in Subsec. (a); P.A. 21-37 amended Subsec. (a) by adding “and outside of this state” re sale to manufacturer and wholesaler permittees, effective July 1, 2021. Cited. 184 C. 75; 194 C. 165; 213 C. 184. Cited. 14 CS 51.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-18a. - Out-of-state winery shipper's permit for wine. Out-of-state retailer shipper's permit for wine.

(a)(1) An out-of-state winery shipper's permit for wine shall allow the sale of wine to manufacturer and wholesaler permittees in this state as permitted by law and for those shippers that produce not more than one hundred thousand gallons of wine per year, the sale and shipment by the holder thereof to a retailer of wine manufactured by such permittee in the original sealed containers of not more than fifteen gallons per container. For purposes of this section, “wine” shall include cider not exceeding six per cent alcohol by volume and apple wine not exceeding fifteen per cent alcohol by volume. (2) An out-of-state retailer shipper's permit for wine shall allow the sale and shipment of wine directly to a consumer in this state. (b) Subject to the provisions of this subsection, the permits under subsection (a) of this section shall allow the sale and delivery or shipment of wine manufactured or sold by the permittee directly to a consumer in this state. Such permittee, when selling and shipping wine directly to a consumer in this state, shall: (1) Ensure that the shipping labels on all containers of wine shipped directly to a consumer in this state conspicuously state the following: “CONTAINS ALCOHOL—SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY”; (2) obtain the signature of a person age twenty-one or older at the address prior to delivery, after requiring the signer to demonstrate that he or she is age twenty-one or older by providing a valid motor vehicle operator's license or a valid identity card described in section 1-1h; (3) not ship more than five gallons of wine in any two-month period to any person in this state and not ship any wine until such permittee is registered, with respect to the permittee's sales of wine to consumers in this state, for purposes of the taxes imposed under chapters 219 and 220, with the Department of Revenue Services; (4) pay, to the Department of Revenue Services, all sales taxes and alcoholic beverage taxes due under chapters 219 and 220 on sales of wine to consumers in this state, and file, with said department, all sales tax returns and alcoholic beverage tax returns relating to such sales, with the amount of such taxes to be calculated as if the sale were in this state at the location where delivery is made; (5) report to the Department of Consumer Protection a separate and complete record of all sales and shipments to consumers in the state, on a ledger sheet or similar form which readily presents a chronological account of such permittee's dealings with each such consumer; (6) permit the Department of Consumer Protection and Department of Revenue Services, separately or jointly, to perform an audit of the permittee's records upon request; (7) not ship to any address in the state where the sale of alcoholic liquor is prohibited by local option pursuant to section 30-9; (8) hold an in-state transporter's permit pursuant to section 30-19f or make any such shipment through the use of a person who holds such an in-state transporter's permit; (9) execute a written consent to the jurisdiction of this state, its agencies and instrumentalities and the courts of this state concerning the enforcement of this section and any related laws, rules, or regulations, including tax laws, rules or regulations; and (10) comply with the provisions of section 30-68m regarding the prohibition of selling wine below cost. (c) The Department of Consumer Protection, in consultation with the Department of Revenue Services, may adopt regulations in accordance with the provisions of chapter 54 to assure compliance with the provisions of subsection (b) of this section. (d) A holder of a permit under subsection (a) of this section, when advertising or offering wine for direct shipment to a consumer in this state via the Internet or any other on-line computer network, shall clearly and conspicuously state such liquor permit number in its advertising. (e) (1) For purposes of chapter 219, the holder of a permit under subsection (a) of this section, when shipping wine directly to a consumer in this state, shall be deemed to be a retailer engaged in business in this state as defined in chapter 219 and shall be required to be issued a seller's permit pursuant to chapter 219. (2) For purposes of chapter 220, the holder of a permit under subsection (a) of this section, when shipping wine directly to a consumer in this state, shall be deemed to be a distributor as defined in chapter 220 and shall be required to be licensed pursuant to chapter 220. (f) Any person who applies for an out-of-state winery shipper's permit for wine or for the renewal of such permit shall furnish an affidavit to the Department of Consumer Protection, in such form as may be prescribed by the department, affirming whether the out-of-state winery that is the subject of such permit produced more than one hundred thousand gallons of wine during the most recently completed calendar year. (g) The annual fee for an out-of-state winery shipper's permit for wine shall be three hundred fifteen dollars and the annual fee for an out-of-state retailer shipper's permit for wine shall be six hundred dollars. (h) As used in this section, “out-of-state” means any state other than Connecticut, any territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico, but does not include any foreign country. (P.A. 97-101; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 05-274, S. 3; P.A. 07-39, S. 3; P.A. 09-47, S. 2; June Sp. Sess. P.A. 09-3, S. 331; P.A. 19-24, S. 26.) History: June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 05-274 designated existing provisions as Subsecs. (a) and (f) to (h), made technical changes therein and authorized in Subsec. (a) the sale and shipment to a retailer by out-of-state winery shippers that produce not more than 100,000 gallons of wine per year, added Subsec. (b) re the sale and delivery or shipment of wine by such permittee directly to a consumer in this state, Subsec. (c) re regulations for the direct shipment of wine by such permittees to consumers in this state, Subsec. (d) re the offering of wine for direct shipment to consumers in this state via the Internet and Subsec. (e) re such permittee's classification as a retailer doing business in this state and classification as a distributor, effective July 13, 2005; P.A. 07-39 changed 60-day period to 2-month period in Subsec. (b)(3); P.A. 09-47 amended

Subsec. (a) by specifying wine shall include cider not exceeding 6% alcohol and apple wine not exceeding 15% alcohol, effective May 20, 2009; June Sp. Sess. P.A. 09-3 increased fee in Subsec. (g) from \$250 to \$315; P.A. 19-24 amended Subsec. (a) by designating existing provisions re out-of-state winery shipper's permit for wine as Subdiv. (1) and adding Subdiv. (2) re out-of-state retailer shipper's permit for wine, amended Subsec. (b) by adding provisions re wine sold directly to consumer and adding Subdiv. (10) re prohibition on selling wine below cost, amended Subsec. (g) by adding provision re annual fee of \$315 for out-of-state retailer shipper's permit for wine, and made technical and conforming changes, effective July 1, 2019.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-18b. - Prohibition against selling wine manufactured out of this state as Connecticut made wine.

Notwithstanding the provisions of sections 30-16, 30-18 and 30-18a, no person shall repackage, relabel or sell wine manufactured outside of this state for the purpose of selling such wine as Connecticut made wine. (P.A. 21-37, S. 104.) History: P.A. 21-37 effective July 1, 2021.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-19. - Out-of-state shipper's permit for beer.

An out-of-state shipper's permit for beer shall allow the sale of beer to manufacturer and wholesaler permittees in this state as permitted by law. The permit premises of an out-of-state shipper's permit for beer may be located within this state or outside this state. The annual fee for an out-of-state shipper's permit for beer shall be ninety dollars for a Connecticut manufacturer or wholesaler holding such a permit and shall be one thousand two hundred fifty dollars for any other person holding such a permit. (1949 Rev., S. 4241; P.A. 93-139, S. 13; P.A. 01-60, S. 2; June Sp. Sess. P.A. 09-3, S. 332.) History: P.A. 93-139 added the annual fee for each out-of-state shipper's permit for beer; P.A. 01-60 added provision re location of permit premises in or outside of state; June Sp. Sess. P.A. 09-3 increased fees. Classification created by section is within power of legislature. 138 C. 669. Cited. 184 C. 75; 194 C. 165; 213 C. 184.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-19f. - In-state transporter's permit.

(a) An in-state transporter's permit for alcoholic liquor shall allow the commercial transportation of any alcoholic liquor and, with the approval of the Department of Consumer Protection, the provision or sale of alcoholic liquor for consumption in a boat engaged in the transportation of passengers for hire or a motor vehicle in livery service, as permitted by law. One permit shall cover all such boats or vehicles that are under common control, direction, management or ownership. When applying for such approval, the owner of any such boat or vehicle in which the sale or consumption of alcoholic liquor will be available shall specifically identify to the department each such boat or vehicle. The annual fee for an in-state transporter's liquor permit shall be one thousand two hundred fifty dollars for the first boat or vehicle and an additional annual fee of two hundred dollars for each additional boat or vehicle. (b) No person or business entity, except the holder of an out-of-state shipper's permit issued under section 30-18 or 30-19, a manufacturer's permit issued under section 30-16, other than a manufacturer permit for a farm winery or a manufacturer permit for wine, cider and mead, or a wholesaler's permit issued under section 30-17, shall transport any alcoholic beverages imported into this state unless: (1) Such person or business entity holds an in-state transporter's permit issued under this section; (2) the tax imposed on such alcoholic liquor under section 12-435 has been paid; and (3) if applicable, the tax imposed on the sale of such alcoholic liquor under chapter 219 has been paid. (c) An in-state transporter, when delivering or shipping directly to a consumer in this state wine, cider or mead, shall: (1) Ensure that the shipping labels on all containers of such products shipped directly to a consumer in this state conspicuously state the following: "CONTAINS ALCOHOL—SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY"; (2) obtain the signature of a person who is at least twenty-one years of age at the address prior to delivery, after requiring the signer to demonstrate that the signer is at least twenty-one years of age by providing a valid motor vehicle operator's license or a valid identity card described in section 1-1h; and (3) not ship to any address in the state where the sale of alcoholic liquor is prohibited by local option pursuant to section 30-9. (d) An in-state transporter, when delivering packages labeled as containing alcoholic liquor into this state from outside the state for delivery to consumers and retailers in this state, shall keep records of such shipments or deliveries. Such records shall contain: (1) The name of the transporter permit holder making the shipment or delivery, (2) the date of the shipment or delivery, (3) the name and business address of the out-of-state seller of such alcoholic liquor, (4) the name and address of each consumer or in-state retailer, (5) the weight of the package or containers delivered to each consumer or in-state retailer, and (6) a unique tracking number and the date of delivery for such. All records required to be kept pursuant to this section shall be maintained in writing or electronically, at the place of business of the in-state transporter, for not less than eighteen months following the date of delivery of such alcoholic liquor. Upon request of the Department of Consumer Protection or the Department of Revenue Services, the in-state transporter shall provide any such records to the requesting agency not later than five business days after such request. Any records provided to a requesting agency pursuant to this subsection shall be considered public records, as defined in section 1-200, and shall be subject to the provisions of chapter 14. An in-state transporter shall make such records available for inspection and copying by agents of the requesting agency during regular business hours. (e) Any in-state transporter who fails to keep records, refuses to respond or fails to provide such records to the requesting agency as required by subsection (d) of this section shall be subject to a notification of violation, and permit suspension or revocation. (f) Any person convicted of violating subsections (a), (b) and (c) of this section shall be fined not more than two thousand dollars for each

offense. (P.A. 95-336, S. 1, 2; P.A. 05-274, S. 4; June Sp. Sess. P.A. 09-3, S. 333; P.A. 19-24, S. 11; P.A. 21-11, S. 1; P.A. 22-104, S. 3; P.A. 24-142, S. 59.) History: P.A. 05-274 amended Subsec. (b)(2) to exclude the holder of a manufacturer's permit for a farm winery from exception, amended Subsec. (b)(3) to require payment of any applicable tax imposed pursuant to chapter 219, added new Subsec. (c) re the delivery of wine directly to a consumer in this state by permittee, redesignated existing Subsec. (c) as Subsec. (d) and added reference therein to Subsec. (c) re violations subject to fine, effective July 13, 2005; June Sp. Sess. P.A. 09-3 increased fee in Subsec. (a) from \$1,000 to \$1,250; P.A. 19-24 amended Subsec. (b) by adding reference to manufacturer permit for wine, cider and mead, amended Subsec. (c) by adding reference to cider and mead, added new Subsec. (d) re records of shipments and deliveries, added Subsec. (e) re penalties for violation of Subsec. (d), redesignating existing Subsec. (d) as Subsec. (f), and made conforming changes, effective July 1, 2020; P.A. 21-11 amended Subsec. (a) by adding provisions authorizing sale or provision of alcoholic liquor for consumption in boat transporting passengers for hire or motor vehicle livery service with 1 permit, requiring the identification of each boat and vehicle covered by the permit, specifying annual fee is for first boat or vehicle and adding additional annual fee of \$200 for each additional boat or vehicle, effective May 20, 2021; P.A. 22-104 amended Subsec. (a) by substituting "boats or vehicles that are under common control, direction, management or ownership" for "boats and vehicles that are under common ownership", amended Subsec. (b) by deleting former Subdiv. designators (1) to (3), designated existing provisions requiring that person hold in-state transporter's permit as new Subdiv. (1), that tax imposed under Sec. 12-435 has been paid as new Subdiv. (2) and that, if applicable, tax imposed under chapter 219 has been paid as new Subdiv. (3), and made technical and conforming changes in Subsecs. (a) to (c), effective May 24, 2022; P.A. 24-142 amended Subsec. (b) by substituting reference to business entity for reference to corporation, incorporated or unincorporated association, partnership, trust or other legal entity, and making technical and conforming changes, effective June 6, 2024.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-1a and 30-1b. - Term "Liquor Control Commission" deemed to mean Division of Liquor Control within the Department of Business Regulation, exception. Term "Division of Liquor Control" or "Division of Liquor Control within the Department of Public Safety" deemed to mean "Department of Liquor Control", when.

Sections 30-1a and 30-1b are repealed. (P.A. 77-614, S. 165, 610; P.A. 78-303, S. 80, 136; P.A. 80-482, S. 170, 346, 348; P.A. 93-139, S. 73.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-2. - Liquor Control Commission: Appointment, term, vacancies, oath, removal.

There shall be a Liquor Control Commission composed of three commissioners, one of whom shall be the Commissioner of Consumer Protection, appointed by the Governor in accordance with section 4-9a. The Commissioner of Consumer Protection shall be the chairman of the commission. The Governor shall fill any vacancy for the unexpired portion of the term. Not more than two commissioners shall be of the same political party. Each commissioner shall take the oath prescribed for executive officers. The Governor may remove any commissioner as provided in section 4-12. (1949 Rev., S. 4223; P.A. 77-614, S. 165, 610; P.A. 78-303, S. 80, 136; P.A. 93-139, S. 2; P.A. 95-195, S. 1, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(c); P.A. 04-189, S. 1.) History: P.A. 77-614 called for replacement of liquor control commission with division of liquor control within the department of business regulation, but P.A. 78-303 made exception for this section, retaining the commission; P.A. 93-139 required the governor to appoint the three commissioners in accordance with Sec. 4-9a, deleting provision re appointment in odd-numbered years; P.A. 95-195 made the Commissioner of Consumer Protection member of and chairman of the Liquor Control Commission, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Consumer Protection with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004. Cited. 184 C. 1.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-20. - Package store permit. Grocery store beer permit.

(a) For the purposes of this section, "grocery store" (1) means any store that (A) is commonly known as a delicatessen, food store, grocery store or supermarket, and (B) is primarily engaged in the retail sale of various canned goods and dry goods such as coffee, flour, spices, sugar and tea, whether packaged or in bulk, regardless of whether such store sells fresh fruits and vegetables or fresh, prepared or smoked fish, meat and poultry, and (2) does not include any store that is primarily engaged in the retail sale of bakery products, candy, nuts and confectioneries, dairy products, eggs and poultry, fruits and vegetables or seafood. (b) (1) A package store permit shall allow the retail sale of alcoholic liquor in sealed bottles or containers not to be consumed on the permit premises. The holder of a package store permit may, in accordance with regulations adopted by the Department of Consumer Protection pursuant to the provisions of chapter 54, (A) offer free samples of alcoholic liquor for tasting on the permit premises, (B) conduct fee-based wine or spirits education and tasting classes and demonstrations, and (C) conduct tastings or demonstrations provided by a permittee or backer of the package store for a nominal charge to charitable nonprofit organizations. Any offering, tasting, wine or spirits education and tasting class or demonstration held on permit premises shall be conducted only during the hours the package store may sell alcoholic liquor under section 30-91. No tasting of wine on the permit premises shall be offered from more than ten uncorked bottles at any one time. No holder, backer or permittee shall offer or provide to any customer (i) more than one-half ounce of any single spirit for sampling or tasting per day, or (ii) a total of more than two ounces of spirits for sampling or tasting per day.

No tasting shall be provided below cost. (2) No store operating under a package store permit shall sell any commodity other than alcoholic liquor except, notwithstanding any other provision of law, such store may sell (A) cigarettes and cigars, (B) publications, (C) bar utensils, including, but not limited to, corkscrews, beverage strainers, stirrers or other similar items used to consume, or related to the consumption of, alcoholic liquor, (D) gift packages of alcoholic liquor shipped into the state by a manufacturer or out-of-state shipper, which gift packages may include nonalcoholic items, other than food or tobacco products, if the dollar value of the nonalcoholic items in such gift package does not exceed the dollar value of the alcoholic items in such gift package, (E) complementary fresh fruits used in the preparation of mixed alcoholic beverages, (F) cheese, crackers or both, (G) olives, (H) nonalcoholic beverages, (I) concentrates used in the preparation of mixed alcoholic beverages, (J) beer and wine-making kits and products related to such kits, (K) ice in any form, (L) articles of clothing imprinted with advertising related to the alcoholic liquor industry, (M) gift baskets or other containers of alcoholic liquor, (N) multiple packages of alcoholic liquors, provided in all such cases the minimum retail selling price for such alcoholic liquor shall apply, (O) lottery tickets authorized by the Department of Consumer Protection, if licensed as an agent to sell such tickets by the department, (P) devices and related accessories designed primarily for accessing and extracting a beverage containing alcohol from prepackaged containers, including, but not limited to, pods, pouches or similar containers, but excluding devices, including, but not limited to, household blenders, that are not designed primarily for such purposes, (Q) alcohol-infused confections containing not more than one-half of one per cent of alcohol by weight and which the commissioner has approved for sale under section 21a-101, (R) gift baskets containing only containers of alcoholic liquor and commodities authorized for sale under subparagraphs (A) to (Q), inclusive, of this subdivision, (S) infused beverages, as defined in section 21a-425, provided (i) the package store permittee (I) paid to the department the annual fee for an infused beverage endorsement pursuant to this subdivision, and (II) purchased such infused beverages from the holder of a wholesaler permit or a wholesaler permit for beer issued under section 30-17, and (ii) such sales are made in accordance with the provisions of section 21a-425b, and (T) legacy infused beverages, as defined in section 21a-425d, provided all such sales shall be made (i) during the period beginning on July 1, 2024, and ending September 30, 2024, and (ii) in accordance with (I) a waiver issued pursuant to section 21a-425d, and (II) the requirements set forth in section 21a-425d. A package store permit shall also allow the taking and transmitting of orders for delivery of such merchandise in other states. Notwithstanding any other provision of law, a package store permit shall allow the participation in any lottery ticket promotion or giveaway sponsored by the department. The annual fee for a package store permit shall be five hundred thirty-five dollars. The annual fee for an infused beverage endorsement to a package store permit shall be five hundred dollars, and shall be deposited by the department in the consumer protection enforcement account established in section 21a-8a. (c) A grocery store beer permit may be granted to any grocery store and shall allow the retail sale of beer in standard size containers not to be consumed on the permit premises. The holder of a grocery store beer permit shall post, in a prominent location adjacent to the beer display, the retail price for each brand of beer and such retail price shall include all applicable federal and state taxes, including, but not limited to, the applicable state sales taxes. The annual fee for a grocery store beer permit shall be one hundred seventy dollars, or, for a grocery store that has annual sales of food and grocery items of at least two million dollars, one thousand five hundred dollars. (d) The holder of a package store permit or a grocery store beer permit issued under this section may allow curbside pick-up of previously purchased alcoholic liquor by (1) the consumer who purchased such alcoholic liquor, or (2) the holder of an in-state transporter's permit issued under section 30-19f or such holder's agent. Such curbside pick-up shall be limited to the space immediately adjacent to, or in a parking lot abutting, the permit premises. The holder of such package store permit or grocery store beer permit may allow such curbside pick-up only during the hours the package store or grocery store is allowed to sell alcoholic liquor under subsection (d) of section 30-91 unless a more restrictive municipal ordinance limits such curbside pick-up hours. (1949 Rev., S. 4242; 1951, S. 2157d; 1963, P.A. 274, S. 2; 485; February, 1965, P.A. 479; 1967, P.A. 230, S. 1; 347, S. 1; 1969, P.A. 294; 1971, P.A. 747, S. 2; 1972, P.A. 41, S. 1; P.A. 73-300; P.A. 75-259, S. 2, 8; 75-641, S. 4; P.A. 78-49; P.A. 79-404, S. 39, 45; P.A. 80-482, S. 342, 343, 345, 348; P.A. 81-367, S. 3, 9; P.A. 82-332, S. 2, 13; P.A. 84-78; 84-350, S. 1; P.A. 87-69, S. 1, 2; P.A. 90-32; P.A. 91-353, S. 2, 7; P.A. 93-52; 93-139, S. 14; P.A. 95-115, S. 1; 95-195, S. 23, 83; P.A. 96-7, S. 4, 5; P.A. 00-24; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; June Sp. Sess. P.A. 09-3, S. 334; P.A. 11-51, S. 182; 11-81, S. 6; P.A. 12-17, S. 5; P.A. 13-11, S. 1; P.A. 14-22, S. 1; P.A. 15-24, S. 9; P.A. 21-37, S. 105; 21-50, S. 2; P.A. 22-104, S. 4; P.A. 24-76, S. 33; 24-85, S. 6.) History: 1963 acts reworded Subsec. (c) substituting "grocery store as defined in subdivision (21) of section 30-1" for "store which is chiefly engaged in the sale of groceries" and specified that sale of "gift baskets or other containers of alcoholic liquor" is allowed in Subsec. (a); 1965 act substituted "alcoholic liquor and nonalcoholic beverages" for "alcoholic and nonalcoholic liquor" in Subsec. (a); 1967 acts specified that sale of concentrates used in mixed drinks and ice is allowed and that taking and transmitting of orders for delivery of merchandise in other states is allowed under package store permit in Subsec. (a); 1969 act permitted sale of multiple packages of still and sparkling wines in Subsec. (a); 1971 act changed wording in Subsec. (a) for clarity; 1972 act permitted sale of lottery tickets by stores operating under package store permits in Subsec. (a); P.A. 73-300 required posting of beer prices in Subsec. (c); P.A. 75-259 added references to containers sized by milliliters in Subsec. (a); P.A. 75-641 deleted reference to "subdivision (2)" of Sec. 30-1 in Subsec. (c); P.A. 78-49 added provision authorizing sale of cigarettes, bar utensils and gift packages in Subsec. (a); P.A. 79-404 replaced reference to state lottery division of commission on special revenue with reference to division of special revenue within the department of business regulation in Subsec. (a); P.A. 80-482 placed division of special revenue within the department of revenue services for administrative purposes only, deleting reference to abolished department of business regulation; P.A. 81-367 deleted Subsec. (b) re package store beer permit and relettered Subsec. (c) accordingly; P.A. 82-332 eliminated minimum container sizes; P.A. 84-78 allowed package stores to sell publications; P.A. 84-350 amended Subsec. (a) by allowing holders of package store permits to offer free samples of wine,

cordials and new products, and to conduct demonstrations and tastings; P.A. 87-69 amended Subsec. (a) by removing the time limitation on conducting tastings and certain demonstrations; P.A. 90-32 amended section to allow holders of permits to sell articles of clothing with advertising related to alcohol; P.A. 91-353 amended Subsec. (a) to authorize package store permittees to offer free samples of beer brewed in this state by a holder of a manufacturer permit as defined in Sec. 30-16; P.A. 93-52 amended Subsec. (a) to substitute reference to sales of multiple packages of alcoholic liquors as defined in Sec. 30-1 for sales of multiple packages of still and sparkling wines; P.A. 93-139 made technical changes, added the annual fee for a package store permit and grocery store beer permit and added Subsec. (c) defining “grocery store”; P.A. 95-115 amended Subsec. (a) to permit the sale of beer and wine-making kits and products related to such kits, inserted revised Subdiv. indicators, and added provision authorizing holders of package store permits to participate in lottery ticket promotions and giveaways; P.A. 95-195 amended Subsec. (a) to substitute Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 96-7 amended Subsec. (a) to broaden range of samples package store permit holders may offer, substituting “alcoholic liquor” for specified types of beverages, effective April 2, 1996; P.A. 00-24 amended Subsec. (a)(4) to allow gift packages to contain certain nonalcoholic items; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; June Sp. Sess. P.A. 09-3 increased fee in Subsec. (a) from \$400 to \$500 and increased fee in Subsec. (b) from \$80 to \$160; pursuant to P.A. 11-51, “Division of Special Revenue” and “division” were changed editorially by the Revisors to “Department of Consumer Protection” and “department”, respectively, in Subsec. (a), effective July 1, 2011; P.A. 11-81 amended Subsec. (a) by increasing annual package store permit fee from \$500 to \$535 and deleting “plus the sum required by section 30-66” and amended Subsec. (b) by increasing annual grocery store beer permit fee from \$160 to \$170 and deleting “plus the sum required by section 30-66”; P.A. 12-17 amended Subsec. (a) by authorizing fee-based wine education and tasting classes, expanding permitted sales items to include complementary fresh fruits used in the preparation of mixed alcoholic beverages, cheese, crackers and olives and making technical changes and amended Subsec. (b) by adding provision re permit fee of \$1,500 for grocery stores with annual sales of not less than \$2,000,000, effective July 1, 2012; P.A. 13-11 amended Subsec. (a) by adding provision prohibiting wine tasting on premises from being offered from more than 10 uncorked bottles at one time, effective May 17, 2013; P.A. 14-22 amended Subsec. (a) to add Subdiv. (15) re gift baskets containing only containers of alcoholic liquor and commodities authorized for sale under Subdivs. (1) to (14), effective May 16, 2014; P.A. 15-24 amended Subsec. (a) by adding “and cigars” in Subdiv. (1), designating reference to olives as new Subdiv. (7), redesignating existing Subdivs. (7) to (15) as Subdivs. (8) to (16), and making a technical change, effective June 4, 2015; P.A. 21-37 amended Subsec. (a) by adding new Subdiv. (16) re devices and accessories for accessing and extracting alcoholic beverages and redesignating existing Subdiv. (16) as Subdiv. (17), effective July 1, 2021; P.A. 21-50 amended Subsec. (a) by adding Subdiv. (16), codified by the Revisors as Subdiv. (17) re alcohol-infused confections, redesignating existing Subdiv. (16) as Subdiv. (18) and making a conforming change, effective July 1, 2021; P.A. 22-104 redesignated former Subsec. (c) as Subsec. (a) and divided redesignated Subsec. (a) into Subdivs. and Subparas., redesignated existing Subsec. (a) as Subsec. (b) and divided redesignated Subsec. (b) into Subdivs. and Subparas., amended redesignated Subsec. (b)(2) by redesignating existing Subsec. (a)(1) to (18) as Subsec. (b)(2)(A) to (R), redesignated existing Subsec. (b) as Subsec. (c), added Subsec. (d) re curbside pick-up of alcoholic liquor, and made technical and conforming changes, effective May 24, 2022; P.A. 24-76 amended Subsec. (b)(2) by adding Subparas. (S) and (T) re infused beverages and legacy infused beverages, adding provisions re infused beverage endorsement fee and making a conforming change, effective July 1, 2024; P.A. 24-85 amended Subsec. (b)(1) by adding “or spirits”, provision re amount of spirits to be offered or provided for sampling or tasting and provision re cost of tasting, effective July 1, 2024. See Sec. 30-6b re prohibition on regulation requiring that certain beer coolers be locked. See Sec. 30-51a re leasing of part of premises operating under a grocery store beer permit. Cited. 118 C. 252; 123 C. 35; 127 C. 275. “Grocery store beer permit” not a package store permit within meaning of ordinance. 139 C. 379. Cited. 140 C. 582; 148 C. 412; Id., 443; Id., 721; 184 C. 75. Cited. 3 Conn. Cir. Ct. 674, 682; 5 Conn. Cir. Ct. 373.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-20a. - University permit.

Section 30-20a is repealed, effective July 1, 2020. (1972, P.A. 68, S. 1; P.A. 73-19, S. 1, 2; P.A. 77-573, S. 24, 30; 77-614, S. 165, 587, 610; P.A. 78-279, S. 3, 4, 6; 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 193, 345, 348; P.A. 81-119, S. 1, 3; 81-194; P.A. 82-218, S. 37, 46; P.A. 84-241, S. 2, 5; P.A. 93-139, S. 15; P.A. 95-195, S. 24, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 07-146, S. 1; June Sp. Sess. P.A. 09-3, S. 335; P.A. 11-48, S. 285; P.A. 12-156, S. 55; P.A. 13-118, S. 22; P.A. 19-24, S. 27.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-20b. - Out-of-state shipments by package store permit holder.

Notwithstanding the provisions of section 30-68m, the holder of a package store permit issued pursuant to section 30-20 may ship alcoholic liquor to a consumer located out-of-state, subject to all applicable laws of the jurisdiction in which such consumer is located. As used in this section, “out-of-state” means any state other than Connecticut, any territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico, but does not include any foreign country. (P.A. 21-37, S. 99.) History: P.A. 21-37 effective July 1, 2021.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-21. - Hotel permit.

(a) A hotel permit shall allow the retail sale of alcoholic liquor to be consumed on the premises of a hotel. The annual fee for a hotel permit shall be two thousand fifty-five dollars. (b) (1) A patron of a dining room, restaurant or other dining facility in a hotel may remove one unsealed bottle of wine for off-premises consumption provided the patron has purchased a full course meal and consumed a portion of the bottle of wine with such meal on the hotel premises. For purposes of this section, “full course meal” means a diversified selection of food which ordinarily cannot be consumed without the use of tableware and which cannot be conveniently consumed while standing or walking. (2) A partially consumed bottle of wine that is to be removed from the dining facility premises within the hotel pursuant to this subsection shall be securely sealed and placed in a bag by the permittee or permittee’s agent or employee prior to removal from such premises. (c) “Hotel” means every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served or is available at all times when alcoholic liquor is served or is available where sleeping accommodations are offered for pay to transient guests and not less than five rooms are used for the sleeping accommodations of transient guests and where food is served or is available at least seven days a week and, in any case, having one or more dining rooms where meals are served to transient guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith, and such building or buildings, structure or structures being provided, in the judgment of the department, with adequate and sanitary kitchen and dining room equipment and capacity, and having employed therein such number and kinds of servants and employees as the department may, by regulation, prescribe for preparing, cooking and serving suitable food for its guests. Golf facilities and swimming pools within the confines of the entire property owned by and under the control of the permittee or backer shall also be considered part of the hotel premises. (1949 Rev., S. 4243; 1951, S. 2158d; 1969, P.A. 349, S. 1; 1972, P.A. 233, S. 1; P.A. 75-641, S. 5; P.A. 93-139, S. 16; P.A. 04-33, S. 1; June Sp. Sess. P.A. 09-3, S. 336; P.A. 19-24, S. 21.) History: 1969 act revised provisions so that women could sell liquor at bars, where previously they could not and prohibited women not involved in sales from standing at bars where previously they could not “sit or stand” at a bar; 1972 act deleted discriminatory provision re women; P.A. 75-641 changed numeric Subsec. indicators to alphabetic indicators; P.A. 93-139 added the annual fee for each hotel permit and added Subsec. (c) defining “hotel”; P.A. 04-33 added new Subsec. (c) permitting a patron to remove one unsealed bottle of wine for off-premises consumption, and relettered former Subsec. (c) as Subsec. (d); June Sp. Sess. P.A. 09-3 increased fees in Subsecs. (a) and (b); P.A. 19-24 amended Subsec. (a) by deleting provisions re annual fee for hotel permit, amended Subsec. (b) by deleting provisions re retail sale of beer and cider, replacing provision re annual fee for hotel permit for beer to be \$300 with provision re annual fee for hotel permit to be \$2,055, and deleted former Subsec. (b) designator, redesignated existing Subsec. (c) as new Subsec. (b), redesignated existing Subsec. (d) as new Subsec. (c) and amended same by redefining “hotel”, effective July 1, 2020. Cited. 119 C. 437; 121 C. 443; 157 C. 315; 158 C. 362; 184 C. 75. Cited. 36 CS 305.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-21a. - Night club permit.

Section 30-21a is repealed. (P.A. 75-598, S. 1; P.A. 84-494, S. 3, 11; P.A. 85-380, S. 11, 12.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-21b. - Resort permit.

(a) A resort permit shall allow the retail sale of alcoholic liquor to be consumed on the premises of a resort. The annual fee for a resort permit shall be one thousand four hundred fifty dollars. (b) “Resort” means those premises upon which a hotel with other facilities, such as, but not limited to, a golf course, tennis courts, ski slopes or trails, riding stables or swimming facilities, is operated on a seasonal basis. (P.A. 78-82, S. 1; P.A. 93-139, S. 17; June Sp. Sess. P.A. 09-3, S. 337.) History: P.A. 93-139 added the annual fee for a resort permit and added Subsec. (b) defining “resort”; June Sp. Sess. P.A. 09-3 increased fee in Subsec. (a) from \$1,200 to \$1,450.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-22. - Restaurant permit. Wine ordered with restaurant meal. Sale of draught beer in sealed container for consumption off premises.

(a) A restaurant permit shall allow the retail sale of alcoholic liquor to be consumed on the premises of a restaurant. A restaurant patron shall be allowed to remove one unsealed bottle of wine for off-premises consumption provided the patron has purchased such bottle of wine at such restaurant and has purchased a full course meal at such restaurant and consumed a portion of the bottle of wine with such meal on such restaurant premises. For the purposes of this section, “full course meal” means a diversified selection of food which ordinarily cannot be consumed without the use of tableware and which cannot be conveniently consumed while standing or walking. A restaurant permit, with prior approval of the Department of Consumer Protection, shall allow alcoholic liquor to be served at tables in outside areas which are screened or not screened from public view where permitted by fire, zoning and health regulations. If not required by fire, zoning or health regulations, a fence or wall enclosing such outside areas shall not be required by the Department of Consumer Protection. No fence or wall used to enclose such outside areas shall be less than thirty inches high. Such permit shall also authorize the sale at retail from the premises of sealed containers supplied and filled by the

permittee with draught beer for consumption off the premises. Such sales shall be conducted only during the hours a package store is permitted to sell alcoholic liquor under the provisions of subsection (d) of section 30-91. Not more than four liters of such beer shall be sold to any person on any day on which the sale of alcoholic liquor is authorized under the provisions of subsection (d) of section 30-91. No holder of a manufacturer permit, out-of-state shipper's permit or wholesaler permit shall supply to the holder of a restaurant permit the containers permitted to be sold for consumption off the premises under this section or any draught system components other than tapping accessories. The annual fee for a restaurant permit shall be one thousand four hundred fifty dollars. (b) A restaurant permit for wine and beer shall allow the retail sale of wine and beer and of cider not exceeding six per cent of alcohol by volume to be consumed on the premises of the restaurant. A restaurant patron may remove one unsealed bottle of wine for off-premises consumption provided the patron has purchased a full course meal and consumed a portion of the bottle of wine with such meal on the restaurant premises. Such permit shall also authorize the sale at retail from the premises of sealed containers supplied by the permittee of draught beer for consumption off the premises. Such sales shall be conducted only during the hours a package store is permitted to sell alcoholic liquor under the provisions of subsection (d) of section 30-91. Not more than four liters of such beer shall be sold to any person on any day on which the sale of alcoholic liquor is authorized under the provisions of subsection (d) of section 30-91. The annual fee for a restaurant permit for wine and beer shall be seven hundred dollars. (c) Former subsection (d) repealed by P.A. 77-112, S. 1. (d) A partially consumed bottle of wine that is to be removed from the premises pursuant to subsection (a) or (b) of this section shall be securely sealed and placed in a bag by the permittee or permittee's agent or employee prior to removal from the premises. (e) "Restaurant" means space that (1) is located in a suitable and permanent building, (2) is kept, used, maintained, advertised and held out to the public to be a place where hot meals are regularly served, (3) has no sleeping accommodations for the public, (4) has an adequate and sanitary kitchen and dining room, (5) employs at all times an adequate number of employees, and (6) if such space has no effective separation between a barroom and a dining room, includes at least four hundred square feet of dining space, and seating for at least twenty persons, in the dining room. (f) A restaurant permit issued pursuant to subsection (a) of this section or a restaurant permit for wine and beer issued pursuant to subsection (b) of this section shall allow those additional permissible uses specified in a caterer liquor permit established in section 30-37j without an additional fee, but subject to compliance with the provisions of said section. (1949 Rev., S. 4244; 1951, 1953, S. 2159d; 1969, P.A. 349, S. 2; 1972, P.A. 233, S. 2; P.A. 75-641, S. 6; P.A. 77-112, S. 1; P.A. 92-15, S. 1; P.A. 93-139, S. 18; P.A. 95-195, S. 25, 83; P.A. 03-228, S. 1; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-11, S. 1; 04-169, S. 17; 04-189, S. 1; P.A. 05-134, S. 2; June Sp. Sess. P.A. 09-3, S. 338; P.A. 15-244, S. 78; P.A. 19-24, S. 19; P.A. 22-104, S. 24.) History: 1969 act revised provisions so that women could sell liquor at bars, where previously they could not, and prohibited women not involved in sales from standing at bars, where previously they could not "sit or stand" at a bar; 1972 act deleted discriminatory provisions re women at bars; P.A. 75-641 replaced numeric Subsec. indicators with alphabetic indicators; P.A. 77-112 repealed Subsec. (d) which had required that in restaurant premises containing a bar, the bar be located so as to be clearly visible from the entrance, street or sidewalk; P.A. 92-15 amended Subsec. (a) to provide that with prior approval of the department of liquor control, a restaurant permit would allow the serving of alcoholic liquor at tables in outside areas not screened from public view where permitted by fire, zoning or health regulations, to provide that a fence or wall enclosing such outside areas would not be required by the department of liquor control if no fire, zoning or health regulations requires same and to provide that no such fence or wall is to be less than 30 inches high; P.A. 93-139 made technical changes, added the annual fee for each restaurant permit and added Subsec. (e) defining "restaurant"; P.A. 95-195 amended Subsec. (a) by substituting Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 03-228 added provisions in Subsecs. (a) and (c) and added new Subsec. (e) re removal of partially consumed wine ordered with restaurant meals and redesignated existing Subsec. (e) as Subsec. (f); June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-11 amended Subsec. (a) to permit the serving of alcoholic liquor at tables in outside areas which are screened, in addition to tables in outside areas which are not screened; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 05-134 amended Subsec. (a) to provide that restaurant patron shall be allowed to remove one unsealed bottle of wine for off-premises consumption provided such patron has purchased such bottle of wine and a full course meal at such restaurant, effective June 24, 2005; June Sp. Sess. P.A. 09-3 increased fee in Subsec. (a) from \$1,200 to \$1,450, increased fee in Subsec. (b) from \$240 to \$300 and increased fee in Subsec. (c) from \$560 to \$700; P.A. 15-244 amended Subsecs. (a), (b) and (c) to add provisions re sale of draught beer in sealed containers for consumption off premises under a restaurant permit, restaurant permit for beer and restaurant permit for wine and beer, effective July 1, 2015; P.A. 19-24 deleted former Subsec. (b) re restaurant permit for beer, redesignated existing Subsecs. (c) to (f) as Subsecs. (b) to (e) and made conforming changes, and added new Subsec. (f) re additional permissible uses specified in caterer liquor permit, effective July 1, 2020; P.A. 22-104 amended Subsec. (e) by dividing existing provisions into Subdivs. (1) to (5), adding Subdiv. (6) re space that has no effective separation between barroom and dining room and making technical and conforming changes, effective May 24, 2022. Cited. 119 C. 437; 120 C. 40; 121 C. 443; Id., 695; 127 C. 721; 130 C. 374; 131 C. 649; 133 C. 151; 135 C. 406; 150 C. 69; 158 C. 362; 184 C. 75; 191 C. 528; 216 C. 667.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-22a. - Cafe permit. Off-premises consumption of wine purchased with meal. Compliance provisions.

(a) A cafe permit shall allow the retail sale of alcoholic liquor to be consumed on the premises of a cafe. The holder of a cafe permit shall keep food available for sale to its customers for consumption on the premises during the majority of the hours such premises

are open. The availability of food from outside vendors located on or near the premises, who may directly deliver such food or indirectly deliver such food through a third party, shall be deemed to constitute compliance with such requirement. The licensed premises shall at all times comply with all the regulations of the local department of health. Nothing herein shall be construed to require that any food be sold or purchased with any alcoholic liquor, nor shall any rule, regulation or standard be promulgated or enforced to require that sales of food be substantial or that the business's receipts from sales of alcoholic liquor equal any set percentage of total receipts from all sales made on the licensed premises. A cafe permit shall allow, with the prior approval of the Department of Consumer Protection, alcoholic liquor to be served at tables in outside areas that are screened or not screened from public view where permitted by fire, zoning and health regulations. If not required by fire, zoning or health regulations, a fence or wall enclosing such outside areas shall not be required by the Department of Consumer Protection. No fence or wall used to enclose such outside areas shall be less than thirty inches high. Such permit shall also authorize the sale at retail from the premises of sealed containers, supplied by the permittee, of draught beer for consumption off the premises. Such sales shall be conducted only during the hours a package store is permitted to sell alcoholic liquor under the provisions of subsection (d) of section 30-91. Not more than four liters of such beer shall be sold to any person on any day on which the sale of alcoholic liquor is authorized under the provisions of subsection (d) of section 30-91. The annual fee for a cafe permit shall be two thousand dollars, except the annual fee for a cafe permit for a prior holder of a tavern permit issued under section 30-26 shall be eight hundred dollars for the first year, twelve hundred dollars for the second year, one thousand six hundred dollars for the third year and two thousand dollars for each year thereafter. (b) (1) A cafe patron may remove one unsealed bottle of wine for off-premises consumption, provided the patron has purchased a full course meal and consumed a portion of the wine with such meal on the cafe premises. For purposes of this section, "full course meal" means a diversified selection of food which (A) ordinarily cannot be consumed without the use of tableware, and (B) cannot be conveniently consumed while standing or walking. (2) A partially consumed bottle of wine that is to be removed from the premises under this subsection shall be securely sealed and placed in a bag by the permittee or the permittee's agent or employee prior to removal from the premises. (c) As used in this section, "cafe" means space in a suitable and permanent building, vessel or structure, kept, used, maintained, advertised and held out to the public to be a place where alcoholic liquor and food is served for sale at retail for consumption on the premises but which does not necessarily serve hot meals; it shall have no sleeping accommodations for the public and need not necessarily have a kitchen or dining room but shall have employed therein at all times an adequate number of employees. (d) For purposes of compliance with this section, "cafe" includes any location in a passenger terminal complex of any airport, as defined in section 15-34, or any location adjacent to and attached by common partition to such complex, which is open to the public or to airline club members or their guests, with or without the sale of food, for consumption on the premises. (e) For purposes of compliance with this section, "cafe" includes all of the land and buildings in which the principal business conducted is racing or jai alai exhibitions, with pari-mutuel betting licensed by the Department of Consumer Protection. (f) For purposes of compliance with this section, "cafe" includes any commercial bowling establishment containing ten or more lanes, or any commercial racquetball or tennis facility containing five or more courts, with or without food, for consumption on the premises. (g) For purposes of compliance with this section, "cafe" includes the premises and grounds of a golf country club, defined as: (1) An association of persons, whether incorporated or unincorporated, that has been in existence as a bona fide organization for at least one year prior to applying for a permit issued as provided by this chapter, or that at the time of applying for the permit is in existence as a bona fide organization and has not less than twenty members who have paid annual membership fees or dues and have signed affidavits of their intention to remain members of the association for not less than one year after that time, not including associations organized for any commercial or business purpose the object of which is money profit, which maintains a golf course of not less than eighteen holes and a course length of at least fifty-five hundred yards and a club house with facilities that include locker rooms, a dining room and a lounge; provided the club shall file with the department, upon request, within ten days of February first in each year, a list of the names and residences of its members, and shall similarly file, within ten days of the election of any additional member, his name and address, and provided its aggregate annual membership fees or dues and other income, exclusive of any proceeds of the sale of alcoholic liquor, shall be sufficient to defray the annual rental of its leased or rented premises, or, if the premises are owned by the club, shall be sufficient to meet the taxes, insurance and repairs and the interest on any mortgage thereof; and provided, further, its affairs and management shall be conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting, and no member or any officer, agent or employee of the club shall be paid or, directly or indirectly, shall receive in the form of salary or other compensation any profits from the disposition or sale of alcoholic liquor to the club or to the members of the club or its guests introduced by members, beyond the amount of such salary as may be fixed and voted at annual meetings by the members or by its directors or other governing body and as reported by the club to the department, within three months after the annual meeting, and as is, in the judgment of the department, reasonable and proper compensation for the services of such member, officer, agent or employee; or (2) an association of persons, whether incorporated or unincorporated, which has been in existence as a bona fide organization for at least one year prior to applying for a permit issued as provided by this chapter, or which at the time of applying for the permit is in existence as a bona fide organization and has not less than twenty members who have paid annual membership fees or dues and is directly or indirectly wholly owned by a corporation which is and continues to be nonprofit and to which the Internal Revenue Service has issued a ruling classifying it as an exempt organization under Section 501(c) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, which maintains a golf course of not less than eighteen holes and a course length of at least fifty-five hundred yards and a club house with facilities which include locker rooms, a dining room and a lounge; provided the club shall file with the department, upon request, within ten days of February first in each year, a list of the

names and residences of its members, and shall similarly file, within ten days of the admission of any additional member, his name and address. The nonprofit corporation shall demonstrate to the commission an ability to pay any operating deficit of the golf country club, exclusive of any proceeds of the sale of alcoholic liquor; and provided, further, the affairs and the management of the nonprofit corporation are conducted by a board of directors, executive committee or similar body at least forty per cent of the members of which are chosen by the members of the nonprofit corporation at their annual meeting and the balance of the members of the board of directors are professionals chosen for their knowledge of the business of the nonprofit corporation, and all moneys earned by the golf country club shall be used to defray its expenses of operation or for charitable purposes, and any balance shall be directly or indirectly remitted to the nonprofit corporation. (h) For purposes of compliance with this section, "cafe" includes any corporation that operates a railway in this state or that operates club, parlor, dining, buffet or lounge cars upon the lines of any such railway in this state. It shall allow the sale and public consumption of alcoholic liquor in any club, parlor, dining, buffet or lounge car of a passenger train operated in this state. It shall be subject to all the privileges, obligations and penalties provided for in this chapter except that it shall be issued to a corporation instead of to a person and, if it is revoked, another application may be made by the corporation for the issuance of another railroad permit at any time after the expiration of one year after such revocation. (i) For purposes of compliance with this section, "cafe" includes a facility designed, constructed and used for corporate and private parties, sporting events, concerts, exhibitions, trade shows, entertainment presentations, conventions, banquets, meetings, dances, fund-raising events and similar functions, located on a tract of land of not less than twenty acres containing an enclosed roofed pavilion constructed to seat not less than two hundred fifty people, where hot meals are regularly served in an adequate and sanitary dining area, such meals having been prepared in an adequate and sanitary kitchen on the premises, and employing an adequate number of employees who shall serve only persons who are at such outing facility to attend an event, function, private party or banquet. (j) For purposes of compliance with this section, "cafe" includes: (1) A room or building that is subject to the care, custody and control of The University of Connecticut Board of Trustees; (2) land and buildings which are subject to the care, custody and control of an institution offering a program of higher learning, as defined in section 10a-34, which has been accredited by the Board of Regents for Higher Education or is authorized by the Office of Higher Education to award a degree pursuant to section 10a-34; or (3) on land or in a building situated on or abutting a golf course which is subject to the care, custody and control of an institution offering a program of higher learning, as defined in section 10a-34, which has been accredited by the Board of Regents for Higher Education or is authorized by the Office of Higher Education to award a degree pursuant to section 10a-34. (k) For purposes of compliance with this section, "cafe" includes a tobacco bar that: (1) During the calendar year ending December 31, 2002, generated at least ten per cent of the tobacco bar's total annual gross income from on-site sales of tobacco products and rentals of on-site humidors; or (2) commenced operations during the period beginning January 1, 2003, and ending December 31, 2022, and (A) generates at least sixty per cent of the tobacco bar's total annual gross sales from on-site sales of tobacco products, as defined in subparagraph (E) of subdivision (2) of subsection (b) of section 19a-342 and subparagraph (F) of subdivision (2) of subsection (b) of section 19a-342a, as determined in an annual audit conducted by an independent certified public accountant, (B) is located in a municipality that has a population of at least eighty thousand and does not contain another tobacco bar, (C) does not allow cigarettes or cigarette tobacco on the premises, (D) contains a walk-in or stand-up humidor as a built-in feature on the premises, (E) is located in a building (i) in which no other owner-occupant, lessee or tenant has a right to utilize the same space as the tobacco bar, or (ii) that uses the tobacco bar's own heating, ventilation or air conditioning system to prevent commingling of air, (F) is located in premises equipped with a ventilation system that (i) provides local mechanical exhaust with no recirculation, (ii) circulates at least sixty cubic feet of outdoor air per person per minute to provide adequate indoor air quality, and (iii) satisfies the requirements established in ANSI/ASHRAE 62-2001, "ventilation for acceptable indoor air quality", as amended from time to time, and (G) provides health coverage to the tobacco bar's employees and their dependents in accordance with other applicable law, including, but not limited to, the Patient Protection and Affordable Care Act, P.L. 111-148, as amended by the Health Care and Education Reconciliation Act, P.L. 111-152, as both may be amended from time to time, and regulations adopted thereunder. (1967, P.A. 365, S. 2; P.A. 79-604, S. 2, 5; P.A. 92-15, S. 2; P.A. 93-139, S. 19; P.A. 95-195, S. 26, 83; P.A. 97-175, S. 3; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-11, S. 2; 04-33, S. 2; 04-169, S. 17; 04-189, S. 1; June Sp. Sess. P.A. 09-3, S. 339; P.A. 15-244, S. 79; P.A. 19-24, S. 22; P.A. 21-10, S. 2; 21-37, S. 97; P.A. 22-104, S. 8; 22-123, S. 10; P.A. 23-103, S. 1; 23-110, S. 2.) History: P.A. 79-604 added provisions re serving liquor at outdoor tables under cafe permit; P.A. 92-15 amended section to provide that prior approval of the department of liquor control is necessary for serving of alcoholic liquor at tables in outside areas not screened from public view where permitted by fire, zoning or health regulations and to specify that a fence or wall enclosing such outside areas would not be required by the department of liquor control if no fire, zoning or health regulations required same; P.A. 93-139 made technical changes, added the annual fee for a cafe permit and added Subsec. (b) defining "cafe"; P.A. 95-195 amended Subsec. (a) by substituting Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 97-175 amended Subsec. (b) to require alcoholic liquor and food to be served for sale at retail and to make a technical change; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-11 amended Subsec. (a) to permit the serving of alcoholic liquor at tables in outside areas which are screened, in addition to tables in outside areas which are not screened; P.A. 04-33 added new Subsec. (b) permitting a patron to remove one unsealed bottle of wine for off-premises consumption, and relettered former Subsec. (b) as Subsec. (c); P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; June Sp. Sess. P.A. 09-3 increased fee in Subsec. (a) from \$1,750 to \$2,000; P.A. 15-244 amended Subsec. (a) to add provision re sale of draught beer in sealed containers for consumption off premises, effective July 1,

2015; P.A. 19-24 amended Subsec. (a) by replacing “premises operated under a cafe permit shall regularly keep food available” with “The holder of a cafe permit shall keep food available”, replacing provisions re availability of food with new provisions re same, and adding provision re exception to annual fee for cafe permit for prior holder of tavern permit, amended Subsec. (c) by redefining “cafe”, added Subsecs. (d) to (m) re meaning of cafe, and making a technical change, effective July 1, 2020; P.A. 21-10 deleted former Subsec. (h) re clubs and former Subsec. (i) re nonprofit clubs and redesignated existing Subsecs. (j) to (m) as Subsecs. (h) to (k), effective May 13, 2021; P.A. 21-37 amended Subsec. (m), codified by the Revisors as Subsec. (k), by making a technical change, adding new Subdiv. (2) re land and buildings subject to care, custody and control of accredited institution offering program of higher learning and redesignating existing Subdiv. (2) as Subdiv. (3), effective July 1, 2021; P.A. 22-104 amended Subsec. (a) by adding “who may directly deliver such food or indirectly deliver such food through a third party”, amended Subsec. (b) by dividing Subdiv. (1) into Subparas., amended Subsec. (d) by expanding provisions to include any location in a passenger terminal complex of any airport, deleted former Subsec. (h) re boats, redesignated existing Subsecs. (i) to (k) as Subsecs. (h) to (j), and made technical and conforming changes, effective May 24, 2022; P.A. 22-123 amended Subsec. (k) by moving reference to the Office of Higher Education to be after “authorized”, effective July 1, 2022; P.A. 23-103 added Subsec. (k) re tobacco bars; P.A. 23-110 made a technical change in Subsec. (a), effective July 1, 2023.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-22aa. - Club and nonprofit club permits.

(a) As used in this section, “club” means an association of persons, whether incorporated or unincorporated, (1) (A) that has been in existence as a bona fide organization for at least three years prior to applying for a permit issued as provided in this chapter, or (B) that has been a bona fide national or international fraternal or social organization or affiliation thereof which has been in existence in this state for one year, (2) for the promotion of some common object, not including associations organized for any commercial or business purpose the object of which is money profit, owning, hiring or leasing a building, or space in a building, or having substantial control of a building or space therein, of such extent and character as, in the judgment of the department, may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests. A club permit shall allow the retail sale of alcoholic liquor to be consumed on the premises of a club but only by members or their guests. The annual fee for a club permit shall be three hundred dollars. (b) The department shall determine which clubs it finds to be bona fide and for such clubs as the department finds to be bona fide and which offer facilities and privileges in addition to the privileges of the club building, such as golf, tennis, bathing or beach facilities, hunting or riding, the three-year requirement of subdivision (1) of subsection (a) of this section shall not apply. Any such club shall be required to (1) file with the department, upon request, within ten days of February first in each year, a list of the names and residences of its members, and shall similarly file, within ten days of the election of any additional member, the member's name and address, (2) have aggregate annual membership fees or dues and other income, exclusive of any proceeds of the sale of alcoholic liquor, that is sufficient to defray the annual rental of its leased or rented premises, or, if such premises are owned by the club, sufficient to meet the taxes, insurance and repairs and the interest on any mortgage thereof, and (3) have its affairs and management be conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting. No member or any officer, agent or employee of the club shall be paid or, directly or indirectly, shall receive in the form of salary or other compensation any profits from the disposition or sale of alcoholic liquor to the club or to the members of the club or its guests introduced by members, beyond the amount of such salary as may be fixed and voted at annual meetings by the members or by its directors or other governing body and as reported by the club to the department, within three months after such annual meeting, and as, in the judgment of the department, is reasonable and proper compensation for the services of such member, officer, agent or employee. (c) As used in this subsection, “nonprofit club” means a club that is exempt from federal income tax under Section 501(a) of the Internal Revenue Code and is described in Section 501(c) of the code. A nonprofit club permit shall allow the retail sale of alcoholic liquor to be consumed on the premises of a nonprofit club by members or their guests and by persons other than members or their guests, provided the total receipts of such club in any year, including receipts from the sale of alcoholic liquor, derived from making its facilities and services available to such persons in furtherance of such club's recreational or other nonprofit purpose, shall not exceed fifteen per cent of such club's gross receipts for such year. The annual fee for a nonprofit club permit shall be eight hundred fifteen dollars. (P.A. 21-10, S. 1.) History: P.A. 21-10 effective May 13, 2021.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-22b. - Restaurant permit for catering establishment. Certain requirements may be waived upon written application.

(a) A restaurant permit for a catering establishment shall allow a catering establishment to serve alcoholic liquor at a function, occasion or event on the premises of a catering establishment, provided (1) alcoholic liquor shall be sold only to persons invited to and attending such a function, occasion or event, and (2) alcoholic liquor shall be sold only during the specific hours such function, occasion or event is scheduled on the premises. The permittee shall comply with the regulations of the local department of health. The department may waive the requirements of subdivisions (1) and (2) of this subsection for not more than sixteen functions, occasions or events of a catering establishment annually, provided such establishment makes written application to the department at least ten days prior to the scheduled date of the function, occasion or event for which a waiver is sought. The annual fee for a restaurant permit for a catering establishment shall be one thousand four hundred fifty dollars. (b) Nothing in this section shall be construed to require that any catering establishment operated under a restaurant permit for a catering establishment be open for

business to the public at any time other than when a particular function, occasion or event is scheduled on such premises. (c) No organization eligible for a club or nonprofit club permit, or other entity established primarily to serve its members shall be eligible for a restaurant permit for a catering establishment. (d) "Catering establishment" means any premises that (1) has an adequate, suitable and sanitary kitchen, dining room and facilities to provide hot meals, (2) has no sleeping accommodations for the public, (3) is owned or operated by any person who, or business entity that, (A) regularly furnishes for hire on such premises one or more ballrooms, reception rooms, dining rooms, banquet halls or similar places of assemblage for a particular function, occasion or event, or (B) furnishes provisions and services for consumption or use at any function, occasion or event described in subparagraph (A) of this subdivision, and (4) employs an adequate number of employees on such premises at the time of any function, occasion or event described in subparagraph (A) of subdivision (3) of this subsection. (P.A. 82-299, S. 3, 6; P.A. 91-353, S. 6, 7; P.A. 93-139, S. 20; June Sp. Sess. P.A. 09-3, S. 340; P.A. 16-103, S. 1; P.A. 24-142, S. 60.) History: P.A. 91-353 divided section into Subsecs., and amended Subsec. (a) by providing that the requirements of Subdivs. (1) and (2) could be waived by the department upon written application; P.A. 93-139 made technical changes, added the annual fee for a restaurant permit for a catering establishment in Subsec. (a) and added Subsec. (d) defining "catering establishment"; June Sp. Sess. P.A. 09-3 increased fee in Subsec. (a) from \$1,200 to \$1,450; P.A. 16-103 amended Subsec. (a) by increasing number of functions, occasions or events from 4 to 16 and making technical changes, effective July 1, 2016; P.A. 24-142 amended Subsec. (d) by substituting reference to business entity for reference to firm, association, partnership or corporation in Subdiv. (3), dividing existing provisions of Subdiv. (3) into Subparas. (A) and (B), and making technical and conforming changes in Subdivs. (3) and (4), effective June 6, 2024.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-22bb. - Continuation of validity of cafe permit for club or nonprofit club until renewal or replacement permit.

The holder of a cafe permit issued for a club or nonprofit club prior to July 1, 2021, pursuant to section 30-22a, may continue to hold such permit until such permit becomes due for renewal or until such time as a replacement permit becomes available for such permit holder to obtain under section 30-22aa. (P.A. 21-10, S. 3.) History: P.A. 21-10 effective May 13, 2021.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-22c. - Juice bars. Notification of local police re scheduled events. Requirements. Penalties.

(a) As used in this section: (1) "Juice bar or similar facility" means an area within permit premises in which nonalcoholic beverages are served to minors; and (2) "Permit premises" means the premises operated under (A) a cafe permit issued under subsection (c) of section 30-22a, or (B) a cafe permit for wine, beer and cider issued under section 30-22g. (b) The holder of a cafe permit issued under subsection (c) of section 30-22a or a cafe permit for wine, beer and cider issued under section 30-22g may operate a juice bar or similar facility at permit premises if the juice bar or similar facility is limited to a room or rooms or separate area within the permit premises wherein there is no sale, consumption, dispensing or presence of alcoholic liquor. (c) The holder of a cafe permit issued under subsection (c) of section 30-22a or a cafe permit for wine, beer and cider issued under section 30-22g shall provide advance written notice to the chief law enforcement officer of the town in which the permit premises is located of the specific dates and hours of any scheduled event at which such permit premises, or any portion thereof, will be used to operate a juice bar or similar facility. Such notice shall be sent (1) by certified mail, or by electronic mail to the designated electronic mail address for the chief law enforcement officer, and (2) in a manner so that such notice is received by such chief law enforcement officer not less than five days, and not more than thirty days, prior to the date of such scheduled event. The chief law enforcement officer of the town in which such permit premises is located may designate one or more law enforcement officers to attend any such scheduled event at the cost of such permit holder. (d) Nothing in this section shall exempt the holder of a cafe permit issued under subsection (c) of section 30-22a or a cafe permit for wine, beer and cider issued under section 30-22g from compliance with any other provisions of the general statutes or regulations of Connecticut state agencies concerning minors, including, but not limited to, the prohibition against the sale of alcoholic liquor to minors. The presence of alcoholic liquor or the sale or dispensing to or consumption of alcoholic liquor by a minor at a juice bar or similar facility is prohibited. (e) A permittee or agent or employee of a permittee who operates a juice bar or similar facility at a permit premises may serve alcoholic liquor during the hours of operation of such juice bar or similar facility only to a person who is twenty-one years of age or older and who is wearing a conspicuous wristband that has been issued to the person wearing it by the permittee or agent or employee of the permittee to indicate that the permittee or agent or employee of the permittee has verified that such person is twenty-one years of age or older. (f) Any permittee or agent or employee of a permittee convicted of a violation of any provision of this section shall (1) (A) for a first offense, be fined not more than two thousand five hundred dollars, (B) for a second offense, be fined not more than five thousand dollars, and (C) for a third or subsequent offense, be fined not more than ten thousand dollars, or (2) be imprisoned not more than one year for a first, second, third or subsequent offense, or (3) be both fined and imprisoned. (May 9 Sp. Sess. P.A. 02-7, S. 85; P.A. 05-91, S. 1; P.A. 14-181, S. 1; P.A. 21-37, S. 58; P.A. 22-104, S. 12; P.A. 24-85, S. 7.) History: May 9 Sp. Sess. P.A. 02-7 effective August 15, 2002; P.A. 05-91 amended Subsec. (b) to replace provision re informing local police with provisions requiring notice to chief law enforcement officer of town in which premises is located to be in writing or by facsimile and received not later than 48 hours prior to scheduled event and to authorize the chief law enforcement officer to designate a law enforcement officer to attend the event, effective June 7, 2005; P.A. 14-181 amended Subsec. (a) to redefine "juice bar or similar facility", define "permit premises" and designate provisions re operation of juice bar as Subsec. (b), redesignated existing Subsec. (b) as Subsec. (c) and substantially amended same to add provisions re notice to be sent by certified or electronic mail to be received by chief law enforcement officer not less than 5 days, and not more than 30

days, prior to date of scheduled event, and re chief law enforcement officer may designate one or more law enforcement officers, rather than one officer, redesignated existing Subsec. (c) as Subsec. (d), added Subsec. (e) re serving of alcoholic liquor only to person 21 years of age or older who is wearing wristband issued by permittee or agent or employee of permittee, and added Subsec. (f) re penalties for first, second, third or subsequent offenses, effective July 1, 2014; P.A. 21-37 amended Subsec. (b) to add reference to Sec. 30-22a(a), effective July 1, 2021; P.A. 22-104 amended Subsec. (b) by substituting reference to Sec. 30-22a(c) for reference to Sec. 30-22a(a), and made a conforming change, effective May 24, 2022; P.A. 24-85 amended Subsec. (a) by dividing existing provisions into Subdivs., amended Subsec. (a)(2) by designating existing provision re cafe permits as Subpara. (A), adding reference to Sec. 30-22a(c) in same and adding Subpara. (B) re cafe permits for wine, beer and cider issued under Sec. 30-22g, amended Subsec. (b) by adding reference to cafe permits for wine, beer and cider issued under Sec. 30-22g, amended Subsecs. (c) and (d) by adding references to Sec. 30-22a(c) and cafe permits for wine, beer and cider issued under Sec. 30-22g, and made technical and conforming changes in Subsecs. (a) to (d), effective July 1, 2024. See Sec. 30-22a re cafe permit.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-22d. - Connecticut craft cafe permit.

(a) For the purposes of this section: (1) "Collaboration" has the same meaning as provided in subsection (b) of section 30-16; and (2) "Craft cafe" means a space that (A) is located in a suitable and permanent building, (B) is kept, used, maintained, advertised and held out to the public to be a place where alcoholic liquor and food are served at retail for consumption on the premises, (C) at all times has employed therein an adequate number of employees, (D) does not include public sleeping accommodations, and (E) need not necessarily have a dining room or kitchen. (b) A Connecticut craft cafe permit shall allow the retail sale of alcoholic liquor manufactured in this state to be consumed on the premises of such craft cafe. If the holder of a Connecticut craft cafe permit also holds a manufacturer permit for beer issued under subsection (b) of section 30-16, such holder may sell, at retail for consumption on the permit premises, any brand of beer that such holder manufactured in collaboration with at least one other holder of such a manufacturer permit, provided not more than one such brand of beer may be sold from the permit premises at any time. The holder of a Connecticut craft cafe permit shall also hold a manufacturer permit issued under section 30-16, and shall keep food available during the majority of the hours such permit premises are open under this subsection for sale to, and consumption by, customers on such permit premises. The availability of food from outside vendors located on or near the permit premises, delivered either directly by such outside vendors or indirectly through a third party, is sufficient to satisfy such requirement. The permit premises shall at all times comply with all regulations of the local department of health. Nothing in this section shall be construed to require that any food be sold or purchased with any alcoholic liquor, and no rule, regulation or standard shall be promulgated or enforced to require that sales of food be substantial or that the business's receipts from sales of alcoholic liquor equal any set percentage of total receipts from all sales made on the permit premises. A Connecticut craft cafe permit shall allow, with the Department of Consumer Protection's prior approval and if allowed under fire, zoning and health regulations, alcoholic liquor to be served at tables in outside areas that are screened or not screened from public view. If fire, zoning or health regulations do not require that such areas be enclosed by a fence or wall, the department shall not require that such areas be so enclosed. No such fence or wall shall be less than thirty inches high. A Connecticut craft cafe permit shall also authorize the sale, at retail from the permit premises for consumption off the permit premises, of sealed containers supplied by the permittee of draught beer, including, but not limited to, beer manufactured in collaboration with at least one other holder of a manufacturer permit for beer issued under subsection (b) of section 30-16, provided not more than one collaboratively manufactured brand of beer may be sold from the permit premises at any time. Such sales shall be conducted only during the hours that the holder of a manufacturer permit for beer issued under subsection (b) of section 30-16 is permitted to sell alcoholic liquor under the provisions of subsection (d) of section 30-91. Not more than nine gallons of such beer shall be sold to any person on any day on which the sale of alcoholic liquor is authorized under the provisions of subsection (a) of section 30-91. The annual fee for each Connecticut craft cafe permit shall be three hundred dollars. (c) The holder of a Connecticut craft cafe permit may purchase, for resale on such permit holder's premises, alcoholic liquor manufactured by the holder of a manufacturer permit for: (1) Spirits issued under subsection (a) of section 30-16; (2) beer issued under subsection (b) of section 30-16; (3) a farm winery issued under subsection (c) of section 30-16; or (4) wine, cider and mead issued under subsection (d) of section 30-16. Such purchase for resale may be made from the original manufacturer of the alcoholic liquor or from the holder of a wholesaler permit issued under section 30-17 with distribution rights to such alcoholic liquor. The holder of a Connecticut craft cafe permit shall not purchase the same type of alcoholic liquor such permit holder manufactures from any holder of a manufacturer permit specified in subdivision (1), (2) or (3) of this subsection, except any holder of a Connecticut craft cafe permit that also holds the manufacturer permit specified in subdivision (2) of this subsection may purchase from another holder of such a manufacturer permit beer that the Connecticut craft cafe permit holder manufactured in collaboration with another holder of such a manufacturer permit. The sale of such alcoholic liquor shall not comprise more than twenty per cent of the Connecticut craft cafe permit holder's gross annual sales of all alcoholic liquor sold for on-premises consumption. (P.A. 19-24, S. 18; P.A. 22-56, S. 7; 22-104, S. 25; P.A. 23-103, S. 4.) History: P.A. 19-24 effective July 1, 2020; P.A. 22-56 redesignated former Subsec. (b) as Subsec. (a) and amended same by defining "collaboration" and redefining "craft cafe", redesignated existing Subsec. (a) as Subsec. (b) and amended same by adding provisions re collaboratively manufactured beer, amended Subsec. (c) by adding provisions re collaboratively manufactured beer, and made technical and conforming changes, effective May 23, 2022; P.A. 22-104 redesignated former Subsec. (b) as Subsec. (a) and amended same by redefining "craft cafe", redesignated existing Subsec. (a) as Subsec. (b) and amended same by adding provisions requiring that holder of Connecticut craft cafe permit also hold manufacturer permit issued under Sec. 30-16 and

providing that food may be made available directly through outside vendor or indirectly through third party, and made technical and conforming changes, effective May 24, 2022; P.A. 23-103 amended Subsec. (c) by substituting “alcoholic liquor manufactured by” for “alcoholic liquor from” and adding provision authorizing purchase for resale from original manufacturer or holder of wholesaler permit with distribution rights, effective July 1, 2023.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-22e. - Seasonal outdoor open-air permits.

(a) A seasonal outdoor open-air permit shall allow the retail sale of alcoholic liquor for consumption on a lot, yard, green or other outdoor open space, provided: (1) The retail sale and consumption of alcoholic liquor is allowed in such space by the applicable local zoning, health and fire marshal officials; (2) the permitted premises is not more than one acre in size; (3) a temporary fence or a wall not less than thirty inches high encloses the permitted area; (4) restrooms or enclosed portable toilets are available either within the permitted area or nearby; and (5) food is available for sale to consumers for consumption on the permitted premises during all hours that the permittee is engaging in the retail sale of alcoholic liquor. Any such food may be prepared on the permitted premises, be provided by a food truck or a caterer or consist of prepackaged items. The availability of area menus for delivery shall be deemed in compliance with the requirements of this subsection. Nothing in this section shall be construed to require that food be purchased with an alcoholic beverage. (b) Tents, mobile units and other temporary fixtures may be included within the permitted premises. A permittee under this section shall maintain the permitted premises in a manner consistent with all applicable local zoning, health and fire requirements. (c) The seasonal outdoor open-air permit shall be effective either April first to September thirtieth, inclusive, or May first to October thirty-first, inclusive, of the same year. Such permit shall be issued by the Department of Consumer Protection subject to the limitations on hours of operation for a restaurant permittee, as specified in section 30-91. No such permit shall be renewable, and the department shall not issue a provisional seasonal outdoor open-air permit. Any backer of the permittee may apply for only one seasonal outdoor open-air permit per calendar year. The provisions of subdivision (3) of subsection (b) and subsection (c) of section 30-39 shall not apply to seasonal outdoor open-air permits. The annual fee for each seasonal outdoor open-air permit shall be two thousand dollars. (d) The seasonal outdoor open-air permit shall allow the sale at retail of draught beer for off-premises consumption in sealed containers supplied by the permittee. Such sales shall be conducted only during the hours a package store is permitted to sell alcoholic liquor under the provisions of subsection (d) of section 30-91. Not more than four liters of such beer shall be sold to any person on any day on which the sale of alcoholic liquor is authorized under the provisions of subsection (d) of section 30-91. (P.A. 21-37, S. 103; P.A. 22-104, S. 26; P.A. 23-50, S. 13.) History: P.A. 21-37 effective June 4, 2021; P.A. 22-104 amended Subsec. (c) by adding reference to Sec. 30-39(b)(3), and made technical and conforming changes, effective May 24, 2022; P.A. 23-50 amended Subsec. (a) by deleting “square” and made technical changes in Subsecs. (a), (c) and (d).

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-22f. - Outdoor open-air permit.

(a) An outdoor open-air permit shall allow the retail sale of alcoholic liquor for consumption on a lot, yard, green or other outdoor open space, provided: (1) The retail sale and consumption of alcoholic liquor is allowed in such space by the applicable local zoning, health and fire marshal officials; (2) the permitted premises is not more than one acre in size; (3) a temporary fence or a wall not less than thirty inches high encloses the permitted area; (4) restrooms or enclosed portable toilets are available either within the permitted area or nearby; and (5) food is available for sale to consumers for consumption on the permitted premises during all hours that the permittee is engaging in the retail sale of alcoholic liquor. Any such food may be prepared on the permitted premises, be provided by a food truck or a caterer or consist of prepackaged items. The availability of area menus for delivery shall be deemed to constitute compliance with such requirement. Nothing in this section shall be construed to require that food be purchased with an alcoholic beverage. (b) Tents, mobile units and other temporary fixtures may be included within the permitted premises. A permittee under this section shall maintain the permitted premises in a manner consistent with all applicable local zoning, health and fire requirements. (c) The outdoor open-air permit shall be issued by the department subject to the limitations on hours of operation for a restaurant permittee, as specified in subsection (a) of section 30-91. No such permit shall be renewable. Any backer of the permittee may apply for only one outdoor open-air permit per calendar year. The provisions of subdivision (3) of subsection (b) and subsection (c) of section 30-39 shall not apply to outdoor open-air permits. The annual fee for each outdoor open-air permit shall be four thousand dollars. (d) The outdoor open-air permit shall allow the sale at retail of draught beer for off-premises consumption in sealed containers supplied by the permittee. Such sales shall be conducted only during the hours in which a package store may sell alcoholic liquor under the provisions of subsection (d) of section 30-91. Not more than four liters of such beer shall be sold to any person on any day on which the sale of alcoholic liquor is authorized under the provisions of subsection (d) of section 30-91. (P.A. 23-50, S. 6.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-22g. - Cafe permit for wine, beer and cider.

(a) For the purposes of this section: (1) “Cafe” means a space that (A) is located in a suitable and permanent building, (B) is kept, used, maintained, advertised and held out to the public to be a place where alcoholic liquor and food are served at retail for consumption on the premises, (C) at all times has employed therein an adequate number of employees, (D) does not include public

sleeping accommodations, and (E) need not necessarily have a dining room or kitchen; and (2) "Full course meal" means a diversified selection of food which (A) ordinarily cannot be consumed without the use of tableware, and (B) cannot be conveniently consumed while standing or walking. (b) A cafe permit for wine, beer and cider shall allow the retail sale of wine and beer, and of cider not exceeding six per cent of alcohol per volume, to be consumed on the permit premises of a cafe. The holder of a cafe permit for wine, beer and cider shall keep food available during the majority of the hours such permit premises are open under this subsection for sale to, and consumption by, customers on such permit premises. The availability of food from outside vendors located on or near the permit premises, delivered either directly by such outside vendors or indirectly through a third party, is sufficient to satisfy such requirement. The permit premises shall at all times comply with all regulations of the local department of health. Nothing in this section shall be construed to require that any food be sold or purchased with any wine, beer or cider, and no rule, regulation or standard shall be promulgated or enforced to require that sales of food be substantial or that the business's receipts from sales of wine, beer and cider equal any set percentage of total receipts from all sales made on the permit premises. A cafe permit for wine, beer and cider shall allow, with the Department of Consumer Protection's prior approval and if allowed under fire, zoning and health regulations, wine, beer and cider to be served at tables in outside areas that are screened or not screened from public view. If fire, zoning or health regulations do not require that such areas be enclosed by a fence or wall, the department shall not require that such areas be so enclosed. No such fence or wall shall be less than thirty inches high. A cafe permit for wine, beer and cider shall also authorize the sale, at retail from the permit premises for consumption off the permit premises, of sealed containers supplied by the permittee of wine and draught beer. Such sales shall be conducted only during the hours a package store is permitted to sell alcoholic liquor under the provisions of subsection (d) of section 30-91. Not more than one hundred ninety-six ounces of such beer shall be sold to any person on any day on which the sale of alcoholic liquor is authorized under the provisions of subsection (d) of section 30-91. The annual fee for a cafe permit for wine, beer and cider shall be one thousand dollars. (c) A cafe customer may remove one previously unsealed bottle of wine from the permit premises of a cafe, provided: (1) The customer purchased a full course meal for consumption on such permit premises; (2) The bottle of wine was unsealed on such permit premises for consumption with such full course meal on such permit premises; (3) The customer consumed a portion of the wine contained within such unsealed bottle on such permit premises; (4) The permittee, or the permittee's agent or employee, securely seals such bottle of wine and places such bottle of wine in a bag before such bottle of wine is removed from such permit premises; and (5) Such bottle of wine is consumed off such permit premises. (d) A cafe permit for wine, beer and cider issued pursuant to this section shall allow those additional permissible uses specified in a caterer liquor permit established in section 30-37j without an additional fee, but subject to compliance with the provisions of said section. (P.A. 24-85, S. 2.) History: P.A. 24-85 effective July 1, 2024.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-23. - Club permits.

Section 30-23 is repealed, effective July 1, 2020. (1949 Rev., S. 4245; P.A. 75-641, S. 7; P.A. 81-287, S. 3; P.A. 93-139, S. 21; June Sp. Sess. P.A. 09-3, S. 341; P.A. 19-24, S. 27.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-23a. - Guest book requirements under club permits.

No person shall be construed to be a guest of a member of a club for the purposes of section 30-22aa or of a golf country club for the purposes of subsection (g) of section 30-22a until such person's name and address has been entered in the guest book maintained for such purposes on the club or golf country club premises, together with the signature of the member and the date of introduction, provided neither the permittee nor any person employed to dispense alcoholic beverages on such premises, during his working hours on such premises, shall enter such person's name in such book. The provisions of this section: (1) Shall not apply to a member of any nationally chartered veterans' service organization when such member enters a club run by such organization that is not such member's home club, but is affiliated with the same organization, provided such member shall show a membership, travel card or similar identification as a member of such organization upon entry to such club; and (2) may be waived by the Department of Consumer Protection on special occasions upon written application. (1971, P.A. 607; P.A. 75-199, S. 1, 2; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 27, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 14-114, S. 1; P.A. 21-10, S. 5; P.A. 22-104, S. 13.) History: P.A. 75-199 included references to golf country clubs; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 14-114 added Subdiv. (1) re applicability to certain members of nationally chartered veterans' service organizations, designated existing provision re waiver of requirements by department as Subdiv. (2) and made a technical change; P.A. 21-10 changed a reference from Sec. 30-23 to Sec. 30-22aa, effective May 13, 2021; P.A. 22-104 deleted reference to Sec. 30-24a, added reference to Sec. 30-22a(g), and made technical and conforming changes, effective May 24, 2022.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-23b. - Club permit for Rocky Hill Veterans' Home and Hospital.

Section 30-23b is repealed, effective June 1, 2004. (P.A. 78-74; 78-303, S. 85, 136; P.A. 80-482, S. 4, 170, 191, 194, 345, 348; P.A. 93-139, S. 22; P.A. 95-195, S. 28, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 21.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-24. - Spouses of club and golf country club members.

Spouses of members of any club or golf country club which holds a permit under subsection (g) of section 30-22a or section 30-22aa may be allowed to participate in all of the privileges of such club or golf country club, by vote of such club's members, and shall not be considered guests for the purposes of the general statutes or provisions of the regulations of Connecticut state agencies adopted by the Department of Consumer Protection. (1953, S. 2173d; February, 1965, P.A. 553, S. 5; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 29, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 21-37, S. 59; P.A. 22-104, S. 14.) History: 1965 act included references to golf country clubs; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 21-37 replaced reference to “this chapter” with reference to Sec. 30-22a(g) or (h) and made technical changes, effective July 1, 2021; P.A. 22-104 deleted reference to Sec. 30-22a(h), added reference to Sec. 30-22aa, and made technical and conforming changes, effective May 24, 2022. See Sec. 52-571d re revocation of permit to sell alcoholic liquor where country club found to discriminate in classes of membership or access to facilities or services. Cited. 184 C. 75.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-24a. - Golf country club permit. Nonprofit service club.

Section 30-24a is repealed, effective July 1, 2020. (February, 1965, P.A. 553, S. 7; P.A. 73-601, S. 2, 3; P.A. 75-641, S. 8; P.A. 93-139, S. 23; June Sp. Sess. P.A. 09-3, S. 342; P.A. 19-24, S. 27.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-24b. - Auxiliary club members.

Auxiliary members who are spouses of members or surviving spouses of former deceased members of any club specified in subsection (g) of section 30-22a or section 30-22aa which holds a permit under the provisions of this chapter may be allowed to participate in all the privileges of such club, by vote of such club's members, and shall not be considered guests for purposes of the general statutes or provisions of the regulations of Connecticut state agencies adopted by the Department of Consumer Protection. (1969, P.A. 358; P.A. 75-193; P.A. 77-614, S. 165, 610; P.A. 78-303, S. 80, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 30, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 21-37, S. 60; P.A. 22-104, S. 15.) History: P.A. 75-193 substituted “surviving spouses” for “widows” and deleted “lady” as modifier of “auxiliary members”; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 21-37 added reference to Sec. 30-22a(g) to (i), effective July 1, 2021; P.A. 22-104 substituted reference to Sec. 30-22a(g) for reference to Sec. 30-22a(g) to (i), added reference to Sec. 30-22aa, and made technical and conforming changes, effective May 24, 2022. See Sec. 52-571d re revocation of permit to sell alcoholic liquor where country club found to discriminate in classes of membership or access to facilities or services.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-25. - Special club permit for picnics.

Section 30-25 is repealed, effective July 1, 2023. (June, 1955, S. 2166d; February, 1965, P.A. 553, S. 6; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 93-139, S. 24; P.A. 95-195, S. 31, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; June Sp. Sess. P.A. 09-3, S. 343; P.A. 21-37, S. 61; P.A. 22-104, S. 16; P.A. 23-50, S. 28.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-25a. - Cafe permit in no-permit towns.

Notwithstanding any provision of part III of this chapter, but subject to the approval by referendum of the municipality wherein the golf club is located, a cafe permit, as specified in subsection (g) of section 30-22a, shall be granted by the Department of Consumer Protection, in the manner provided in section 30-39, to any golf club which has been in existence as a bona fide organization for at least five years and which maintains a golf course of not less than eighteen holes and a course length of at least fifty-five hundred yards, and a club house with full facilities, including locker rooms, a restaurant and a lounge, to serve only members and their guests, but no outside parties or groups of nonmembers. The cost of such referendum shall be borne by such golf club. (1963, P.A. 606; P.A. 77-614, S. 165, 610; P.A. 78-303, S. 80, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 32, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 21-37, S. 62.) History: P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 21-37 changed "club permit" to "cafe permit" and added reference to Sec. 30-22a(g), effective July 1, 2021.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-26. - Tavern permit. Sale of draught beer in sealed containers for off-premises consumption.

Section 30-26 is repealed, effective July 1, 2020. (1949 Rev., S. 4246; 1951, S. 2160d; 1969, P.A. 349, S. 3; 1972, P.A. 233, S. 3; P.A. 80-198, S. 3; P.A. 93-139, S. 25; June Sp. Sess. P.A. 09-3, S. 344; P.A. 15-244, S. 80; P.A. 19-24, S. 27.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-27. - Taverns not to be screened from street.

Section 30-27 is repealed. (1949 Rev., S. 4247; P.A. 77-112, S. 2.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-28. - Railroad permit.

Section 30-28 is repealed, effective July 1, 2020. (1949 Rev., S. 4248; P.A. 93-139, S. 26; June Sp. Sess. P.A. 09-3, S. 345; P.A. 19-24, S. 27.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-28a. - Airline permit.

(a) An airline permit shall allow such permittee to purchase from a holder of a wholesaler permit alcoholic liquor as is permitted to be sold by a holder of a package store permit and in addition alcoholic liquor in miniatures of one and six-tenths and two and zero-tenths ounces or of forty-six and eight-tenths and ninety-three and seven-tenths milliliters. (b) An airline permit, being granted to any airline, shall permit the sale or dispensing or consumption of alcoholic liquor to passengers only and while in actual transit on any aircraft being operated on regularly scheduled flights by such airline. (c) The annual fee for an airline permit shall be five hundred dollars. (P.A. 73-543, S. 3, 14; P.A. 75-259, S. 3, 8; P.A. 93-139, S. 27; June Sp. Sess. P.A. 09-3, S. 346.) History: P.A. 75-259 added reference to milliliter-sized miniatures in Subsec. (a); P.A. 93-139 made technical changes and added the annual fee for an airline permit as Subsec. (c); June Sp. Sess. P.A. 09-3 increased fee in Subsec. (c) from \$400 to \$500.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-29. - Boat permit.

Section 30-29 is repealed, effective July 1, 2020. (1949 Rev., S. 4249; P.A. 93-139, S. 28; June Sp. Sess. P.A. 09-3, S. 347; P.A. 19-24, S. 27.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-3. - Assistance.

The department may appoint a secretary and may employ such clerks, inspectors, agents and other assistants as it requires. (1949 Rev., S. 4224; P.A. 77-614, S. 165, 610; P.A. 78-303, S. 80, 136; P.A. 99-194, S. 21.) History: P.A. 77-614 called for replacement of liquor control commission with division of liquor control within the department of business regulation, but P.A. 78-303 made exception for this section, retaining the commission; P.A. 99-194 replaced reference to commission with reference to department.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-30. - Broker's permit.

A broker's permit shall allow the holder thereof to sell warehouse receipts, certificates or other documents pertaining to alcoholic

liquor to permittees within this state upon approval of the Department of Consumer Protection of such transactions. The annual fee for a broker's permit shall be two hundred dollars. (1949 Rev., S. 4250; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 93-139, S. 29; P.A. 95-195, S. 33, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; June Sp. Sess. P.A. 09-3, S. 348.) History: P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 93-139 added the annual fee for a broker's permit; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; June Sp. Sess. P.A. 09-3 increased fee from \$160 to \$200. Cited. 184 C. 75.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-31. - Sale of warehouse receipts for alcoholic beverages.

Any bank, trust company or financial institution owning or possessing warehouse receipts for alcoholic beverages acquired as security for a loan may sell such warehouse receipts to a permittee authorized to sell such alcoholic beverages or such warehouse receipts. Any sale or sales made under the provisions of this section shall be subject to approval by the Department of Consumer Protection. (1949 Rev., S. 4251; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 34, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.) History: P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004. Cited. 184 C. 75.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-32. - Warehouse permit.

A warehouse bottling permit shall allow the storage and bottling of alcoholic liquor on the premises of a bonded warehouse, but no such permit shall be granted unless the place has received the approval of the Department of Consumer Protection. A warehouse storage permit shall allow the storage of alcoholic liquor on the premises of a bonded warehouse, but no such permit shall be granted unless the place has received the approval of the department. The annual fee for a warehouse bottling permit shall be one hundred sixty dollars and for a warehouse storage permit shall be thirty-five dollars. (1949 Rev., S. 4252; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 93-139, S. 30; P.A. 95-195, S. 35, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.) History: P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 93-139 added the annual fee for each warehouse permit; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004. Cited. 184 C. 75.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-33. - Concession permit.

A concession permit shall allow the sale and consumption of beer or wine on the premises of any fair grounds, ball park, amusement park, indoor-outdoor amphitheater, outdoor amphitheater contiguous to and under the same ownership as an amusement park, public golf course or sports arena provided no sales of alcoholic liquor shall occur within one hour of the scheduled end of a performance at an indoor-outdoor amphitheater constructed to seat not less than fifteen thousand people. A concession permit shall also allow the sale and consumption of alcohol or spirits in all enclosed nonseating areas within an indoor-outdoor amphitheater. Such areas shall be enclosed by a fence or wall not less than thirty inches high and separate from each other. No concession permittee, backer, employee or agent of such permittee shall sell, offer or deliver more than two drinks of alcoholic liquor at any one time to any person for such person's own consumption. Such permit shall be issued in the discretion of the Department of Consumer Protection and shall be effective only in accordance with a schedule of hours and days determined by the department for each such permit within the limitation of hours and days fixed by law. As used in this section, "public golf course" means a golf course of not less than nine holes and a course length of not less than twenty-seven hundred fifty yards. The fee for a concession permit shall be as follows: For a period of one year, three hundred dollars; for a period of six months, two hundred dollars; and for a period of one day,

fifty dollars. (1949 Rev., S. 4253; P.A. 76-394, S. 2, 4; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 86-151, S. 1; P.A. 89-155, S. 2, 4; P.A. 93-139, S. 31; P.A. 95-161, S. 8, 9; 95-195, S. 36, 83; 95-336, S. 4, 5; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; June Sp. Sess. P.A. 09-3, S. 349; P.A. 21-37, S. 81.) History: P.A. 76-394 included public golf courses in provisions and defined the term “public golf course” for purposes of the section; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 86-151 provided that concession permits allow the sale of wine; P.A. 89-155 added amusement park and outdoor amphitheater contiguous to and under the same ownership as an amusement park to the list of eligible facilities; P.A. 93-139 made technical changes and added the fees for concession permits; P.A. 95-161 added contiguous outdoor amphitheatres to list of facilities eligible for a concession permit and prohibited sales of alcoholic liquor within one hour of the scheduled end of a function at an outdoor amphitheater, effective June 27, 1995; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 95-336 made indoor-outdoor amphitheatres eligible for concession permits and permitted the sale of alcohol and spirits at areas within indoor-outdoor amphitheatres, effective July 6, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; June Sp. Sess. P.A. 09-3 increased fees; P.A. 21-37 added provision prohibiting sale, offer or delivery of more than 2 drinks to any person, effective July 1, 2021. Cited. 184 C. 75.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-33a. - Coliseum permit. Special rule re backers.

(a) A coliseum permit shall allow the retail sale of alcoholic liquor in any portion of the coliseum, including the coliseum club, to be consumed on the premises of the coliseum during a sporting event, concert, exhibition, trade show, entertainment presentation or similar function. Alcoholic liquor sold and consumed at sporting events within the arena of the coliseum and at concession stands within the coliseum at sporting events shall only be sold and consumed in paper, plastic or aluminum containers. No coliseum permittee, backer, employee or agent of such permittee shall sell, offer or deliver more than two drinks of alcoholic liquor at any one time to any person for such person's own consumption. A coliseum permit shall allow the retail sale of alcoholic liquor in the arena of the coliseum, provided sales of alcoholic liquor shall not occur at the coliseum within one hour of the scheduled closing of such coliseum. The annual fee for a coliseum permit shall be two thousand two hundred fifty dollars. (b) Notwithstanding any provision of this chapter to the contrary, neither the permittee nor the backer of a coliseum permit need be a proprietor if the coliseum for which such permit is being applied for is owned by a municipality or a municipal authority. The Department of Consumer Protection shall have discretionary powers to waive requirements where physical conditions make compliance an impossibility. (c) “Coliseum” means a structure constructed to seat not less than two thousand people, and any related facility which is a part of, adjacent to or connected therewith, which structure is used for sporting events, exhibitions, trade shows, entertainment presentations, conventions, banquets, meetings, dances or fund-raising functions or similar functions or a structure such as a soccer stadium or a minor league baseball stadium built around an athletic field, constructed to seat not less than four thousand people and any related facility which is part of, adjacent to or connected therewith, which structure is used for sporting events, exhibitions, trade shows, entertainment presentations, conventions, banquets, meetings, dances or fund-raising functions or similar functions. “Arena” means all that portion of a coliseum containing a floor area enclosed by permanent seating. “Coliseum club” means an enclosed facility within a coliseum kept, used and maintained as a place where alcoholic liquor or food is served for sale at retail for consumption on the coliseum premises but which does not necessarily serve hot meals and need not have a kitchen or dining room but shall have employed therein at all times an adequate number of employees who shall serve only the following categories of people: (1) Persons who are in the coliseum to attend an event or function; and (2) persons who are in the coliseum club to attend a private party or banquet. (d) For purposes of compliance with this section “coliseum” shall include a facility designed, constructed and used for corporate and private parties, sporting events, concerts, exhibitions, trade shows, entertainment presentations, conventions, banquets, meetings, dances, fund-raising events and similar functions, located on a tract of land not less than twenty acres containing an enclosed roofed pavilion constructed to seat not less than two hundred fifty persons, where hot meals are regularly served in an adequate and sanitary dining area, such meals having been prepared in an adequate and sanitary kitchen on the premises, and employing an adequate number of employees who shall serve only persons who are at such outing facility to attend an event, function, private party or banquet. (P.A. 73-533, S. 2, 9; P.A. 75-641, S. 9; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 93-139, S. 32; P.A. 95-161, S. 4, 9; 95-195, S. 37, 83; 95-336, S. 3, 5; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; June Sp. Sess. P.A. 09-3, S. 350; P.A. 16-117, S. 3; P.A. 19-24, S. 20.) History: P.A. 75-641 deleted reference to “subdivision (15)” of Sec. 30-1 in Subsec. (c); P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 93-139 made technical changes, added the annual fees for a coliseum permit and a coliseum concession permit and added the definitions of “coliseum”, “arena” and “coliseum club” as Subsec. (d); P.A. 95-161 amended Subsec. (a) to prohibit the sale of beer at a coliseum within one hour of the scheduled end of a function, amended Subsec. (b) to prohibit the sale of beer at a coliseum concession stand within one hour of the scheduled end of a

function and amended Subsec. (d) to include a minor league stadium in the definition of “coliseum”, effective June 27, 1995; P.A. 95-195 amended Subsec. (c) to substitute Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 95-336 authorized sales of alcoholic liquor within one hour of the scheduled end of a function at a coliseum where previously such sales were prohibited, effective July 6, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; June Sp. Sess. P.A. 09-3 increased fee in Subsec. (a) from \$2,000 to \$2,250, increased fee in Subsec. (b) from \$1,000 to \$1,250 and made technical changes; P.A. 16-117 amended Subsec. (b) by adding references to plastic or aluminum containers, effective July 1, 2016; P.A. 19-24 amended Subsec. (a) by deleting provision re exception for retail sale of alcoholic liquor in arena of coliseum, deleting provision re public restaurant located on premises, adding provisions re containers for alcoholic liquor sold at sporting events and 2 drink maximum per person, deleting “during a convention, banquet, meeting, dance, fund-raising function or similar function”, replacing provision re sales of alcoholic liquor to occur at coliseum within 1 hour of scheduled end of function with provision re sale of alcoholic liquor not to occur at coliseum within 1 hour of scheduled closing of coliseum, deleted Subsec. (b) re coliseum concession permit, redesignated existing Subsec. (c) as new Subsec. (b) and amended same by deleting reference to coliseum concession permit, redesignated existing Subsec. (d) as new Subsec. (c) and amended same by redefining “coliseum”, and added new Subsec. (d) re meaning of “coliseum”, effective June 5, 2019.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-33b and 30-33c. - Special sporting facility permits.

Sections 30-33b and 30-33c are repealed, effective July 1, 2020. (P.A. 74-307, S. 2; P.A. 78-344, S. 3, 4; P.A. 80-247, S. 1, 2; P.A. 93-139, S. 33, 37; June Sp. Sess. P.A. 09-3, S. 351, 352; P.A. 13-299, S. 83; P.A. 19-24, S. 27.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-34. - Military permit.

A military permit shall allow the retail sale of beer at any camp or military installation used and controlled by the Connecticut National Guard or the state guard. The annual fee for a military permit shall be thirty dollars. (1949 Rev., S. 4254; P.A. 93-139, S. 34; June Sp. Sess. P.A. 09-3, S. 353.) History: P.A. 93-139 added the annual fee for a military permit; June Sp. Sess. P.A. 09-3 increased fee from \$15 to \$30. Cited. 184 C. 75.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-35. - Temporary liquor permit for a noncommercial entity.

(a) A temporary liquor permit for a noncommercial entity shall allow the sale of beer, spirits or wine at any fundraising event, outing, picnic or social gathering conducted by a bona fide noncommercial entity, club or golf country club, as described in subsection (g) of section 30-22a, which noncommercial entity, club or golf country club shall be the backer of the permittee under such permit. No for-profit business entity may be the backer of any such permittee. Each temporary liquor permit for a noncommercial entity shall also allow the retail sale of beer, spirits or wine at an in-person or online auction, provided such auction is held as part of a fundraising event to benefit the tax-exempt activities of the noncommercial entity, club or golf country club. All profits from the auction or sale of such beer, spirits or wine shall be retained by the backer or permittee conducting such fundraising event, outing, picnic, social gathering or auction, and no portion of such profits shall be paid, directly or indirectly, to any individual or other corporation. Such permit shall be issued subject to the approval of the department and shall be effective only for specified dates and times limited by the department. The combined total of fundraising events, outings, picnics, social gatherings or auctions, for which a temporary liquor permit for a noncommercial entity is issued under this section, shall not exceed twelve in any calendar year and the approved dates and times for each such fundraising event, outing, picnic, social gathering or auction shall be displayed on such permit. Each temporary liquor permit for a noncommercial entity issued under this section shall be subject to the hours of sale established in subsection (a) of section 30-91 and the combined total of days for which such permit is issued shall not exceed twenty days in any calendar year. The holder of a temporary liquor permit for a noncommercial entity issued under this section shall display such permit, and the days for which such permit has been issued, in a prominent location adjacent to the entrance to the fundraising event, outing, picnic, social gathering or auction. The fee for a temporary liquor permit for a noncommercial entity shall be fifty dollars per day. (b) The holder of a manufacturer permit issued under section 30-16, a wholesaler permit issued under section 30-17 or a package store permit issued under subsection (b) of section 30-20 may donate to the holder of a temporary liquor permit for a noncommercial entity issued under this section any beer, spirits or wine such manufacturer permittee manufactures, for which such wholesaler permittee holds distribution rights or which such package store permittee sells at retail. (1949 Rev., S. 4255; P.A. 76-370, S. 1; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 93-139, S. 35; P.A. 95-195, S. 38, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; 04-230, S. 2; June Sp. Sess. P.A. 09-3, S. 354; P.A. 14-111, S. 1; P.A. 23-50, S. 14.) History: P.A. 76-370 created temporary liquor permits where previously temporary permits allowed sale of beer only; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 93-139 made technical changes, added the fees for temporary permits

and clarified the maximum number of temporary permits to be issued to an organization; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 04-230 increased the number of temporary beer permits and temporary liquor permits that may be issued to an organization from four to six per calendar year; June Sp. Sess. P.A. 09-3 increased fees; P.A. 14-111 increased combined total of outings, picnics or social gatherings for which temporary permit may be issued from 6 to 12 in any calendar year, added provision requiring dates and times be displayed on permit and made technical changes, effective July 1, 2014; P.A. 23-50 designated existing provisions as Subsec. (a), substantially amended Subsec. (a) to substitute temporary liquor permit for a noncommercial entity for temporary beer and liquor permits and added Subsec. (b) re donations by manufacturer, wholesaler and package store permittees, effective July 1, 2023.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-35a. - Nonprofit theater permit.

(a) A nonprofit theater permit shall allow the retail sale of alcoholic liquor by a nonprofit theater to be consumed on its premises by patrons on any day on which a performance is given and twelve other days per year; provided the proceeds derived from such sales, except for reasonable operating costs, shall be used in furtherance of the charitable, literary and educational activities of such theater. The annual fee for a nonprofit theater permit shall be two hundred fifty dollars. (b) "Nonprofit theater" means an organization organized for nonprofit, charitable, literary and educational purposes to which has been issued a ruling by the Internal Revenue Service classifying it as an exempt organization under Section 501(c)(3) of the Internal Revenue Code, and which carries on a program of performing arts for the general public at a theater located on its premises. (1967, P.A. 725, S. 3; P.A. 93-139, S. 36; P.A. 99-54; June Sp. Sess. P.A. 09-3, S. 355.) History: P.A. 93-139 added the annual fee for a nonprofit theater permit and added the definition of "nonprofit theater" as Subsec. (b); P.A. 99-54 allowed nonprofit theater permits to sell alcoholic liquor for consumption on premises on 12 additional days per year; June Sp. Sess. P.A. 09-3 increased fee in Subsec. (a) from \$200 to \$250.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-35b. - Ninety-day provisional permit.

The Department of Consumer Protection or Liquor Control Commission may, in the department's or commission's discretion, issue to any applicant, who makes a sworn application for a liquor permit under section 30-39, and such applicant's backer, if any, a ninety-day provisional permit allowing such applicant and backer to manufacture or sell, at retail, alcoholic liquor. If such applicant or backer causes any delay in the investigation conducted by the department pursuant to section 30-39, such ninety-day provisional permit shall immediately cease to be effective. The department or commission shall issue only one ninety-day provisional permit to any such applicant and applicant's backer for each location of the club or place of business which is to be operated under such permit. Such ninety-day provisional permit shall be nonrenewable, but may be extended due to delays not caused by the applicant. The department or commission shall not extend such permit beyond one year from the filing date, as defined in section 30-39. The nonrefundable fee for such ninety-day provisional permit shall be five hundred dollars. (P.A. 91-353, S. 3, 7; May 25 Sp. Sess. P.A. 94-1, S. 60, 130; P.A. 95-161, S. 7, 9; 95-195, S. 39, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 13-215, S. 1; P.A. 21-37, S. 82; P.A. 22-104, S. 27.) History: May 25 Sp. Sess. P.A. 94-1 made a technical change, effective June 21, 1994; P.A. 95-161 allowed for the extension of the ninety-day provisional permit, effective June 27, 1995; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 13-215 added provision requiring 90-day provisional permit to allow the manufacture of alcoholic liquor, effective June 21, 2013; P.A. 21-37 made technical changes, added reference to Department of Consumer Protection and added provision limiting extensions to 1 year from filing date, effective July 1, 2021; P.A. 22-104 substantially revised provisions, including by restructuring existing provisions, adding provision specifying that fee for 90-day provisional permit is nonrefundable and making technical changes, effective May 24, 2022.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-36. - Druggist permit.

A druggist permit may be issued by the Department of Consumer Protection to a drug store proprietor. No druggist permit shall be issued covering a new drug store or a new location for an old drug store until the Commission of Pharmacy is satisfied that a drug store at such location is necessary to the convenience and best interest of the public. A druggist permit (1) shall allow the use of alcoholic liquors for the compounding of prescriptions of physicians, advanced practice registered nurses, physician assistants and dentists and for the manufacturing of all United States Pharmacopoeia and National Formulary preparations and all other medicinal preparations, (2) shall allow the retail sale and delivery of alcoholic liquor in containers of not less than eight ounces or one hundred eighty-seven and one-half milliliters and not more than one quart or one liter capacity except that beer may be sold in containers of not more than forty ounces or twelve hundred milliliters capacity, to any person, and (3) shall forbid the drinking of such alcoholic liquor on the premises of any drug store. Such permittee shall keep all alcoholic liquors in compartments, which compartments shall

be securely locked except during those hours when the sale of alcoholic liquor is permitted by law. The holder of a druggist permit shall not display any alcoholic liquors or containers, marked or labeled or in any other way suggesting the contents of intoxicating liquors, in the windows of the permit premises. The Commission of Pharmacy shall revoke or suspend the pharmacy license of any pharmacist upon whose premises any violation of any provision of this section occurs. The annual fee for a druggist permit shall be five hundred thirty-five dollars. (1949 Rev., S. 4257; March, 1958, P.A. 27, S. 21; 1967, P.A. 109, S. 8; P.A. 75-259, S. 4, 8; P.A. 77-614, S. 165, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 81-367, S. 4, 9; P.A. 82-332, S. 8, 13; P.A. 84-478, S. 3, 5; P.A. 93-139, S. 38; P.A. 95-195, S. 40, 83; P.A. 96-19, S. 4; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; June Sp. Sess. P.A. 09-3, S. 356; P.A. 11-81, S. 7; P.A. 21-37, S. 83.) History: 1967 act allowed compounding of dentist's prescriptions under druggist's permit; P.A. 75-259 added references to milliliter and liters as measurements of container size; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 81-367 eliminated provisions re druggist permit for beer only as of May 29, 1981; P.A. 82-332 eliminated requirement that applicant have certificate of fitness issued by pharmacy commission; P.A. 84-478 allowed holders of a druggist permit to sell beer in containers of not more than 40 ounces or 1,200 milliliters capacity; P.A. 93-139 made technical changes and added the annual fee for a druggist permit; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 96-19 expanded reference to prescriptions by physicians and dentists to include advanced practice registered nurses and physician assistants; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; June Sp. Sess. P.A. 09-3 increased fee from \$400 to \$500; P.A. 11-81 increased the annual druggist permit fee from \$500 to \$535 and deleted "plus the sum required by section 30-66"; P.A. 21-37 amended Subdiv. (2) by adding reference to delivery of alcoholic liquor, effective July 1, 2021. See Sec. 30-91 re hours and days of closing. Under former statute, a regulation of commission in effect refusing to issue druggist permits was beyond its powers; constitutionality upheld. 118 C. 262. Locking store when sales not permitted not a compliance with requirement of locked compartments. 138 C. 564. Cited. 149 C. 680. Sale of alcoholic beverages under a drugstore permit differentiated from sale in a package store, hence nonconforming use of property was expanded by use as a package store. 167 C. 596. Cited. 184 C. 75.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-37. - Sales on prescription.

Any pharmacy licensed by the Department of Consumer Protection may fill the prescription of a licensed physician, advanced practice registered nurse, physician assistant or dentist for alcoholic liquors at any time without regard to the vote of any town prohibiting the sale of such liquors and may use alcoholic liquors for the compounding of such prescriptions and for the manufacture of all United States Pharmacopoeia and National Formulary preparations and all other medicinal preparations without the necessity of obtaining a permit from the Department of Consumer Protection, provided each such prescription shall include the name and address of the person for whom it is prescribed and shall be signed with his full name by the person issuing such prescription. Each such prescription shall be filled only once, and the person making a sale on such prescription shall write on the face thereof the number of such prescription and the date of the sale or delivery of such liquor and shall keep such prescription on file and available at all reasonable times for inspection. All alcoholic liquors sold by licensed pharmacies on prescriptions alone shall be kept in compartments, which compartments shall be securely locked except when such liquors are being used in the compounding of the prescriptions. (1949 Rev., S. 4258; 1967, P.A. 109, S. 9; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 93-139, S. 39; P.A. 95-195, S. 41, 83; P.A. 96-19, S. 5; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 21-37, S. 84.) History: 1967 act made provisions applicable to dentist's prescriptions; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 93-139 made technical changes; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 96-19 expanded reference to prescriptions by physicians and dentists to include advanced practice registered nurses and physician assistants; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 21-37 replaced "Commission of Pharmacy" with "Department of Consumer Protection", effective July 1, 2021. Cited. 118 C. 254; 149 C. 684; 184 C. 75.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-37a. - Nonprofit public museum permit.

(a) A nonprofit public museum permit shall allow the retail sale of alcoholic liquor by a nonprofit public museum only on land and in buildings that are subject to the care, custody and control of its board of trustees to be consumed on its premises by its patrons on any day on which such nonprofit public museum is open to visitors from the general public. Proceeds derived from such sales,

except for reasonable operating costs, shall be used in furtherance of the charitable, literary and educational activities of such nonprofit public museum. Sections 30-9 to 30-13, inclusive, and 30-91, insofar as said sections refer to local regulations of sales, shall not apply to such permit. The annual fee for a nonprofit public museum permit shall be two hundred fifty dollars. (b) “Nonprofit public museum” means any public museum organized for nonprofit, charitable, literary and educational purposes. (1969, P.A. 724, S. 3; P.A. 91-118, S. 2; P.A. 93-139, S. 40; P.A. 96-7, S. 2; June Sp. Sess. P.A. 09-3, S. 357.) History: P.A. 91-118 amended section by deleting the word “art” before the word “museum”, thus permitting the retail sale of alcoholic liquor at all nonprofit public museums; P.A. 93-139 made technical changes, added the annual fee for a nonprofit public museum permit and added the definition of a “nonprofit public museum” as Subsec. (b); P.A. 96-7 amended Subsec. (b) to delete the requirement that each nonprofit public museum have over 100,000 square feet for public display purposes; June Sp. Sess. P.A. 09-3 increased fee in Subsec. (a) from \$200 to \$250.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-37b. - Charitable organization permit.

Section 30-37b is repealed, effective July 1, 2023. (1971, P.A. 254, S. 3; P.A. 93-139, S. 41; P.A. 07-4, S. 1; June Sp. Sess. P.A. 09-3, S. 358; P.A. 14-111, S. 2; P.A. 23-50, S. 28.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-37c. - Bowling establishment permit. Racquetball facility permit.

Section 30-37c is repealed, effective July 1, 2020. (P.A. 76-347, S. 2; P.A. 83-283, S. 2, 5; 83-434, S. 2, 4; P.A. 93-139, S. 42; P.A. 01-17, S. 2; June Sp. Sess. P.A. 09-3, S. 359; P.A. 12-17, S. 6; P.A. 19-24, S. 27.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-37d. - Nonprofit public television corporation permit.

Section 30-37d is repealed, effective July 1, 2023. (P.A. 83-152, S. 1; P.A. 93-139, S. 43; P.A. 96-7, S. 1, 5; June Sp. Sess. P.A. 09-3, S. 360; P.A. 23-50, S. 28.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-37e. - Airport restaurant permit. Airport bar permit. Airport airline club permit.

Section 30-37e is repealed, effective July 1, 2020. (P.A. 84-494, S. 2, 11; P.A. 87-321, S. 2, 6; P.A. 93-139, S. 44; June Sp. Sess. P.A. 09-3, S. 361; P.A. 19-24, S. 27.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-37f. - Cafe permit at Bradley International Airport. Leasing and concessions. Access requirements. Excepted from local option, discretionary disapproval.

(a) Notwithstanding the provisions of any general statute or regulation to the contrary, (1) the state of Connecticut, as owner or lessor of premises at Bradley International Airport, shall be permitted to enter into an arrangement with any concessionaire or lessee holding a permit or permits at Bradley International Airport, and receive payments from such concessionaire or lessee, without regard to the level or percentage of gross receipts from the gross sales of alcoholic liquor by such concessionaire or lessee; (2) any person may be a permittee for more than one cafe permit issued pursuant to subsection (d) of section 30-22a; and (3) any area subject to a permit in Bradley International Airport that is contiguous to or within any concourse area shall not be required to provide a single point of egress or ingress or to effectively separate the bar area or any dining area from the concourse area by means of partitions, fences or doors, provided that a permittee of such area may be required by the Department of Consumer Protection to provide a barrier to separate the back bar area from the concourse area to prevent public access to the portion of the back bar area from which liquor is dispensed, if physically practicable. (b) Sections 30-9 to 30-13a, inclusive, section 30-22aa, subdivision (2) of subsection (b) of section 30-39, subsection (c) of section 30-39 and sections 30-44, 30-46, 30-48a and 30-91a shall not apply to a cafe permit issued pursuant to subsection (d) of section 30-22a. (P.A. 84-494, S. 9, 11; P.A. 87-321, S. 3, 6; P.A. 93-83, S. 2; P.A. 95-195, S. 42, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 21-10, S. 7; 21-37, S. 63; P.A. 22-70, S. 12.) History: P.A. 87-321 amended Subsec. (b) by providing that Sec. 30-23 shall not apply to any class of airport permit; P.A. 93-83 made technical changes in Subsec. (b); P.A. 95-195 amended Subsec. (a) by substituting Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 21-10 amended Subsec. (b) by replacing reference to Sec. 30-23 with Sec. 30-22aa, effective May 13, 2021; P.A. 21-37 amended Subsecs. (a) and (b) by replacing references to airport permit with permit issued pursuant to Sec. 30-22a(d), effective July 1, 2021; P.A. 22-70 made a technical change in Subsec. (a)(3).

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-37g. - Nonprofit golf tournament permit.

A nonprofit golf tournament permit shall allow the retail sale of alcoholic liquor to be consumed on the premises of a golf country club at which a golf tournament, sponsored by an organization that is exempt from taxation under Section 501(c)(3) or Section 501(c)(4) of the Internal Revenue Code of 1986 or any subsequent corresponding internal revenue code of the United States, as from time to time amended, is being conducted. Such permit shall be issued to any such organization for a period not to exceed eight days. Only one such permit shall be issued in any calendar year. Such permit shall allow the operation of not more than twenty-five consumer bars on the grounds of a golf country club. The fee for a nonprofit golf tournament permit shall be two hundred fifty dollars. (P.A. 85-380, S. 5, 12; P.A. 87-61, S. 1, 2; P.A. 89-211, S. 31; P.A. 93-139, S. 45; June Sp. Sess. P.A. 09-3, S. 362; P.A. 14-32, S. 1.) History: P.A. 87-61 eliminated reference to charitable organizations and instead specified that organizations exempt from taxation under Sec. 501(c)(4) of the Internal Revenue Code are eligible for a permit; P.A. 89-211 clarified reference to the Internal Revenue Code of 1986; P.A. 93-139 made technical changes and added the fee for a nonprofit golf tournament permit; June Sp. Sess. P.A. 09-3 increased fee from \$200 to \$250; P.A. 14-32 added reference to Section 501(c)(3) of the Internal Revenue Code of 1986, effective May 16, 2014.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-37h. - Nonprofit corporation permit.

Section 30-37h is repealed, effective July 1, 2023. (P.A. 88-364, S. 99, 123; P.A. 93-139, S. 46; P.A. 14-111, S. 3; P.A. 23-50, S. 28.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-37i. - Hotel guest bar permit.

(a) A hotel guest bar permit, available to a hotel permittee, shall allow the retail sale of alcoholic liquor located in registered hotel guest rooms. The annual fee for a hotel guest bar permit shall be one hundred dollars for each hotel room equipped for the retail sale of alcoholic liquor. (b) A hotel guest bar shall: (1) Be accessible only by key, magnetic card or similar device provided by the hotel to a registered guest twenty-one years of age or older; and (2) restocked no earlier than nine o'clock a.m. and no later than one o'clock a.m. (c) The Department of Consumer Protection shall adopt regulations, in accordance with the provisions of chapter 54, for the operation of hotel guest bars. (P.A. 93-326, S. 1; P.A. 95-195, S. 43, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; June Sp. Sess. P.A. 09-3, S. 363.) History: P.A. 95-195 amended Subsec. (c) by substituting Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; June Sp. Sess. P.A. 09-3 increased fee in Subsec. (a) from \$50 to \$100.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-37j. - Caterer liquor permit. Notice requirements. Exemptions. Exclusive catering services contracts.

(a) A caterer liquor permit shall allow a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events to sell and serve alcoholic liquor for on-premises consumption with or without the provision of food at any activity, event or function for which such person has been hired, pursuant to a contract between the holder of the caterer liquor permit and the hiring party. The holder of a caterer liquor permit shall not engage in self-dealing or self-hiring in order to generate catering events. The annual fee for a caterer liquor permit shall be four hundred forty dollars. (b) The holder of a caterer liquor permit shall, on a form prescribed by the Department of Consumer Protection or electronically, notify the department, in writing, of the date, location and hours of each event at which alcohol is served under such permit at least one business day in advance of such event. If the holder of a caterer liquor permit is unable to provide the written notice required under this section due to exigent circumstances, such holder may provide notice to the department by telephone of the date, location and hours of each event at which alcohol is served under such permit. (c) Notwithstanding the provisions of subsection (a) of section 30-48, a backer or holder of a caterer liquor permit may be a backer or holder of any other permit issued under the provisions of this chapter, except that a backer or holder of a caterer liquor permit may not be a backer or holder of any other manufacturer permit issued under section 30-16 or a wholesaler permit issued under section 30-17. (d) The holder of a caterer liquor permit and any other permit issued under the provisions of this chapter that prohibits the off-premises consumption of alcoholic liquor shall be exempt from such prohibition for the purposes of conducting such holder's catering business only. (e) The holder of a caterer liquor permit shall be exempt from the provisions of sections 30-38, 30-52 and 30-54 and from the requirements to affix and maintain a placard, as provided in subdivision (3) of subsection (b) of section 30-39. (f) The holder of a caterer liquor permit may enter into a contract with another business entity to provide exclusive catering services at a specific venue, provided the holder of the caterer liquor permit is available for hire at other venues and is using the permit at other venues. No holder or member of the backer of the caterer liquor permit, nor the holder's or member's spouse or child, shall have an ownership interest in the venue that is subject to the exclusivity agreement. (P.A. 99-159, S. 1, 2; P.A. 00-192, S. 78, 102; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; June Sp. Sess. P.A. 09-3, S. 364; P.A. 14-135, S. 1; P.A. 17-160, S. 2; P.A. 19-24, S. 12; P.A. 21-37, S. 85.) History: P.A. 00-192 added provisions, designated as Subsec. (e), re exemptions applicable to holder of caterer liquor permit, effective May 26, 2000; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the

merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; June Sp. Sess. P.A. 09-3 increased fee in Subsec. (a) from \$350 to \$440; P.A. 14-135 amended Subsec. (c) by adding provision re inclusion of manufacturer permit for a brew pub and manufacturer permit for beer and brew pub and added provision re backer or holder of caterer liquor permit not to be backer or holder of any other manufacturer permit issued under Sec. 30-16 or wholesaler permit issued under Sec. 30-17, effective July 1, 2014; P.A. 17-160 amended Subsec. (c) to replace references to Sec. 30-16(f) and (g) with references to Sec. 30-16(g) and (h), effective July 7, 2017; P.A. 19-24 amended Subsec. (c) by deleting references to manufacturer permit for a brew pub and manufacturer permit for beer and brew pub, effective July 1, 2020; P.A. 21-37 amended Subsec. (a) by adding “with or without the provision of food”, adding reference to contract with caterer liquor permit and adding prohibition on self-dealing and self-hiring and added Subsec. (f) re exclusive catering services contracts, effective July 1, 2021.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-37k. - Casino permit.

(a) As used in this section and subsection (a) of section 30-91: (1) “Casino” means the premises within which a gaming facility is operated with other facilities, including, but not limited to, restaurants, hotels, nightclubs, bingo halls or convention centers; and (2) “gaming facility” means a room or rooms within which class III gaming, as defined in the Indian Gaming Regulatory Act, P.L. 100-497, 25 USC 2701, et seq., or an authorized game, as defined in section 12-557b, is legally conducted. (b) A casino permit shall allow the retail sale of alcoholic liquor to be consumed on the premises of a casino. (c) A casino permit shall allow the manufacture, storage and bottling of beer to be consumed on the premises with or without the sale of food, provided the holder of a casino permit produces at least five thousand gallons of beer on the premises annually. (d) A casino permit shall allow the retail sale of alcoholic liquor by means of a guest bar located in hotel guest rooms provided such guest bar is: (1) Accessible only by key, magnetic card or similar device provided by the hotel to a registered guest twenty-one years of age or older; and (2) restocked no earlier than nine o'clock a.m. and no later than one o'clock a.m. (e) The annual fee for a casino permit shall be two thousand six hundred fifty dollars plus an additional one hundred dollars for each guest room containing a guest bar. (P.A. 00-192, S. 76, 102; June Sp. Sess. P.A. 09-3, S. 365; P.A. 17-89, S. 13.) History: P.A. 00-192 effective May 26, 2000; June Sp. Sess. P.A. 09-3 increased fees in Subsec. (e); P.A. 17-89 amended Subsec. (a)(2) to redefine “gaming facility”, effective June 27, 2017.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-37l to 30-37n. - Wine festival permit. Out-of-state entity wine festival permit. Wine festival and out-of-state entity wine festival permits. Notification to chief municipal law enforcement official.

Sections 30-37l to 30-37n, inclusive, are repealed, effective May 23, 2022. (P.A. 09-47, S. 3, 4, 7; Oct. Sp. Sess. P.A. 11-1, S. 16; P.A. 19-24, S. 13; P.A. 22-56, S. 10.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-37o. - Farmers' market sales permit. Municipal prohibition of sale.

(a) The Commissioner of Consumer Protection shall issue a farmers' market sales permit to the holder of a manufacturer permit issued under section 30-16 upon submission of proof to the commissioner that such holder is in compliance with the permit requirements established in subsection (a), (b), (c) or (d) of section 30-16, as applicable. A farmers' market sales permit issued under this section shall authorize the sale of products manufactured by the manufacturer permittee during an unlimited number of appearances at a farmers' market, at not more than ten farmers' market locations per year, provided the holder of such permit: (1) Has received an invitation from such farmers' market to sell such products at such farmers' market; (2) Only sells such products by the bottle or sealed container at such farmers' market; and (3) Is present, or has an authorized representative present, at the time each such product is sold at such farmers' market under such permit. (b) Each farmers' market sales permit issued under this section shall be valid for a one-year period beginning on the date the commissioner issues such permit. The annual fee for each farmers' market sales permit shall be two hundred fifty dollars, and there shall be a nonrefundable one-hundred-dollar filing fee for each such permit. (c) Any town or municipality may, by ordinance or zoning regulation, prohibit the sale of products manufactured by the holders of farmers' market sales permits issued under this section at farmers' markets held in such town or municipality. (P.A. 11-164, S. 2, 3; P.A. 17-90, S. 3; P.A. 19-24, S. 15; P.A. 23-50, S. 15.) History: P.A. 11-164 effective July 1, 2011; P.A. 17-90 amended Subsec. (a) to increase number of appearances at farmers' market locations per year from 3 to 10, effective June 9, 2017; P.A. 19-24 amended Subsec. (a) by adding references to holder of manufacturer permit for wine, cider and mead and holder of manufacturer permit for beer and made conforming changes, effective July 1, 2020; P.A. 23-50 amended Subsec. (a) by adding reference to Sec. 30-16(a), designating provisions re duration of and fee for permit as new Subsec. (b), redesignated existing Subsec. (b) as Subsec. (c), and made technical and conforming changes throughout, effective June 13, 2023.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-37p. - Gift basket retailer permit.

(a) A gift basket retailer permit shall allow the retail sale of wine, mead or beer. Such wine, mead or beer shall be included in a gift basket sold at retail by the permit holder. Such wine, mead or beer shall not be consumed on the premises. The holder of a gift basket retailer permit shall be located in this state and such wine, mead or beer shall only be purchased by such permit holder from

the holder of a package store permit issued pursuant to section 30-20, the holder of a manufacturer permit for a farm winery issued pursuant to subsection (c) of section 30-16, the holder of a manufacturer permit for wine, cider and mead issued pursuant to subsection (d) of section 30-16, or the holder of a manufacturer permit for beer issued pursuant to subsection (b) of section 30-16. (b) The holder of a gift basket retailer permit may sell gift baskets which may include (1) a maximum of four bottles of wine or mead per basket or a maximum of seventy-two ounces of beer per basket, (2) food items, (3) nonalcoholic beverages, (4) concentrates used in the preparation of mixed alcoholic beverages, (5) wine-making kits and beer-making kits and products related to such kits, (6) ice in any form, (7) articles of clothing imprinted with advertising related to the alcoholic liquor industry or the permittee's gift basket business, (8) flowers, plants and garden-related items, (9) drinking glasses, bottle opening devices and literature related to wine, mead or beer, or (10) gift certificates. The sale of such gift baskets shall only take place during the times permitted for the sale of alcoholic liquor in places operating under package store permits pursuant to section 30-91. The holder of a gift basket retailer permit shall not sell such gift baskets on premises operating under any other permit issued pursuant to this title. Nothing in this section shall prohibit the holder of a package store permit issued pursuant to section 30-20 from selling any item permitted for sale by such permittee pursuant to said section. (c) The annual fee for a gift basket retailer permit shall be two hundred dollars. (P.A. 11-250, S. 1; P.A. 19-24, S. 6; P.A. 21-37, S. 106.) History: P.A. 19-24 amended Subsec. (a) by adding references to beer, adding provision re holder of manufacturer permit for wine, cider and mead, and adding provision re holder of manufacturer permit for beer, amended Subsec. (b) by adding provision re maximum of 72 ounces of beer in Subdiv. (1), adding reference to beer-making kits in Subdiv. (5), adding reference to beer in Subdiv. (9), and made technical and conforming changes, effective July 1, 2020; P.A. 21-37 amended Subsecs. (a) and (b) by adding references to mead, effective June 4, 2021.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-37q. - Sale, delivery or shipment of gift baskets containing wine or beer. Requirements. Audit. Advertising. Regulations.

(a) A gift basket retailer permit issued in accordance with section 30-37p shall allow the sale and delivery or shipment of gift baskets containing wine or beer directly to a consumer in this state, subject to the provisions of section 30-37p and this section, or, for wine only, to a consumer outside of this state, subject to all applicable laws of the jurisdiction in which such consumer outside of this state is located. Such permittee, when selling and shipping gift baskets containing wine or beer directly to a consumer in this state, shall: (1) Ensure that the shipping labels on all gift baskets containing wine or beer shipped directly to a consumer in this state conspicuously state the following: “CONTAINS ALCOHOL—SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY”; (2) obtain the signature of a person age twenty-one or older at the address prior to delivery, after requiring the signer to demonstrate that he or she is age twenty-one or older by providing a valid motor vehicle operator's license or a valid identity card described in section 1-1h; (3) obtain a seller's permit pursuant to chapter 219 and pay to the Department of Revenue Services all sales taxes as required under said chapter 219 on sales of gift baskets; (4) report to the Department of Consumer Protection a separate and complete record of all sales and shipments to consumers in the state, on a ledger sheet or similar form which readily presents a chronological account of such permittee's dealings with each such consumer; (5) permit the Department of Consumer Protection and the Department of Revenue Services, separately or jointly, to perform an audit of the permittee's records upon request; and (6) not ship to any address in the state where the sale of alcoholic liquor is prohibited by local option pursuant to section 30-9. (b) A holder of a gift basket retailer permit, when advertising or offering wine or beer for direct shipment to a consumer in this or another state via the Internet or any other on-line computer network, shall clearly and conspicuously state its gift basket retailer permit number in its advertising. (c) The Department of Consumer Protection, in consultation with the Department of Revenue Services, may adopt regulations, in accordance with the provisions of chapter 54, to assure compliance with the provisions of subsection (a) of this section. (P.A. 11-250, S. 2; P.A. 19-24, S. 7.) History: P.A. 19-24 added references to beer and added “, for wine only” re sale, delivery and shipment of gift basket to consumer outside the state, effective July 1, 2020.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-37r. - Farmers' market beer sales permit. Municipal prohibition of sale of beer by permittee.

Section 30-37r is repealed, effective July 1, 2020. (P.A. 15-24, S. 10; P.A. 17-160, S. 3; P.A. 19-24, S. 27.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-37s. - Religious wine retailer permit.

(a) For the purposes of this section: (1) “Religious organization” means (A) any religious corporation, society or organization that is formed or recognized under chapter 598, or (B) any religious organization that is eligible for an exemption under section 12-412; and (2) “Sacramental wine” means any wine that is (A) exclusively used for religious or sacramental purposes, and (B) exempt from taxation under regulations adopted by the Commissioner of Revenue Services pursuant to section 12-449. (b) A religious wine retailer permit shall allow the holder of such permit to import and sell, at retail, sacramental wine to religious organizations. Such sacramental wine shall not be consumed on the permit premises and any sale of such sacramental wine shall only take place during the hours a religious wine retailer may sell alcoholic liquor under subsection (d) of section 30-91. The holder of a religious wine retailer permit issued under this section shall operate at least one retail location in this state, be primarily engaged in the business of selling religious supplies that do not contain alcohol and not hold any other permit issued under chapter 545. The annual fee for a religious wine retailer permit issued under this section shall be two hundred fifty dollars. (c) The holder of a religious wine retailer permit issued under this section may purchase sacramental wine directly from a manufacturer, out-of-state shipper or wholesaler. All

shipments of sacramental wine to the holder of a religious wine retailer permit issued under this section shall be conspicuously labeled “for sacramental or religious purposes only”. If the holder of a religious wine retailer permit issued under this section imports into this state a supply of any brand of sacramental wine directly from a manufacturer or out-of-state shipper, such brand need not comply with the provisions of sections 30-63 and 30-64 for such directly imported supply. (P.A. 22-104, S. 2.) History: P.A. 22-104 effective May 24, 2022.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-37t. - Festival permit.

(a) For the purposes of this section: (1) “Eligible manufacturer” means the holder of a manufacturer permit for (A) spirits issued under subsection (a) of section 30-16, (B) beer issued under subsection (b) of section 30-16, (C) a farm winery issued under subsection (c) of section 30-16, or (D) wine, cider and mead issued under subsection (d) of section 30-16; and (2) “Festival sponsor” means an entity (A) operating on a nonprofit basis in this state, including, but not limited to, (i) an association, or a subsidiary of an association, that promotes manufacturing and selling alcoholic liquor in this state, (ii) a civic organization operating in this state, and (iii) a municipality in this state, or (B) operating on a for-profit basis in this state that (i) is registered with the Secretary of the State to do business in this state, and (ii) does not hold any other permit issued under this chapter. (b) A festival permit shall allow a festival sponsor to organize and sponsor a festival in this state in accordance with the provisions of this section by inviting eligible manufacturers to participate in such festival. Each festival permit issued by the Commissioner of Consumer Protection under this section shall be effective for not more than four consecutive days, and shall allow the festival sponsor to hold the festival on the days and times permitted under subsection (j) of section 30-91. The fee for a festival permit issued to a festival sponsor under this section shall be (1) seventy-five dollars if the festival sponsor is operating on a nonprofit basis in this state, or (2) two hundred seventy-five dollars if the festival sponsor is operating on a for-profit basis in this state. (c) The commissioner shall not issue a festival permit under this section unless the festival sponsor has received all approvals required under local fire and zoning regulations. (d) The festival sponsor shall disclose to each person who purchases admission to the festival, at the time such person purchases such admission, any and all restrictions or limitations of such admission, including, but not limited to, the maximum number of glasses or other receptacles suitable to permit the consumption of alcoholic liquor such person is entitled to receive by virtue of purchasing such admission. (e) Any municipality may, by ordinance or zoning regulation, prohibit festivals in such municipality. (f) Any eligible manufacturer may participate in a festival organized and sponsored by a festival sponsor that invites such eligible manufacturer to participate in such festival. (g) Each participating eligible manufacturer may, during the festival and for the alcoholic liquor such participating eligible manufacturer has manufactured: (1) Offer to festival visitors free or paid samples or tastings of alcoholic liquor for consumption on the festival premises, in accordance with the provisions of section 30-16; (2) Sell and directly ship to festival visitors, if allowed under section 30-16, alcoholic liquor that such participating eligible manufacturer sells to festival visitors at such festival; (3) Sell, at retail, for consumption off the festival premises and in accordance with the provisions of section 30-16, bottles and other sealed containers of alcoholic liquor; and (4) Sell, at retail, alcoholic liquor by the glass or receptacle for consumption on the festival premises, provided each such glass or receptacle is embossed or otherwise permanently labeled with the name and date of the festival. (h) No participating eligible manufacturer may give, offer or sell to any person or entity any alcoholic liquor that such participating eligible manufacturer has not manufactured. (i) A municipality may, by ordinance or zoning regulation, require festival sponsors to ensure that: (1) Restrooms, or enclosed portable toilets, are available either on or near the festival premises; and (2) Food is available to festival visitors for consumption on the festival premises during all operating hours, provided no such ordinance or zoning regulation shall require that food be purchased with an alcoholic beverage. (j) Festival sponsors shall be exempt from the requirements to affix and maintain a placard, as provided in subdivision (3) of subsection (b) of section 30-39. The provisions of subsection (c) of section 30-39 shall not apply to festival permits. (P.A. 22-56, S. 1; P.A. 23-50, S. 16.) History: P.A. 22-56 effective May 23, 2022; P.A. 23-50 amended Subsec. (a)(2) by redefining “festival sponsor”, Subsec. (b) by specifying that existing \$75 fee applies to festival sponsor operating on nonprofit basis in this state and establishing new \$275 fee for festival sponsor operating on for-profit basis in this state, Subsec. (g) by deleting former Subdiv. (2) re exception for holder of out-of-state shipper's permit for beer and redesignating existing Subdiv. (2)(A) to (2)(C) as Subdivs. (2) to (4), and made technical and conforming changes in Subsecs. (a)(2), (b) and (g)(1), effective June 13, 2023.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-37u. - Temporary auction permit. Regulations.

(a) For the purposes of this section: (1) “Auctioneer” means any person who (A) regularly provides professional services by auctioning items for sale, and (B) does not hold any other permit issued under this chapter; and (2) “Individual collector” means any person who is not (A) a backer or permittee, (B) an employee of a backer, or (C) a director or officer of a backer. (b) A temporary auction permit issued under this section shall allow the sale of beer, spirits and wine obtained from one or more individual collectors, holders of package store permits issued under section 30-20 or holders of cancelled restaurant permits issued under section 30-22 or cancelled cafe permits issued under section 30-22a through an auction conducted by an auctioneer. Such auction may be conducted, in person or online, only during the hours specified in subsection (d) of section 30-91. (c) To obtain a temporary auction permit under this section, an auctioneer shall submit an application to the department, in a form and manner prescribed by the department, at least sixty days before the first day of the auction to be conducted under such permit. The auctioneer applicant shall serve as the backer of such permit. Each such permit shall be valid for one auction and shall be effective for a period not to

exceed three consecutive days in duration. The department may issue not more than four temporary auction permits to an auctioneer in any calendar year. The provisions of subdivision (3) of subsection (b) and subsection (c) of section 30-39 shall not apply to temporary auction permits issued under this section. The fee for a temporary auction permit shall be one hundred seventy-five dollars per day. (d) The auctioneer shall obtain all beer, spirits and wine that are the subject of an auction conducted under a temporary auction permit issued under this section from one or more individual collectors, holders of package store permits issued under section 30-20 or holders of cancelled restaurant permits issued under section 30-22 or cancelled cafe permits issued under section 30-22a. The auctioneer shall only accept beer, spirits or wine that (1) was lawfully acquired by (A) an individual collector, or (B) the holder of a package store permit issued under section 30-20, cancelled restaurant permit issued under section 30-22 or cancelled cafe permit issued under section 30-22a who purchased such beer, spirits or wine from the holder of a wholesaler permit issued under section 30-17, and (2) bears an intact seal from the manufacturer of such beer, spirits or wine. An individual collector may sell or consign such beer, spirits or wine to the auctioneer. The holder of a package store permit issued under section 30-20 may sell or consign such beer, spirits or wine to the auctioneer, provided the starting bid for such beer, spirits or wine is in an amount that is not less than the amount required under section 30-68m. The holder of a cancelled restaurant permit issued under section 30-22 or a cancelled cafe permit issued under section 30-22a may sell or consign such beer, spirits or wine to the auctioneer. All unsold consigned beer, spirits or wine shall be returned to the individual collector, holder of the package store permit issued under section 30-20, holder of the cancelled restaurant permit issued under section 30-22 or holder of the cancelled cafe permit issued under section 30-22a not later than ten days after the final day of such auction. (e) Except as provided in subsection (d) of this section, all beer, spirits and wine sold at an auction conducted pursuant to a temporary auction permit issued under this section is exempt from the requirements of sections 30-63 and 30-68m. Except for unsold consigned beer, spirits or wine that an auctioneer returns to the holder of a package store permit issued under section 30-20, no such beer, spirits or wine may be resold, offered for sale or otherwise used on the permit premises of any other permittee operating, or the backer of any other permit issued, under this chapter. (f) A holder of a temporary auction permit issued under this section may offer free samples of any beer, spirits or wine to be sold at auction for tasting, provided the holder sends a notice to the department, at least thirty days before the first day of such auction and in a form and manner prescribed by the department, disclosing that the holder intends to offer such free samples for tasting. Any tasting shall be conducted only during the hours in which the holder of a temporary auction permit issued under this section is authorized to sell alcoholic liquor under subsection (d) of section 30-91. No tasting shall be offered to any minor or intoxicated person, or from more than ten uncorked or open cans or bottles at any one time. Any town or municipality may, by ordinance or zoning regulation, prohibit the offering of such free samples by the holders of temporary auction permits issued under this section at events or functions held in such town or municipality. (g) A temporary auction permit issued under this section shall allow for the delivery and shipment of any beer, spirits or wine sold at an auction conducted pursuant to such permit directly to the consumer who purchased such beer, spirits or wine. Any shipment to a consumer outside of this state is subject to all applicable laws of the jurisdiction in which such consumer is located. When shipping such beer, spirits or wine directly to a consumer in this state, the holder of such permit shall: (1) Ensure that the shipping label on each container containing such beer, spirits or wine states the following: "CONTAINS ALCOHOL—SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY"; (2) obtain the signature of a person who is at least twenty-one years of age at the delivery address prior to delivery, after requiring such person to demonstrate that such person is at least twenty-one years of age by providing a valid motor vehicle operator's license or a valid identity card described in section 1-1h; (3) not ship such beer, spirits or wine to any address in this state where the sale of alcoholic liquor is prohibited by local option pursuant to section 30-9; and (4) make any such shipment through the use of a person who holds an in-state transporter's permit issued under section 30-19f. (h) The department may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section. (P.A. 23-50, S. 5.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-38. - Storage of liquor. Approval of facilities.

Each permit granted under the provisions of sections 30-16, 30-17, 30-20, 30-21, 30-21b, 30-22, 30-22a, 30-22g, 30-22aa, 30-28a, 30-33a, and 30-36, shall also, under the regulations of the Department of Consumer Protection, allow the storage, on the premises and at one other secure location registered with and approved by the department, of sufficient quantities of alcoholic liquor respectively allowed to be sold under such permits as may be necessary for the business conducted by the respective permittees or their backers; but no such permit shall be granted under the provisions of section 30-16 or 30-17 unless such storage facilities are provided and the place of storage receives the approval of the department as to suitability, and thereafter no place of storage shall be changed nor any new place of storage utilized without the approval of the department. (1949 Rev., S. 4256; February, 1965, P.A. 553, S. 8; 1972, P.A. 68, S. 3; P.A. 73-533, S. 5; 73-543, S. 6, 14; P.A. 74-307, S. 5; P.A. 76-347, S. 3; P.A. 77-614, S. 165, 587, 610; P.A. 78-82, S. 5; 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 82-332, S. 3, 13; P.A. 84-494, S. 4, 11; P.A. 95-195, S. 44, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 21-10, S. 8; 21-37, S. 64; P.A. 24-85, S. 9.) History: 1965 act added reference to Sec. 30-24a; 1972 act added reference to Sec. 30-20a; P.A. 73-533 added reference to Sec. 30-33a; P.A. 73-543 added reference to Sec. 30-28a; P.A. 74-307 added reference to Sec. 30-33b; P.A. 76-347 added reference to Sec. 30-37c; P.A. 77-614 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 78-82 added reference to Sec. 30-21b; P.A. 78-303 revised name change authorized by P.A. 77-614; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety

department; P.A. 82-332 amended section to allow off-premises storage and extended applicability to permits issued under Sec. 30-22a; P.A. 84-494 added reference to a permit granted under the provisions of Sec. 30-37e; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 21-10 changed a reference from Sec. 30-23 to Sec. 30-22aa, effective May 13, 2021; P.A. 21-37 deleted references to Secs. 30-20a, 30-23, 30-24a, 30-26, 30-28, 30-29, 30-33b, 30-37c and 30-37e and made a technical change, effective July 1, 2021; P.A. 24-85 added reference to Sec. 30-22g and made a conforming change, effective July 1, 2024. Cited. 184 C. 75.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-38a. - Transfer of liquor between retail permit premises under common ownership.

In all cases where two or more retail liquor permit premises are in common or cooperative ownership, or where a majority of the capital stock having voting privileges of corporations owning together two or more retail liquor permit premises is held by the same person or persons, the permittees thereof may transfer any alcoholic liquor from one such retail premise to another such retail premise, for the purpose of inventory equalization or other business convenience, except when such permittee is a delinquent retailer as said term is used in subsection (b) of section 30-48. (1959, P.A. 237; 1961, P.A. 267; P.A. 75-239, S. 1, 3; P.A. 93-55, S. 6; 93-139, S. 47.) History: 1961 act authorized transfers where majority of voting stock of corporations owning two or more premises is held by same person or persons; P.A. 75-239 substituted "any alcoholic liquor" for "alcoholic beverages" and added exception re delinquent permittees; P.A. 93-55 made technical changes, substituting reference to delinquent retailers for reference to delinquent permittees; P.A. 93-139 made technical changes.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-38b. - Permits for on-premises consumption of alcoholic liquor. Limit on number of drinks sold to person.

(a) A permit issued pursuant to this title for any on-premises consumption of alcoholic liquor shall allow the retail sale of not more than two drinks to any one person at any one time. (b) The Commissioner of Consumer Protection shall amend any existing regulations of Connecticut state agencies adopted under the provisions of this title, in accordance with chapter 54, to implement the provisions of subsection (a) of this section. (P.A. 21-37, S. 100.) History: P.A. 21-37 effective July 1, 2021.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-39. - Applications for permits, renewals. Fees. Publication, remonstrance, hearing. Prohibited conduct by third parties, hearing, penalties.

(a) For the purposes of this section, the "filing date" of an application means the date upon which the department, after approving the application for processing, mails or otherwise delivers to the applicant a placard containing such date. (b) (1) Any person desiring a liquor permit or a renewal of such a permit shall make an affirmed application therefor to the Department of Consumer Protection, upon forms to be furnished by the department, showing the name and address of the applicant and of the applicant's backer, if any, the location of the club or place of business which is to be operated under such permit and a financial statement setting forth all elements and details of any business transactions connected with the application. Such application shall include a detailed description of the type of live entertainment that is to be provided. A club or place of business shall be exempt from providing such detailed description if the club or place of business (A) was issued a liquor permit prior to October 1, 1993, and (B) has not altered the type of entertainment provided. The application shall also indicate any crimes of which the applicant or the applicant's backer may have been convicted. Applicants shall submit documents, only upon initial application, sufficient to establish that state and local building, fire and zoning requirements and local ordinances concerning hours and days of sale will be met, except that local building and zoning requirements and local ordinances concerning hours and days of sale shall not apply to a cafe permit issued under subsection (d) or (h) of section 30-22a. The State Fire Marshal or the marshal's certified designee shall be responsible for approving compliance with the State Fire Code at Bradley International Airport. Any person desiring a permit provided for in section 30-33b shall file a copy of such person's license with such application if such license was issued by the Department of Consumer Protection. The department may, at its discretion, conduct an investigation to determine whether a permit shall be issued to an applicant. Completion of an inspection pursuant to subsection (f) of section 29-305 shall not be deemed to constitute a precondition to renewal of a permit that is subject to subsection (f) of section 29-305. (2) The applicant shall pay to the department a nonrefundable application fee, which fee shall be in addition to the fees prescribed in this chapter for the permit sought. An application fee shall not be charged for an application to renew a permit. The application fee shall be in the amount of ten dollars for the filing of each application for a permit by a nonprofit golf tournament permit under section 30-37g or a temporary liquor permit for a noncommercial entity under section 30-35; and in the amount of one hundred dollars for the filing of an initial application for all other permits. Any permit issued shall be valid only for the purposes and activities described in the application. (3) The applicant, immediately after filing an application, shall give notice thereof, with the name and residence of the permittee, the type of permit applied for and the location of the place of business for which such permit is to be issued and the type of live entertainment to be provided, all in a form prescribed by the department, by publishing the same in a newspaper having a circulation in the town in which the place of business to be operated under such permit is to be located, at least once a week for two successive

weeks, the first publication to be not more than seven days after the filing date of the application and the last publication not more than fourteen days after the filing date of the application. The applicant shall affix, and maintain in a legible condition upon the outer door of the building wherein such place of business is to be located and clearly visible from the public highway, the placard provided by the department, not later than the day following the receipt of the placard by the applicant. If such outer door of such premises is so far from the public highway that such placard is not clearly visible as provided, the department shall direct a suitable method to notify the public of such application. When an application is filed for any type of permit for a building that has not been constructed, such applicant shall erect and maintain in a legible condition a sign not less than six feet by four feet upon the site where such place of business is to be located, instead of such placard upon the outer door of the building. The sign shall set forth the type of permit applied for and the name of the proposed permittee, shall be clearly visible from the public highway and shall be so erected not later than the day following the receipt of the placard. Such applicant shall make a return to the department, under oath, of compliance with the foregoing requirements, in such form as the department may determine, but the department may require any additional proof of such compliance. Upon receipt of evidence of such compliance, the department may hold a hearing as to the suitability of the proposed location. The provisions of this subdivision shall not apply to applications for (A) airline permits issued under section 30-28a, (B) temporary liquor permits for noncommercial entities issued under section 30-35, (C) concession permits issued under section 30-33, (D) military permits issued under section 30-34, (E) cafe permits issued under subsection (h) of section 30-22a, (F) warehouse permits issued under section 30-32, (G) broker's permits issued under section 30-30, (H) out-of-state shipper's permits for alcoholic liquor issued under section 30-18, (I) out-of-state shipper's permits for beer issued under section 30-19, (J) coliseum permits issued under section 30-33a, (K) nonprofit golf tournament permits issued under section 30-37g, (L) Connecticut craft cafe permits issued under section 30-22d to permittees who held a manufacturer permit for a brew pub or a manufacturer permit for beer issued under subsection (b) of section 30-16 and a brew pub before July 1, 2020, (M) off-site farm winery sales and wine, cider and mead tasting permits issued under section 30-16a, (N) out-of-state retailer shipper's permits for wine issued under section 30-18a, (O) out-of-state winery shipper's permits for wine issued under section 30-18a, (P) in-state transporter's permits for alcoholic liquor issued under section 30-19f, including, but not limited to, boats operating under such permits, (Q) seasonal outdoor open-air permits issued under section 30-22e, (R) festival permits issued under section 30-37t, (S) temporary auction permits issued under section 30-37u, (T) outdoor open-air permits issued under section 30-22f, and (U) renewals of any permit described in subparagraphs (A) to (T), inclusive, of this subdivision, if applicable. The provisions of this subdivision regarding publication and placard display shall also be required of any applicant who seeks to amend the type of entertainment either upon filing of a renewal application or upon requesting permission of the department in a form that requires the approval of the municipal zoning official. (4) In any case in which a permit has been issued to a partnership, if one or more of the partners dies or retires, the remaining partner or partners need not file a new application for the unexpired portion of the current permit, and no additional fee for such unexpired portion shall be required. Notice of any such change shall be given to the department and the permit shall be endorsed to show correct ownership. When any partnership changes by reason of the addition of one or more persons, a new application with new fees shall be required. (c) Any ten persons who are at least eighteen years of age, and are residents of the town within which the business for which the permit or renewal thereof has been applied for, is intended to be operated, or, in the case of a manufacturer's or a wholesaler's permit, any ten persons who are at least eighteen years of age and are residents of the state, may file with the department, within three weeks from the last date of publication of notice made pursuant to subdivision (3) of subsection (b) of this section for an initial permit, and in the case of renewal of an existing permit, at least twenty-one days before the renewal date of such permit, a remonstrance containing any objection to the suitability of such applicant or proposed place of business, provided any such issue is not controlled by local zoning. Upon the filing of such remonstrance, the department, upon written application, shall hold a hearing and shall give such notice as it deems reasonable of the time and place at least five days before such hearing is had. The remonstrants shall designate one or more agents for service, who shall serve as the recipient or recipients of all notices issued by the department. At any time prior to the issuance of a decision by the department, a remonstrance may be withdrawn by the remonstrants or by such agent or agents acting on behalf of such remonstrants and the department may cancel the hearing or withdraw the case. The decision of the department on such application shall be final with respect to the remonstrance. The provisions of this subsection shall not apply to festival permits issued under section 30-37t. (d) No new permit shall be issued until the foregoing provisions of subsections (a) and (b) of this section have been complied with. If no new permit is issued within twelve months of the filing date, as defined in subsection (a) of this section, the application may, in the discretion of the department, be deemed withdrawn and shall then be returned to the applicant. Six months' or seasonal permits may be renewed, provided the renewal application and fee shall be filed at least twenty-one days before the reopening of the business, there is no change in the permittee, ownership or type of permit, and the permittee or backer did not receive a rebate of the permit fee with respect to the permit issued for the previous year. (e) The department may renew a permit that has expired if the applicant pays to the department a nonrefundable late fee pursuant to subsection (c) of section 21a-4, which fee shall be in addition to the fees prescribed in this chapter for the permit applied for. The provisions of this subsection shall not apply to one-day permits, to any permit which is the subject of administrative or court proceedings, or where otherwise provided by law. (f) No person who assists an applicant, backer or permittee in submitting an application for a liquor permit shall submit, or cause to be submitted, any false statement in connection with such application, or engage in any conduct which delays or impedes the department in processing such application. A violation of this subsection shall be deemed an unfair or deceptive trade practice under subsection (a) of section 42-110b. The commissioner, after providing an opportunity for a hearing in accordance with chapter 54, may impose on any person who violates the provisions of this subsection a civil penalty in an amount not to exceed one thousand dollars per violation, and may

order such person to pay restitution to the applicant, backer or permittee. All civil penalties paid, collected or recovered under this subsection shall be deposited in the consumer protection enforcement account established in section 21a-8a. (1949 Rev., S. 4259; 1949, 1951, 1955, S. 2161d; 1961, P.A. 302; 1971, P.A. 206; P.A. 73-7; 73-543, S. 7, 14; 73-584; P.A. 74-10, S. 1, 2; 74-307, S. 6; P.A. 75-641, S. 10; 75-642, S. 3; P.A. 76-370, S. 3; P.A. 77-114, S. 1; 77-412; 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 79-404, S. 40, 45; P.A. 80-482, S. 4, 170, 191, 342, 343, 345, 348; P.A. 82-332, S. 4, 13; P.A. 83-152, S. 4; 83-514; P.A. 84-494, S. 5, 11; P.A. 85-380, S. 7, 12; P.A. 93-56; 93-83, S. 1; 93-139, S. 48; P.A. 95-29, S. 1-3; 95-195, S. 45, 83; P.A. 99-194, S. 24; P.A. 03-235, S. 1; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 05-59, S. 1; P.A. 06-94, S. 2; P.A. 11-51, S. 202; P.A. 13-299, S. 84; P.A. 18-141, S. 2; P.A. 21-37, S. 86; P.A. 22-56, S. 2; 22-104, S. 17; P.A. 23-50, S. 17, 18.)

History: 1961 act provided procedure where permit is requested for building not yet constructed and excepted special club permits from notice requirement; 1971 act made hearings mandatory rather than discretionary; P.A. 73-7 required that sign denoting application for permit be erected not later than the day following receipt of placard rather than not later than the day following the date of application, deleted requirement that hearing be held in the town where the business is to be located and allowed renewal of six months' or seasonal permits if permittee or backer did not receive a fee rebate for the permit issued for the previous year; P.A. 73-543 included airline permits in exception to provision requiring publication of notice of application; P.A. 73-584 required that applicant pay nonrefundable application fee for initial applications and applications to permanently substitute the identity of the permittee; P.A. 74-10 divided section into Subsecs. and exempted charitable organization permits and temporary permits from provision requiring payment of nonrefundable application fee; P.A. 74-307 divided Subsec. (a) into Subdivs. (1) and (2), required that person seeking permits under Sec. 30-33b file a copy of his license with the application, moved exemptions from notice requirements to end of Subsec. (a) and added exemptions for coliseum permits, coliseum concession permits, special sporting facility restaurant, employee recreational, guest, concession and bar permits; P.A. 75-641 added Subsec. (a)(3) re fees when permit is issued to a partnership; P.A. 75-642 required that initial and renewal permits for on-premise consumption require that applicant supply names of bartender employees in Subsec. (a)(1) and made failure to supply names a ground for revocation of permit in Subsec. (c); P.A. 76-370 removed exception for charitable organization or temporary permit application in provision requiring payment of nonrefundable fees under Subsec. (a)(1) and imposed a \$10 fee for such permits; P.A. 77-114 deleted provision requiring payment of \$30 fee for application to permanently substitute the identity of the permittee in Subsec. (a)(1); P.A. 77-412 made \$10 application fee in Subsec. (a)(1) applicable to special club permits; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 79-404 allowed alternative filing of copy of license issued by division of special revenue within the department of business regulation (formerly commission on special revenue) or gaming policy board with application for permit under Sec. 30-33b in Subsec. (a)(1); P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department and placed division of special revenue within the department of revenue services for administrative purposes following the abolition of business regulation department; P.A. 82-332 eliminated citizenship requirement and requirement that bartender's names be furnished to department, added requirement that statements be submitted relating to finances, convictions of crimes and compliance with local ordinances and provided that investigations are to be made at the discretion of the department; P.A. 83-152 amended Subdiv. (a)(1) by requiring that nonprofit public television corporations pay a \$10 fee for an application; P.A. 83-514 added Subsec. (d) which allows the department to review a permit which has expired upon payment of a nonrefundable fee of \$100; P.A. 84-494 amended Subsec. (a)(1) by exempting any class of airport permit from the provisions of local building and zoning requirements concerning hours and days of sale and by requiring the state fire marshal to approve compliance with the state fire code at Bradley International Airport; P.A. 85-380 amended Subsec. (a)(1) by adding nonprofit golf tournament permits to the number of charitable permits with a fee of \$10; P.A. 93-56 required applicants for liquor permits, after October 1, 1993, to submit a detailed description of any live entertainment to be provided; P.A. 93-83 made technical changes, inserted new Subsec. (a) defining "filing date", relettering remaining Subsecs. accordingly, and in Subsec. (c) specified the time period for residents to file a remonstrance in cases involving initial permits and permit renewals; P.A. 93-139 made technical changes; P.A. 95-29 amended Subsec. (b)(3) to include nonprofit golf tournament and nonprofit public television permits in the list of exempted permits and amended Subsec. (c) to require remonstrants to designate agents for service, effective May 16, 1995; P.A. 95-195 amended Subsec. (b)(1) to substitute Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 99-194 amended Subsec. (e) to change amount of nonrefundable late fee from \$100 to the fee pursuant to Sec. 21a-4(c), that is the greater of 10% of renewal fee or \$10; P.A. 03-235 amended Subsec. (b) by making technical changes for the purpose of gender neutrality in Subdiv. (1) and adding provision in Subdiv. (3) re applicability of publication and placard display requirements to renewal applications involving amendment of entertainment type; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 05-59 amended Subsec. (c) to change the deadline for the filing of a remonstrance from within three weeks from the filing date of the application to within three weeks from the last date of publication of notice, effective June 2, 2005; P.A. 06-94 amended Subsec. (c) by specifying that persons who are at least 18 years of age and are residents may file remonstrance, by making a technical change and by adding provision re withdrawal of remonstrance; P.A. 11-51 amended Subsec. (b)(1) by deleting "from the Division of Special Revenue or the Gaming Policy Board" and adding "if such license was issued by the Gaming Policy Board", effective July 1, 2011; P.A. 13-299 amended Subsec. (b)(1) to replace "Gaming Policy Board" with "Department of Consumer Protection",

effective July 1, 2013; P.A. 18-141 amended Subsec. (b)(3) by adding provision re publication and placard display required of applicant who seeks to amend type of entertainment upon requesting permission from department in form that requires approval of municipal zoning official, effective June 11, 2018; P.A. 21-37 amended Subsec. (b)(1) by replacing “sworn” with “affirmed” re application and replacing airport permit with cafe permit issued under Sec. 30-22a(d), amended Subsec. (b)(3) by designating existing provisions as Subparas. (A) to (F), (H) to (M) and (O), deleting reference to railroad, boat and coliseum concession permits and various special sporting facility permits, adding Subpara. (G) re cafe permits and Subpara. (N) re Connecticut craft cafe permits, amended Subsec. (c) by adding “, provided any such issue is not controlled by local zoning” and amended Subsec. (d) by adding provision re if no new permit issued within 12 months of filing application being deemed withdrawn, effective June 4, 2021; P.A. 22-56 amended Subsec. (b) by adding references to Secs. 30-37b, 30-37d, 30-37g, 30-35 and 30-25 in Subdiv. (2), adding reference to Secs. 30-28a, 30-37b, 30-35, 30-25, 30-33, 30-34, 30-32 and 30-30 in Subdivs. (3)(A), (B), (C), (D), (E), (F), (H) and (I), respectively, dividing existing Subdiv. (3)(J) into new Subdivs. (3)(J) and (K), redesignating existing Subdivs. (3)(K) to (N) as new Subdivs. (3)(L) to (O), adding reference to Sec. 30-18 in new Subdiv. (3)(J), Sec. 30-19, 30-33a, 30-37g and 30-37d in new Subdiv. (3)(K), (L), (M) and (N), respectively, and Secs. 30-22d and 30-16(b) in new Subdiv. (3)(O), adding Subdiv. (3)(P) re festival permits issued under Sec. 30-37t and redesignating existing Subdiv. (3)(O) as new Subdiv. (3)(Q), amended Subsec. (c) by adding provision re festival permits issued under Sec. 30-37t, and made technical and conforming changes, effective May 23, 2022; P.A. 22-104 amended Subsec. (b) by adding reference to Sec. 30-22a(h) in Subdiv. (1), adding references to Secs. 30-37b, 30-37d, 30-37g, 30-35 and 30-25 in Subdiv. (2), adding reference to Sec. 30-28a, 30-37b, 30-35, 30-25, 30-33, 30-34, 30-32 and 30-30 in Subdiv. (3)(A), (B), (C), (D), (E), (F), (H) and (I), respectively, substituting reference to Sec. 30-22a(h) for reference to Secs. 30-22a(j) and (k) in Subdiv. (3)(G), dividing existing Subdiv. (3)(J) into new Subdivs. (3)(J) and (K), adding reference to Sec. 30-18 and 30-19 in new Subdiv. (3)(J) and (K), respectively, redesignating existing Subdivs. (3)(K) to (N) as new Subdivs. (3)(L) to (O), adding reference to Sec. 30-33a, 30-37g, 30-37d and 30-22d in Subdiv. (3)(L), (M), (N) and (O), respectively, adding Subdiv. (3)(P), (Q), (R), (S) and (T) re permit issued under Sec. 30-16a, 30-18a, 30-18a, 30-19f and 30-22e, respectively, redesignating existing Subdiv. (3)(O) as Subdiv. (3)(U), and made technical and conforming changes, effective May 24, 2022; P.A. 23-50 amended Subsec. (b)(2) by deleting references to Secs. 30-37b, 30-37d and 30-25, Subsec. (b)(3) by deleting reference to Sec. 30-37b in Subpara. (B), deleting former Subpara. (D) re special club permits issued under Sec. 30-25, redesignating existing Subparas. (E) to (M) as Subparas. (C) to (K), deleting former Subpara. (N) re nonprofit public television corporation permits issued under Sec. 30-37d and redesignating existing Subparas. (O) to (U) as Subparas. (L) to (R), added Subsec. (f) re false statements and dilatory conduct by third parties, and made technical and conforming changes in Subsecs. (b)(2) and (b)(3)(B), effective July 1, 2023, and amended Subsec. (b)(1) by adding provisions re submission of documents only upon initial application and specifying that completion of inspection pursuant to Sec. 29-305(f) shall not be deemed to constitute precondition to renewal of permit subject to said Sec. 29-305(f), Subsec. (b)(3) by adding Subpara. (S) re temporary auction permits issued under Sec. 30-37u, adding Subpara. (T) re outdoor open-air permits issued under Sec. 30-22f and redesignating existing Subpara. (S) as Subpara. (U), and made a conforming change in redesignated Subsec. (b)(3)(U), effective October 1, 2023.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-39a. - Bartender certificate. When required. Application; fee; refusal; exemption.

Section 30-39a is repealed. (P.A. 75-642, S. 2; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 82-332, S. 12, 13.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-39b. - Adoption of ordinance re written notice of liquor permit renewal application. Report.

(a) A municipality may adopt an ordinance requiring each person who files an application pursuant to section 30-39 for renewal of a liquor permit that allows on-premises serving or consumption of alcoholic liquor shall simultaneously give written notice of such liquor permit renewal application to the chief law enforcement official or such chief law enforcement official's designee of the town in which the place of business to be operated under such permit is located. Such chief law enforcement official or his or her designee may respond in writing, not later than fifteen days after receipt of such notice, to the Commissioner of Consumer Protection, with comments regarding the renewal application that is the subject of such notice. The commissioner shall consider any written comments offered by such chief law enforcement official or his or her designee prior to approving such application. (b) Not later than January 1, 2015, the Commissioner of Consumer Protection shall submit a report, in accordance with section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to local government, public safety and security and alcoholic beverages. Such report shall include, but not be limited to: (1) The number of written comments submitted by chief law enforcement officials or their designees under subsection (a) of this section, (2) copies of such written comments, if any, (3) a summary of actions taken by the Department of Consumer Protection regarding the granting or denial of any liquor permit renewal applications subject to the provisions of subsection (a) of this section, and (4) the commissioner's conclusions and recommendations, after consultation with such chief law enforcement officials or their designees, regarding the notice requirement contained in subsection (a) of this section. (P.A. 14-48, S. 1.) History: P.A. 14-48 effective May 28, 2014.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-4. - Commissioners and employees prohibited from dealing in or manufacturing alcoholic liquor.

No commissioner of the Liquor Control Commission and no employee of the Department of Consumer Protection who carries out the duties and responsibilities of sections 30-2 to 30-68m, inclusive, and the regulations enacted thereunder may, directly or indirectly, individually or as a member or owner of a business entity or as a shareholder of a corporation, have any interest whatsoever in dealing in or in the manufacture of alcoholic liquor, nor receive any commission or profit whatsoever from nor have any interest whatsoever in the purchases or sales made by the persons authorized by this chapter to purchase or sell alcoholic liquor. No provision of this section shall prevent any such commissioner or employee from purchasing and keeping in such commissioner's or employee's possession, for personal use by such commissioner or employee, members of such commissioner's or employee's family or guests, any alcoholic liquor which may be purchased or kept by any person by virtue of this chapter. (1949 Rev., S. 4226; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 2, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 24-142, S. 56.) History: P.A. 77-614 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 78-303 allowed retention of mention of commissioners, i.e. members of liquor control commission; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 replaced reference to employee of the Department of Liquor Control with employee of the Department of Consumer Protection who carries out the duties of Secs. 30-2 to 30-68m, inclusive, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 24-142 substituted "member or owner of a business entity" for "member of a partnership", and made technical and conforming changes, effective June 6, 2024.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-40. - Second application.

(a) No person, permittee or backer whose application for a permit has been denied on the ground that he is an unsuitable person may make another application for a permit within one year after such denial. (b) No person, permittee or backer whose permit has been revoked may make an application for a permit under this chapter within one year after such revocation. (1949 Rev., S. 4267; P.A. 93-139, S. 49; P.A. 97-175, S. 4.) History: P.A. 93-139 added Subsec. (b) and made technical changes; P.A. 97-175 added permittee or backer in Subsecs. (a) and (b) and made technical changes. Cited. 150 C. 73; Id., 425; 184 C. 75.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-41 and 30-42. - Permit fees. Rebate of permit fees.

Sections 30-41 and 30-42 are repealed. (1949 Rev., S. 4260, 4279; 1951, 1953, S. 2153d, 2162d; November, 1955, S. N197; March, 1958, P.A. 21, S. 2; 1959, P.A. 152, S. 55; 1961, P.A. 567, S. 1; February, 1965, P.A. 179, S. 1; 553, S. 9; 1967, P.A. 365, S. 3; 725, S. 4; 1969, P.A. 724, S. 4; 1971, P.A. 254, S. 4; 1972, P.A. 68, S. 2; P.A. 73-104, S. 1, 2; 73-400; 73-533, S. 4; 73-543, S. 4, 14; P.A. 74-307, S. 7; 74-338, S. 33, 94; P.A. 75-598, S. 2; 75-641, S. 11; P.A. 76-347, S. 4; 76-370, S. 2; 76-394, S. 3, 4; P.A. 77-614, S. 165, 587, 614; P.A. 78-82, S. 4; 78-202, S. 4, 5; 78-279, S. 5, 6; 78-294, S. 4, 5; 78-303, S. 80, 85, 136; 80-482, S. 4, 170, 191, 345, 348; P.A. 81-119, S. 2, 3; 81-184; 81-287, S. 4; 81-367, S. 5, 9; 81-472, S. 108, 159; P.A. 82-299, S. 4, 6; P.A. 83-152, S. 5; 83-283, S. 3, 5; 83-434, S. 3, 4; P.A. 84-494, S. 6, 7, 11; P.A. 85-380, S. 2, 8, 12; P.A. 87-321, S. 4, 6; P.A. 88-364, S. 100, 123; P.A. 89-181, S. 4, 6; P.A. 91-118, S. 3; 91-353, S. 5, 7; June Sp. Sess. P.A. 91-14, S. 28, 30; P.A. 93-139, S. 73.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-42a. - Permit fee rebate.

Whenever, by reason of any catastrophe, act of God or serious natural disaster, on or after January 1, 1993, a business for which a permit has been issued by the Department of Consumer Protection is discontinued, the Department of Consumer Protection shall upon written application of the permittee or his backer, rebate the unused amount of the permit fee on a daily basis during the period of such discontinuance or for the period until the permit premises are relocated or for the remainder of the permit period. The Comptroller is authorized to draw his order upon the Treasurer for the payment of such sums, less any taxes due the state from the permittee on the date of such payment and the sum of twenty dollars which also shall be deducted to defray expenses incurred in processing the rebate. Any rebate of one hundred dollars or less shall be retained by the state. The amount or amounts of taxes so withheld shall be credited to the respective tax revenue accounts on the records of the State Comptroller. (P.A. 95-115, S. 3; 95-195, S. 11, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.) History: (Revisor's note: Pursuant to the provisions of P.A. 95-195 the Revisors editorially substituted "Department of Consumer Protection" for "Department of Liquor Control", effective July 1, 1995); June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-43. - Granting and denial of permits. Notice of hearing.

Permits may be granted without hearing by the Department of Consumer Protection in its discretion; but, in any case of the denial of or refusal to renew a permit, the department shall, in such manner as it directs, notify the applicant or permittee of its proposed action and set a day and place for a hearing thereon, giving the applicant or permittee reasonable notice in advance thereof. If, at or after such hearing, the department denies or refuses to renew the permit, as the case may be, notice of such decision shall forthwith be given to such applicant or permittee in such manner as the department directs. (1949 Rev., S. 4261; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 46, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.) History: P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-43a. - Continuance of certain permits until due for renewal or until replacement permit becomes available.

The holder of a permit issued prior to July 1, 2020, under section 30-16, 30-16a, 30-19f, 30-20a, 30-21, 30-22, 30-22a, 30-23, 30-24a, 30-26, 30-28, 30-29, 30-33a, 30-33b, 30-33c, 30-37c, 30-37j, 30-37o, 30-37p, 30-37q or 30-37r, as amended or repealed by public act 19-24, may continue to hold such permit until such permit becomes due for renewal or until such time as a replacement permit becomes available for such permit holder to obtain. (P.A. 19-24, S. 24; P.A. 22-56, S. 3.) History: P.A. 19-24 effective July 1, 2020; P.A. 22-56 deleted reference to Sec. 30-37l and made a technical change, effective May 23, 2022.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-44. - Mandatory refusal of permit where sale prohibited.

The Department of Consumer Protection shall refuse permits for the sale of alcoholic liquor (1) in no-permit towns and (2) where prohibited by the zoning ordinance of any city or town. (1949 Rev., S. 4262; 1959, P.A. 622, S. 1; 1971, P.A. 599; P.A. 73-44; P.A. 76-347, S. 5; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 47, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.) History: 1959 act added Subdiv. (3); 1971 act deleted provision in Subdiv. (3) which had prohibited issuing permit to establishment which has a direct entrance into a commercial bowling alley establishment in all cases and added provision allowing issuance of restaurant permit to bowling alley or adjoining premises if permit premises are in a separate room and if there is a separate door to the alley which remains closed except to permit entrance and egress; P.A. 73-44 allowed issuance of cafe permit in Subdiv. (3) under the conditions specified for issuance of restaurant permits by 1971 act; P.A. 76-347 deleted Subdiv. (3) re permits in bowling establishments and adjoining premises and deleted provision prohibiting consumption of alcoholic liquor in any bowling alley establishment; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004. See Sec. 30-52 re requirement that permit specify location and re removal to another location. Cited. 131 C. 262. The word "tavern" as used in ordinance did not necessarily have the same meaning as it does in Liquor Control Act. 133 C. 152; Id., 236. Legislature has not delegated to towns authority to limit, in the guise of a zoning ordinance, the number of liquor outlets in the town as a whole. 134 C. 288. 1,000 foot limitation in a zoning ordinance is not invalid as an invasion of powers of commission. 135 C. 276. Cited. 136 C. 289; 140 C. 566. Provides for mandatory refusal of permits by liquor control commission. 142 C. 569. Appeal re issuance of liquor permit for restaurant adjacent to bowling alley dismissed as moot with enactment of 1959 act. 146 C. 740. Cited. 148 C. 721; 149 C. 291; Id., 680; 152 C. 547; 153 C. 51. Subdiv. (2) prohibits issuance of druggist liquor permit where prohibited by local zoning ordinances. 160 C. 120. Cited. 164 C. 175; 165 C. 185; 177 C. 610. Trial court had incorrectly equated issuance of a "night club liquor permit", allowing sale of alcohol an extra hour where premises already operating under valid liquor permit, with issuance of license to use premises as a "night club". 191 C. 528. The duty of commission is nondelegable and it cannot substitute the legal opinion of a town or city clerk for its own findings. 15 CS 200. Constitutionality. 16 CS 298. Commission cannot issue a removal permit which violates local zoning ordinances. Id., 355.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-45. - Mandatory refusal of permits to certain persons. Exceptions.

The Department of Consumer Protection shall refuse permits for the sale of alcoholic liquor to the following persons: (1) Any state marshal, judicial marshal, judge of any court, prosecuting officer or member of any police force; (2) any minor; (3) any constable who (A) performs criminal law enforcement duties and is considered a peace officer by town ordinance pursuant to the provisions of subsection (a) of section 54-1f, or (B) is certified under the provisions of sections 7-294a to 7-294e, inclusive, and performs criminal

law enforcement duties pursuant to the provisions of subsection (c) of section 54-1f; and (4) any special constable appointed pursuant to section 7-92. This section shall not apply to any out-of-state shipper's permit issued under section 30-18, 30-18a or 30-19, any cafe permit issued under section 30-22a, any cafe permit for wine, beer and cider issued under section 30-22g, any boat operating under any in-state transporter's permit issued under section 30-19f or any airline permit issued under section 30-28a. As used in this section, "minor" means a minor, as defined in section 1-1d or as defined in section 30-1, whichever age is older. (1949 Rev., S. 4264; 1953, S. 2163d; 1961, P.A. 15, S. 5; February, 1965, P.A. 403, S. 1; 1971, P.A. 270; 1972, P.A. 127, S. 82; P.A. 73-543, S. 8, 14; P.A. 75-266, S. 2, 3; P.A. 77-137; 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 87-242; P.A. 93-139, S. 50; P.A. 95-115, S. 2; 95-195, S. 48, 83; P.A. 00-99, S. 79, 154; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 12-17, S. 13; P.A. 21-37, S. 65; P.A. 22-104, S. 18; P.A. 24-85, S. 10.) History: 1961 act removed "grand juror" from Subdiv. (2); 1965 act deleted prohibition against issuing permits to justices of the peace in Subdiv. (2); 1971 act clarified prohibition with regard to selectmen and placed provision re selectmen in separate subdivision; 1972 act prohibited issuance of permit to "any person who has not attained the age of eighteen and been admitted as an elector of the state"; P.A. 73-543 exempted airline permits from provisions of section; P.A. 75-266 deleted prohibitions against issuing permit to a person convicted of a felony unless his right of franchise has been restored and against issuing permit to nonelector, person who is not eighteen and deleted provisions re permittees who change town of residence; P.A. 77-137 prohibited issuing permit to any person "not of legal drinking age" and defined the term; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 87-242 required the department of liquor control to refuse permits for the sale of alcoholic liquor to a first selectman who acts as a chief of police in the town within which the permit premises are to be located; P.A. 93-139 made technical changes; P.A. 95-115 added Subdiv. (4) which requires the refusal of permits to certain constables, replacing provision which had applied to all constables (Revisor's note: The phrase "any constable who is certified under the provisions of sections 7-294a to 7-294e, inclusive, that performs criminal law enforcement duties" was changed editorially by the Revisors to "any constable who is certified under the provisions of section 7-294a to 7-294e, inclusive, who performs criminal law enforcement duties"); P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 00-99 replaced reference to sheriff and deputy sheriff with state marshal and judicial marshal, effective December 1, 2000; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 12-17 deleted former Subdiv. (2) re first selectman holding office and acting as a chief of police in town within which permit premises are to be located and redesignated existing Subdivs. (3) and (4) as Subdivs. (2) and (3), effective May 14, 2012; P.A. 21-37 deleted reference to boat permits and added reference to cafe permits issued under Sec. 30-22a(j), effective July 1, 2021; P.A. 22-104 divided existing Subdiv. (3) into Subparas. (A) and (B), designated existing provision re special constable appointed pursuant to Sec. 7-92 as Subdiv. (4), added references to Secs. 30-18, 30-18a, 30-19, 30-19f and 30-28a, substituted reference to Sec. 30-22a for reference to Sec. 30-22a(j), and made technical and conforming changes, effective May 24, 2022; P.A. 24-85 amended Subdiv. (4) by adding provision re cafe permit for wine, beer and cider issued under Sec. 30-22g and making a technical change, effective July 1, 2024. That applicant might be improperly influenced by parents held ground of refusal under former statute. 121 C. 707. A person suitable per se might be unsuitable if subject to domination of one who is himself "unsuitable". 122 C. 446. Under former statute, failure to make frank disclosure plus prior convictions adequate grounds for refusal. Id., 528. Cited. 123 C. 35. Requirement that person must be an elector violates no constitutional right. 129 C. 619. Cited. 131 C. 698. A person convicted of a felony is not an elector unless his elective franchise is restored and only an elector may obtain a liquor permit; provides for mandatory refusal of permits by liquor control commission. 142 C. 569. Provision in former statute requiring person receiving permit to be a citizen was held to be in direct conflict with certain U.S. treaties. 4 CS 343. A violation of section must be affirmatively established by commission. Id., 350. Provision in former statute requiring delegation of authority and control of business by backer to permittee discussed. 10 CS 284. Person convicted two years before on charge of selling beer to minors declared suitable person for beer permit. Id., 476. Cited. 12 CS 429.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-46. - Discretionary suspension, revocation or refusal of permit; location or character of premises; other grounds.

(a) The Department of Consumer Protection may, except as to a store engaged chiefly in the sale of groceries, in its discretion, suspend, revoke or refuse to grant or renew a permit for the sale of alcoholic liquor if the department has reasonable cause to believe that (1) the proximity of the permit premises to any charitable institution supported by private or public funds, church, convent, hospital, public or parochial school, or veterans' home, or any barracks, camp or flying field of the armed forces, will detrimentally impact such institution, church, convent, hospital, school, home, barracks, camp or field, (2) the permit premises is in such proximity to a no-permit town so that it is apparent that the applicant is seeking to obtain the patronage of persons in such town, (3) the number of permit premises in the locality is such that granting a permit is detrimental to the public interest, and, in reaching a conclusion in this respect, the department may consider the character and population of, and the number of like permits and all permits existent in, the particular town and the immediate neighborhood concerned and the effect which a new permit may have on such town or neighborhood or on like permits existent in such town or neighborhood, (4) the place has been conducted as a lewd or

disorderly establishment, (5) the backer does not have a right to occupy the permit premises, (6) drive-up sales of alcoholic liquor, other than curbside pick-up allowed under subsection (d) of section 30-20, are being made at the permit premises, or (7) there is any other reason as provided by state or federal law or regulation which warrants such refusal. (b) (1) The existence of a coliseum permit issued under section 30-33a shall not be a factor to be taken into consideration under subdivision (3) of subsection (a) of this section. (2) The provisions of subdivisions (1), (2) and (3) of subsection (a) of this section shall not apply to issuance of a coliseum permit under section 30-33a. (1949 Rev., S. 4263; P.A. 73-533, S. 11; P.A. 74-307, S. 3, 8; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 49, 83; P.A. 97-175, S. 5; P.A. 98-236, S. 3; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 21-37, S. 66; P.A. 22-104, S. 5.) History: P.A. 73-533 added Subsecs. (6) and (7), codified as Subsec. (b), re applicability of provisions with regard to coliseum and coliseum concession permits; P.A. 74-307 added new Subsec. (c) re sales of alcoholic liquor in special sporting facilities; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 amended Subsecs. (a) and (c) by substituting Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 97-175 amended Subsec. (a) by adding suspension, revocation or refusal to renew a permit in the department's discretion, adding new Subdiv. (5) re right to occupy permit premises, renumbering former Subdiv. (5) as Subdiv. (6) and making a technical change, and amended Subsec. (b) by adding reference to Subdiv. (6) of Subsec. (a); P.A. 98-236 amended Subsec. (a) by adding new Subdiv. (6) re drive-up sales and redesignating existing Subdiv. (6) as Subdiv. (7); June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 21-37 amended Subsecs. (b)(1) and (b)(2) by deleting references to coliseum concession permit and deleted former Subsecs. (b)(3) and (c) re special sporting facility permits, effective July 1, 2021; P.A. 22-104 amended Subsec. (a)(6) by adding exception for curbside pick-up allowed under Sec. 30-20, and made technical and conforming changes, effective May 24, 2022. Section constitutional. 133 C. 556. Unsuitability of place not restricted to plot or structure. Id., 562. In determining number of outlets, commission may draw the line somewhere; and if it does so on sufficient evidence, its action not arbitrary or illegal. Id.; 134 C. 144. Cited. Id., 292. The fact that commission had previously found premises suitable for a permit did not prevent it from later finding them unsuitable. 135 C. 713. Permit does not attach as a right to any particular location; it is purely personal privilege. 137 C. 20. Provides for discretionary refusal of permits by liquor control commission. 142 C. 569. Permit refused where venture found probably not profitable. 144 C. 550. In action for an injunction restraining defendant from using certain premises for the sale of liquor because of its proximity to a prior liquor outlet, the validity of the permit of such prior liquor outlet cannot be collaterally attacked. 148 C. 412. Denial of permit in area where allowable and where there were no other outlets within two miles held an abuse of discretion; 146 C. 416 distinguished. 151 C. 362. Determination of factual matters and a liberal discretion in determining suitability of the location of proposed liquor-permit premises, powers vested in liquor control commission. 164 C. 537. Cited. 41 CA 83. Cited. 5 CS 207. Where commission reasoned that the "granting of another permit in this locale would be detrimental to the public interest", it was held to be an abuse of discretion. 14 CS 155. If club's or association's charter prohibited intoxicating liquor, commission cannot grant permit. 15 CS 69. Cited. 16 CS 301. Subsec. (a): Subdiv. (3): Section rests liberal discretion in commission to determine suitability of location of proposed liquor-permit premises. 175 C. 295. Court cannot substitute its discretion for that of commission. Id., 409.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-46a. - Permit for restaurant within a coliseum.

The issuance of a coliseum permit shall not prohibit the issuance of a restaurant permit permitted under this chapter for a restaurant within a coliseum. (P.A. 73-533, S. 10; P.A. 21-37, S. 67.) History: P.A. 21-37 deleted reference to coliseum concession permit, effective July 1, 2021.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-47. - Discretionary suspension, revocation or refusal of permits; fine; disqualification of applicant, applicant's backer, backer or permittee; alcohol seller and server training program; permittee participation.

(a) The Department of Consumer Protection may, in its discretion, suspend, revoke or refuse to grant or renew a permit for the sale of alcoholic liquor, or impose a fine of not greater than one thousand dollars per violation, if the department has reasonable cause to believe: (1) That the applicant or permittee appears to be financially irresponsible or neglects to provide for the applicant's or permittee's family, or neglects or is unable to pay the applicant's or permittee's just debts; (2) that the applicant or permittee has been provided with funds by any wholesaler or manufacturer or has any forbidden connection with any other class of permittee as provided in this chapter; (3) that the applicant or permittee is in the habit of using alcoholic beverages to excess; (4) that the applicant or permittee has wilfully made any false statement to the department in a material matter; (5) that the applicant or permittee has been convicted of violating any of the liquor laws of this or any other state or the liquor laws of the United States or has been convicted of a felony as such term is defined in section 53a-25, provided any action taken is based upon (A) the nature of the conviction and its relationship to the applicant or permittee's ability to safely or competently perform the duties associated with such permit, (B) information pertaining to the degree of rehabilitation of the applicant or permittee, and (C) the time elapsed since

the conviction or release, or has such a criminal record that the department reasonably believes the applicant or permittee is not a suitable person to hold a permit, provided no refusal shall be rendered under this subdivision except in accordance with the provisions of sections 46a-80 and 46a-81; (6) that the applicant or permittee has not been delegated full authority and control of the permit premises and of the conduct of all business on such premises; or (7) that the applicant, applicant's backer, backer or permittee has violated any provision of this chapter or any regulation adopted under this chapter. Any applicant, applicant's backer or backer shall be subject to the same disqualifications as provided in this chapter, or any regulation adopted under this chapter, for permittees. (b) The Commissioner of Consumer Protection may, in his or her discretion, require a permittee who has had his or her permit for the sale of alcoholic liquor suspended or revoked pursuant to subsection (a) of this section to have such permittee's employees participate in an alcohol seller and server training program approved by the commissioner. The commissioner may require proof of completion of the program from the permittee prior to reactivation or reissuance of such permit. (c) In lieu of suspending or revoking a permit for the sale of alcoholic liquor pursuant to subsection (a) of this section, the commissioner may require a permittee to have such permittee's employees participate in an alcohol seller and server training program. (d) (1) Any individual who has been convicted of any criminal offense may request, at any time, that the commissioner determine whether such individual's criminal conviction disqualifies the individual from obtaining a permit issued or conferred by the department pursuant to this chapter based on (A) the nature of the conviction and its relationship to the individual's ability to safely or competently perform the duties or responsibilities associated with such permit, (B) information pertaining to the degree of rehabilitation of the individual, and (C) the time elapsed since the conviction or release of the individual. (2) An individual making such request shall include (A) details of the individual's criminal conviction, and (B) any payment required by the commissioner. The commissioner may charge a fee of not more than fifteen dollars for each request made under this subsection. The department may waive such fee. (3) Not later than thirty days after receiving a request under this subsection, the commissioner shall inform the individual making such request whether, based on the criminal record information submitted, such individual is disqualified from receiving or holding a permit issued pursuant to this chapter. (4) The commissioner is not bound by a determination made under this section, if, upon further investigation, the commissioner determines that the individual's criminal conviction differs from the information presented in the determination request. (1949 Rev., S. 4265; 1971, P.A. 135; P.A. 75-266, S. 1, 3; 75-641, S. 12; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 82-472, S. 105, 183; P.A. 86-151, S. 2; P.A. 95-195, S. 50, 83; P.A. 97-175, S. 6; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 07-41, S. 1; P.A. 22-88, S. 35; P.A. 24-142, S. 63.) History: 1971 act deleted provision which had allowed commission to refuse permit to female applicant "if the duties of a permittee may interfere with the care of her family"; P.A. 75-266 allowed commission to refuse permit to a person convicted of a felony in Subdiv. (5) and specified that any refusal under that Subdiv. must be rendered in accordance with Secs. 4-61o to 4-61r; P.A. 75-641 deleted reference to Subdiv. (13) of Sec. 30-1; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 82-472 substituted reference to Secs. 46a-80 and 46a-81 for reference to Secs. 4-61o to 4-61r; P.A. 86-151 authorized the department of liquor control to disqualify any backer, not just those backers who are persons as defined in Sec. 30-1; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 97-175 added suspension, revocation or refusal to grant or renew a permit, made provisions applicable to permittees, added new Subdiv. (7) re violation of chapter or regulation, and made technical changes; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 07-41 designated existing provisions as Subsec. (a) and added Subsecs. (b) and (c) re alcohol seller and server training program and permittee participation, effective January 1, 2008; P.A. 22-88 added in Subsec. (a) provisos re felony conviction and added Subsec. (d) re provisions for individuals convicted of a criminal offense to request commissioner determination whether such conviction disqualifies them from receiving a license; P.A. 24-142 amended Subsec. (a) by adding provision re imposition of fine of not greater than \$1,000 per violation, adding provisions re applicant's backer or backer in Subdiv. (7), substantially amending provisions re disqualification and making technical and conforming changes, effective June 6, 2024. Provides for discretionary refusal of permits by liquor control commission; a person may be rendered unsuitable to receive a wholesaler liquor permit if, in operating under it, he would be completely subject to the domination of another who is an unsuitable person. 142 C. 569. Cited. 148 C. 648; 150 C. 425; 156 C. 287; 176 C. 428. Partnership agreement was not offensive on its face, but had an illegal, ulterior purpose, namely, to evade the strictures of the liquor control laws. 87 CA 235. "Financially irresponsible" is a broad term encompassing many possible factual situations, and plain language allows commission to consider a variety of facts in reaching its determination; commission had reasonable cause to find persons working for renewal applicant to be "employees" and find applicant financially irresponsible due to failure to keep employment records, pay unemployment taxes, file tax reports, and pay actual wages. 120 CA 92. Cited. 16 CS 301.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-48. - Limitations of permits; exceptions. Loans. Period of credit. Resolution of credit disputes. Relationship of permittee to backer.

(a) No backer or permittee of one permit class shall be a backer or permittee of any other permit class except in the case of airline permits issued under section 30-28a, boats operating under in-state transporter's permits issued under section 30-19f, and cafe

permits issued under subsections (d) and (h) of section 30-22a, except that: (1) A backer of a hotel permit issued under section 30-21 or a restaurant permit issued under section 30-22 may be a backer of both such classes; (2) a holder or backer of a restaurant permit issued under section 30-22 or a cafe permit issued under subsection (a) of section 30-22a may be a holder or backer of any other or all of such classes; (3) a holder or backer of a restaurant permit issued under section 30-22 may be a holder or backer of a cafe permit issued under subsection (f) of section 30-22a; (4) a backer of a restaurant permit issued under section 30-22 may be a backer of a coliseum permit issued under section 30-33a when such restaurant is within a coliseum; (5) a backer of a hotel permit issued under section 30-21 may be a backer of a coliseum permit issued under section 30-33a; (6) a backer of a grocery store beer permit issued under subsection (c) of section 30-20 may be (A) a backer of a package store permit issued under subsection (b) of section 30-20 if such was the case on or before May 1, 1996, and (B) a backer of a restaurant permit issued under section 30-22, provided the restaurant permit premises do not abut or share the same space as the grocery store beer permit premises; (7) a backer of a cafe permit issued under subsection (j) of section 30-22a, may be a backer of a nonprofit theater permit issued under section 30-35a; (8) a backer of a nonprofit theater permit issued under section 30-35a may be a holder or backer of a hotel permit issued under section 30-21 or a coliseum permit issued under section 30-33a; (9) a backer of a concession permit issued under section 30-33 may be a backer of a coliseum permit issued under section 30-33a; (10) a holder of an out-of-state winery shipper's permit for wine issued under section 30-18a may be a holder of an in-state transporter's permit issued under section 30-19f; (11) a holder of an out-of-state shipper's permit for alcoholic liquor issued under section 30-18 or an out-of-state winery shipper's permit for wine issued under section 30-18a may be a holder of an in-state transporter's permit issued under section 30-19f; (12) a holder of a manufacturer permit for a farm winery issued under subsection (c) of section 30-16 or a manufacturer permit for wine, cider and mead issued under subsection (d) of section 30-16 may be a holder of an in-state transporter's permit issued under section 30-19f, an off-site farm winery sales and tasting permit issued under section 30-16a or any combination of such permits; (13) the holder of a manufacturer permit for spirits, beer, a farm winery or wine, cider and mead, issued under subsection (a), (b), (c) or (d), respectively, of section 30-16 may be a holder of a Connecticut craft cafe permit issued under section 30-22d, a restaurant permit or a restaurant permit for wine and beer issued under section 30-22 or a farmers' market sales permit issued under section 30-37o; (14) the holder of a restaurant permit issued under section 30-22, a cafe permit issued under section 30-22a, or an in-state transporter's permit issued under section 30-19f, may be the holder of a seasonal outdoor open-air permit issued under section 30-22e or an outdoor open-air permit issued under section 30-22f; and (15) the holder of a festival permit issued under section 30-37t may be the holder or backer of one or more of such other classes. Any person may be a permittee of more than one permit. No holder of a manufacturer permit for beer issued under subsection (b) of section 30-16 and no spouse or child of such holder may be a holder or backer of more than three restaurant permits issued under section 30-22 or cafe permits issued under section 30-22a. (b) No permittee or backer thereof and no employee or agent of such permittee or backer shall borrow money or receive credit in any form for a period in excess of thirty days, directly or indirectly, from any manufacturer permittee, or backer thereof, or from any wholesaler permittee, or backer thereof, of alcoholic liquor or from any member of the family of such manufacturer permittee or backer thereof or from any stockholder in a corporation manufacturing or wholesaling such liquor, and no manufacturer permittee or backer thereof or wholesaler permittee or backer thereof or member of the family of either of such permittees or of any such backer, and no stockholder of a corporation manufacturing or wholesaling such liquor shall lend money or otherwise extend credit, directly or indirectly, to any such permittee or backer thereof or to the employee or agent of any such permittee or backer. A wholesaler permittee or backer, or a manufacturer permittee or backer, that has not received payment in full from a retailer permittee or backer within thirty days after the date such credit was extended to such retailer or backer or to an employee or agent of any such retailer or backer, shall give a written notice of obligation to such retailer within the five days following the expiration of the thirty-day period of credit. The notice of obligation shall state: The amount due; the date credit was extended; the date the thirty-day period ended; and that the retailer is in violation of this section. A retailer who disputes the accuracy of the "notice of obligation" shall, within the ten days following the expiration of the thirty-day period of credit, give a written response to notice of obligation to the department and give a copy to the wholesaler or manufacturer who sent the notice. The response shall state the retailer's basis for dispute and the amount, if any, admitted to be owed for more than thirty days; the copy forwarded to the wholesaler or manufacturer shall be accompanied by the amount admitted to be due, if any, and such payment shall be made and received without prejudice to the rights of either party in any civil action. Upon receipt of the retailer's response, the chairman of the commission or such chairman's designee shall conduct an informal hearing with the parties being given equal opportunity to appear and be heard. If the chairman or such chairman's designee determines that the notice of obligation is accurate, the department shall forthwith issue an order directing the wholesaler or manufacturer to promptly give all manufacturers and wholesalers engaged in the business of selling alcoholic liquor to retailers in this state, a "notice of delinquency". The notice of delinquency shall identify the delinquent retailer, and state the amount due and the date of the expiration of the thirty-day credit period. No wholesaler or manufacturer receiving a notice of delinquency shall extend credit by the sale of alcoholic liquor or otherwise to such delinquent retailer until after the manufacturer or wholesaler has received a "notice of satisfaction" from the sender of the notice of delinquency. If the chairman or such chairman's designee determines that the notice of obligation is inaccurate, the department shall forthwith issue an order prohibiting a notice of delinquency. The party for whom the determination by the chairman or such chairman's designee was adverse, shall promptly pay to the department a part of the cost of the proceedings as determined by the chairman or such chairman's designee, which shall not be less than fifty dollars. The department may suspend or revoke the permit of any permittee who, in bad faith, gives an incorrect notice of obligation, an incorrect response to notice of obligation, or an unauthorized notice of delinquency. If the department does not receive a response to the notice of obligation within such ten-day period, the delinquency shall be deemed to be admitted and the

wholesaler or manufacturer who sent the notice of obligation shall, within the three days following the expiration of such ten-day period, give a notice of delinquency to the department and to all wholesalers and manufacturers engaged in the business of selling alcoholic liquor to retailers in this state. A notice of delinquency identifying a retailer who does not file a response within such ten-day period shall have the same effect as a notice of delinquency given by order of the chairman or such chairman's designee. A wholesaler permittee or manufacturer permittee that has given a notice of delinquency and that receives full payment for the credit extended, shall, within three days after the date of full payment, give a notice of satisfaction to the department and to all wholesalers and manufacturers to whom a notice of delinquency was sent. The prohibition against extension of credit to such retailer shall be void upon such full payment. The department may revoke or suspend any permit for a violation of this section. An appeal from an order of revocation or suspension issued in accordance with this section may be taken in accordance with section 30-60. (c) If there is a proposed change or change in ownership of a retail permit premises, no application for a permit shall be approved until the applicant files with the department an affidavit executed by the seller of the retail permit premises stating that all obligations of the predecessor permittee for the purchase of alcoholic liquor at such permit premises have been paid or that such applicant did not receive direct or indirect consideration from the predecessor permittee. The commissioner may waive the requirement of such seller's affidavit upon finding that (1) the predecessor permittee abandoned the premises prior to the filing of the application, and (2) such permittee did not receive any consideration, direct or indirect, for such permittee's abandonment. For the purposes of this subsection, "consideration" means the receipt of legal tender or goods or services for the purchase of alcoholic liquor remaining on the premises of the predecessor permittee, for which bills remain unpaid. (d) A permittee may file a designation of an authorized agent with the department to issue or receive all notices or documents provided for in this section. The permittee shall be responsible for the issuance or receipt of such notices or documents by the agent. (e) The period of credit permitted under this section shall be calculated as the time elapsing between the date of receipt of the alcoholic liquors by the purchaser and the date of full legal discharge of the purchaser through the payment of cash or its equivalent from all indebtedness arising from the transaction except that, if the last day for payment falls on a Saturday, Sunday or legal holiday, the last day for payment shall then be the next business day. (f) A permittee shall be a director, employee, member, officer, partner or shareholder of the backer. For the purposes of this subsection, "employee" means an individual whose (1) manner and means of work performance are subject to the right of control of, or are controlled by, the backer, and (2) compensation is reported, or required to be reported, on a federal Form W-2 issued by, or caused to be issued by, the backer. (1949, Rev., S. 4266; 1969, P.A. 150, S. 1; 1972, P.A. 143; P.A. 73-533, S. 6; 73-543, S. 9, 14; P.A. 74-307, S. 9; P.A. 75-598, S. 4; 75-641, S. 13; P.A. 77-132, S. 1, 2; 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 79-404, S. 41, 45; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 82-32, S. 1, 2; 82-332, S. 5, 13; P.A. 84-494, S. 8, 11; P.A. 85-380, S. 3, 12; P.A. 93-139, S. 51; P.A. 95-161, S. 5; 95-195, S. 51, 83; P.A. 96-7, S. 3, 5; 96-220, S. 5, 7; P.A. 97-66; P.A. 98-164, S. 1; P.A. 03-34, S. 1; P.A. 04-9, S. 2; 04-31, S. 1; P.A. 05-274, S. 5; P.A. 09-47, S. 5; P.A. 11-164, S. 4; P.A. 13-299, S. 85; P.A. 14-189, S. 2; P.A. 15-30, S. 1; P.A. 17-160, S. 4; P.A. 19-24, S. 16; P.A. 21-37, S. 68; 21-50, S. 8; P.A. 22-56, S. 4; 22-70, S. 13; 22-104, S. 19; P.A. 23-50, S. 19, 20.) History: 1969 act permitted backer of hotel or restaurant permit to be a backer "in both such classes"; 1972 act permitted backer of restaurant or cafe permit to be backer of both such classes; P.A. 73-533 added provisions re backers of coliseum concession permits; P.A. 73-543 allowed backer or permittee of airline permit to be backer or permittee in other classes; P.A. 74-307 added provisions re backers of special sporting facility permits, allowed permittees to have more than one permit where commission determines that location of permits will allow for sufficient supervision, etc. and allowed operators of racing or jai alai exhibitions to back permits; P.A. 75-598 allowed backer or permittee of night club permit to be backer or permittee in other classes; P.A. 75-641 required that appeals be taken in accordance with Sec. 30-60 rather than Sec. 30-55; P.A. 77-132 allowed backer of university permit to be backer of nonprofit theater permit; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 79-404 replaced commission on special revenue with gaming policy board in provision re licensing of racing or jai alai exhibition; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 82-32 permitted a person who is a holder or backer of a restaurant permit to be a holder or backer of a bowling establishment permit; P.A. 82-332 divided section into Subsecs., eliminated provision in Subsec. (a) concerning supervision and responsibility by permittees, established dispute resolution process for 30-day credit violations and made suspension of license for violation optional rather than mandatory; P.A. 84-494 amended Subsec. (a) by allowing backers or permittees of one class of permit to be a backer or permittee of any class of airport permit; P.A. 85-380 amended Subsec. (a) by eliminating reference to night club permits; P.A. 93-139 made technical changes; P.A. 95-161 amended Subsec. (a) to permit the holder or backer of a restaurant permit to be a holder or backer of a special outing facility permit; P.A. 95-195 amended Subsec. (a) by substituting Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 96-7 amended Subsec. (a) to permit a backer of a nonprofit theater permit to be a holder or backer of a hotel permit, effective April 2, 1996; P.A. 96-220 amended Subsec. (a) to permit the backer of a grocery store beer permit to be a backer of a package store permit if such was the case on or before May 1, 1996, effective June 4, 1996; P.A. 97-66 amended Subsec. (a) to authorize a holder or backer of a manufacturer permit for a brew pub, restaurant permit or cafe permit to be a holder or backer of any other or all of such classes, to provide that no holder of a manufacturer permit for a brew pub and no spouse or child of such holder may be a holder or backer of more than three restaurant permits or cafe permits, and to make technical changes; P.A. 98-164 added Subsec. (a)(13) authorizing backers of concession permits to be backers of coliseum permits and coliseum concession permits; P.A. 03-34 made technical changes for the purpose of gender neutrality in Subsec. (b), and amended Subsec. (c) to delete predecessor permittee or backer affidavit requirement, add applicant affidavit requirement, delete department finding exception re

predecessor abandonment, add applicant affidavit language re nonreceipt of consideration, add provisions re wholesaler permittee affidavit and re commissioner's hearing and define "consideration"; P.A. 04-9 amended Subsec. (c) by making technical changes (Revisor's note: In 2005, a reference to "Commissioner of Agriculture and Consumer Protection" was changed editorially by the Revisors to "Commissioner of Consumer Protection" to reflect the repeal of the merger of the Departments of Agriculture and Consumer Protection by P.A. 04-189); P.A. 04-31 amended Subsec. (c) to require the filing of an affidavit executed by the seller of the retail permit premises, and to authorize the commissioner to waive the requirement of such seller's affidavit if the predecessor permittee abandoned the premises prior to the filing of the application, and the permittee did not receive any consideration, direct or indirect, for such permittee's abandonment; P.A. 05-274 added Subsec. (a)(14) to (16) re authorization for holders of an out-of-state winery shipper's permit, an out-of-state shipper's permit for alcoholic liquor other than beer or a manufacturer's permit for a farm winery to also hold an in-state transporter's permit, effective July 13, 2005; P.A. 09-47 added reference to out-of-state entity wine festival permit in Subsec. (a)(14) and wine festival permit in Subsec. (a)(16), effective May 20, 2009; P.A. 11-164 amended Subsec. (a)(16) by adding exemption re farmers' market wine sales permit or combination of permits and making technical changes, effective July 1, 2011; P.A. 13-299 amended Subsec. (a) to replace "Gaming Policy Board" with "Department of Consumer Protection", effective July 1, 2013; P.A. 14-189 amended Subsec. (a)(16) by making a technical change and adding reference to off-site farm winery sales and tasting permit issued pursuant to Sec. 30-16a, effective July 1, 2014; P.A. 15-30 amended Subsec. (a) by adding Subdiv. (17) re holder of manufacturer permit for beer, manufacturer permit for brew pub or manufacturer permit for beer and brew pub also holding farmers' market beer sales permit, effective June 4, 2015; P.A. 17-160 amended Subsec. (a)(17) to add "or manufacturer permit for a farm brewery", and make technical changes, effective July 7, 2017; P.A. 19-24 amended Subsec. (a) by deleting reference to manufacturer permit for brew pub in Subdiv. (2), deleting Subdiv. (10) re backer of retail on-premise consumption permit, redesignating Subdivs. (11) to (17) as Subdivs. (10) to (16), adding reference to holder of manufacturer permit for wine, cider and mead and making a conforming change in redesignated Subdiv. (15), deleting references to manufacturer permit for brew pub, manufacturer permit for beer and brew pub and manufacturer permit for farm brewery, replacing "30-37r" with "30-37o", deleting provision re authorization for person to be permittee and backer of other retail on-premise consumption permit, and deleting provision re operator of racing or jai alai exhibition authorization to be a backer in redesignated Subdiv. (16), adding new Subdiv. (17) re authorization to be a holder of certain permits, and made technical and conforming changes, effective July 1, 2020; P.A. 21-37 amended Subsec. (a) by changing reference from "airport, railroad, airline and boat permits" to "cafe permits" under Secs. 30-22a(d), (j) or (k), by adding reference to Sec. 30-22a(a) in Subdiv. (2), by changing "bowling establishment permit" to "cafe permit" under Sec. 30-22a(f) in Subdiv. (3), by deleting references to "coliseum concession permit" in Subdivs. (4), (5) and (9), deleting former Subdivs. (6) and (7) re coliseum concession permits and former Subdiv. (11) re special outing facility permits, redesignating existing Subdivs. (8) to (15) as Subdivs. (6) to (12), by changing reference from "university permit" to "cafe permit" under Sec. 30-22a(m) in new Subdiv. (7), by adding reference to coliseum permit in new Subdiv. (8), adding new Subdiv. (15) re seasonal outdoor open-air permits and by making a technical change and amended Subsec. (c) by deleting provision re wholesaler permittee alleging applicant received consideration from predecessor permittee or outstanding obligations and commissioner determining whether hearing warranted, effective June 4, 2021; P.A. 21-50 amended Subsec.(a)(8), codified by the Revisors as Subsec. (a)(6), by designating existing provision as Subpara. (A) and adding Subpara. (B) re permitting backer of grocery store beer permit to be a backer of a restaurant permit, effective July 1, 2021; P.A. 22-56 amended Subsec. (a) by adding references to Secs. 30-21 and 30-22 in Subdiv. (1), Sec. 30-22 in Subdivs. (2) and (3), Secs. 30-22 and 30-33a in Subdiv. (4), Secs. 30-21 and 30-33a in Subdiv. (5), Sec. 30-20(b) in Subdiv. (6), Sec. 30-20(a) in Subdiv. (6)(A), Sec. 30-22 in Subdiv. (6)(B), Sec. 30-35a in Subdiv. (7), Secs. 30-35a, 30-21 and 30-33a in Subdiv. (8), Secs. 30-33 and 30-33a in Subdiv. (9), Secs. 30-18a and 30-19f in Subdiv. (10), Sec. 30-18, out-of-state winery shipper's permits for wine issued under Sec. 30-18a and Sec. 30-19f in Subdiv. (11), Secs. 30-16(c) and (d) and 30-19f in Subdiv. (12), Secs. 30-16(b) and 30-37o(a) in Subdiv. (13), Secs. 30-16(a) to (d), 30-22d and 30-22 in Subdiv. (14) and Secs. 30-22 and 30-22a in Subdiv. (15), deleting references to out-of-state entity wine festival permits issued pursuant to Sec. 30-37m in Subdiv. (10) and wine festival permits issued pursuant to Sec. 30-37lin Subdiv. (12), adding Subdiv. (16) re holders of festival permits issued under Sec. 30-37t and references to Secs. 30-22 and 30-22a, and making technical and conforming changes, effective May 23, 2022; P.A. 22-70 made a technical change in Subsec. (b); P.A. 22-104 amended Subsec. (a) by adding references to airline permits issued under Sec. 30-28a and boats operating under in-state transporter's permits issued under Sec. 30-19f and substituting reference to Secs. 30-22a(d) and (h) for reference to Secs. 30-22a(d), (j) and (k), adding references to Secs. 30-21 and 30-22 in Subdiv. (1), Sec. 30-22 in Subdivs. (2) and (3), Secs. 30-22 and 30-33a in Subdiv. (4), Secs. 30-21 and 30-33a in Subdiv. (5), Sec. 30-20(c) in Subdiv. (6), Sec. 30-20(b) in Subdiv. (6)(A), Sec. 30-22 in Subdiv. (6)(B), Sec. 30-35a in Subdiv. (7), Secs. 30-35a, 30-21 and 30-33a in Subdiv. (8), Secs. 30-33 and 30-33a in Subdiv. (9), Secs. 30-18a and 30-19f in Subdiv. (10), Sec. 30-18, out-of-state winery shipper's permits for wine issued under Sec. 30-18a and Sec. 30-19f in Subdiv. (11), Secs. 30-16(c) and (d) and 30-19f in Subdiv. (12), Secs. 30-16(b) and 30-37o(a) in Subdiv. (13), Secs. 30-16(a) to (d), 30-22d and 30-22 in Subdiv. (14) and Secs. 30-22, 30-22a and in-state transporter's permits issued under Sec. 30-19f in Subdiv. (15), substituting reference to Sec. 30-22a(j) for reference to Sec. 30-22a(m) in Subdiv. (7), substituting reference to manufacturer permit for beer issued under Sec. 30-16(b) for reference to manufacturer permit for brew pub, adding references to Secs. 30-22 and 30-22a, and making technical and conforming changes, effective May 24, 2022; P.A. 23-50 amended Subsec. (a)(12) by deleting provision re farmers' market sales permit issued under Sec. 30-37o(a), deleted Subsec. (a)(13) re holders of manufacturer permits for beer issued under Sec. 30-16(b) and farmers' market sales permits issued under Sec. 30-37o(a), redesignated Subsec. (a)(14) as Subsec. (a)(13) and amended same by adding provision re farmers' market sales permit issued under Sec. 30-37o and designating existing provisions re holders of

restaurant permits issued under Sec. 30-22, cafe permits issued under Sec. 30-22a, in-state transporter's permits issued under Sec. 30-19f and seasonal outdoor open-air permits issued under Sec. 30-22e as Subsec. (a)(14), redesignated Subsec. (a)(16) as Subsec. (a)(15) and added Subsec. (f) re required relationship between permittee and backer, effective June 13, 2023, and amended existing Subsec. (a)(14) by adding provision re outdoor open-air permit issued under Sec. 30-22f, effective October 1, 2023.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-48a. - Limitation on interest in retail permits.

(a) No person, and no backer, as defined in section 30-1, shall, except as provided in this section, acquire an interest in more than four alcoholic beverage retail permits, except that on and after July 1, 2021, such person or backer may acquire an interest in no more than six alcoholic beverage retail permits, but nothing in this section shall (1) require any such person who had, on June 8, 1981, such interest in more than two such permits to surrender, dispose of or release his or her interest in any such permit or permits nor shall it affect his or her right to continue to hold, use and renew such permits, or (2) prohibit any such person who had, on June 8, 1981, such interest in more than two such permits from transferring his or her interest in such permits by inter vivos or testamentary disposition, including living trusts, to his or her spouse or child, or such spouse's or child's living trust or prohibit such spouse or child from accepting such a transfer notwithstanding that such spouse or child may already hold another permit issued under the provisions of this chapter. Any such permit so transferred may be renewed by such transferee under the provisions of section 30-14a. Except as provided in subdivision (1) of this subsection, a person shall be deemed to acquire an interest in a retail permit if an interest is owned by such person, such person's spouse, children, partners, or an estate, trust, or corporation controlled by such person or such person's spouse, children, or any combination thereof. The provisions of this subsection shall apply to any such interest without regard to whether such interest is a controlling interest. For the purposes of this subsection, "person" means (A) an individual, (B) a corporation or any subsidiary of a corporation, or (C) any combination of corporations or individuals any of whom, or any combination of whom, owns or controls, directly or indirectly, more than five per cent of any entity which is a backer, as defined in section 30-1. (b) A retail permit, for the purposes of subsection (a) of this section, means a package store liquor permit or a druggist liquor permit. (c) Membership in any organization which is or may become the holder of a club or nonprofit club permit issued under section 30-22aa shall not constitute acquisition of an interest in a retail permit. (d) Any person who violates any provision of this section or of any regulation adopted pursuant to this section shall be fined not less than fifty dollars nor more than two hundred fifty dollars and any permit issued in violation of this section shall be revoked. (1963, P.A. 555, S. 1-4; P.A. 81-294, S. 8, 22; 81-367, S. 6, 9; P.A. 84-401; P.A. 96-86; P.A. 12-17, S. 7; P.A. 15-244, S. 81; P.A. 21-37, S. 69; P.A. 22-104, S. 20.) History: P.A. 81-294 amended Subsec. (a) by adding a definition of "person" and specifying when a person is deemed to acquire an interest in a retail permit; P.A. 81-367 eliminated reference in Subsec. (b) to package store beer permit and druggist beer permit as of May 29, 1981; P.A. 84-401 added Subsec. (a)(2) concerning transfer of liquor permits; P.A. 96-86 amended Subsec. (a) to permit the grandfathered permit holder to transfer his interest in such permit through living trusts to his spouse's or child's living trust; P.A. 12-17 amended Subsec. (a) to increase the maximum number of retail permits in which a person or backer may acquire an interest from 2 to 3 and make technical changes, effective May 14, 2012; P.A. 15-244 amended Subsec. (a) to increase maximum number of retail permits in which a person or backer may acquire an interest from 3 to 4, and from 4 to 5 on and after July 1, 2016, and made technical changes, effective July 1, 2015; P.A. 21-37 amended Subsec. (a) to increase maximum number of retail permits in which a person or backer may acquire an interest from 5 to 6 on and after July 1, 2021, and to make a technical change and amended Subsec. (c) to replace "club permit" with "cafe permit" under Sec. 30-22a(h), effective July 1, 2021; P.A. 22-104 amended Subsec. (c) by substituting reference to club or nonprofit club permit issued under Sec. 30-22aa for reference to cafe permit issued pursuant to Sec. 30-22a(h), effective May 24, 2022. Since proof of injury is essential to attack on constitutionality of a statute, it was not sufficient for plaintiffs, in making such an attack, to show only that they were denied the purely personal privilege of a permit. 153 C. 247. Declaratory judgment determining statute to be unconstitutional on ground that its purpose was to benefit one segment of permit holders while restricting another segment overruled since all persons having an interest in the subject matter were not made parties or given reasonable notice thereof. Id., 249.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-48b. - Municipalities and authorities as backers of coliseum permittees.

Notwithstanding any provision of the general statutes or any special act or any municipal charter to the contrary, a municipality or a civic center authority or a coliseum authority created by a municipality may be the backer of a coliseum permit or coliseum concession permit, or both, provided approval is given therefor by the legislative body of such municipality. Governmental immunity shall not be a defense to any cause of action arising out of operation under such permit. (P.A. 73-533, S. 8.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-49 and 30-50. - Sale of liquor on credit. Period of credit. Suspension of credit restrictions in case of disaster.

Sections 30-49 and 30-50 are repealed. (1951, S. 2168d; November, 1955, S. N199; February, 1965, P.A. 598; P.A. 75-641, S. 14; P.A. 77-438, S. 6.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-5. - Receipts and expenditures.

The moneys received from the permit fees shall be deposited by the Department of Consumer Protection daily with the State Treasurer. Such deposit shall operate as a full discharge of the department of all liability therefor. The expenses of the department for carrying out the provisions of sections 30-1 to 30-113, inclusive, including salaries, shall be defrayed from the receipts of the taxes imposed by chapter 220. (1949 Rev., S. 4227; 1959, P.A. 152, S. 54; 388, S. 3; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 12, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.) History: 1959 acts removed provisions for payment of regular fees to counties and towns and for deposit of special fees in the inebriate fund, which was abolished; Revisors deleted reference to special fees to conform with 1961 act which eliminated them (1961 P.A. 567, S. 1); P.A. 77-614 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 78-303 clarified and qualified changes enacted in P.A. 77-614; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-51. - Prohibition on sale of alcoholic liquor in building where portion not used as permit premises. Approval of new means of access to permit premises.

No permit may be issued for the sale of alcoholic liquor in any building, a portion of which will not be used as the permit premises, unless the application therefor is accompanied by an affidavit signed and affirmed by the applicant, stating that access from the portion of the building that will not be used as the permit premises to the portion of the building that will be used as the permit premises is effectually separate, unless the Department of Consumer Protection endorses upon such application that it has dispensed with such affidavit for reasons considered by it good and satisfactory and also endorses thereon such reasons. No new means of access into the permit premises shall be opened, after such permit is issued, without the written consent of the Department of Consumer Protection endorsed on such permit. If any permittee or any backer thereof opens, causes to be opened, allows to be opened or allows to remain open, at any time during the term for which such permit is issued, any new means of access from any portion of a building not part of the permit premises into the permit premises, without the written consent of the Department of Consumer Protection endorsed on such permit, such permittee or backer shall be subject to the penalties provided in section 30-113. The Department of Consumer Protection shall require every applicant for a permit to sell alcoholic liquor to state under oath whether any portion of the building in which it is proposed to carry on such business will not be used as the permit premises; and, if so, the Department of Consumer Protection shall appoint a suitable person to examine the premises and to see that any and all access between the portion so to be used for the sale of alcoholic liquor and the portion not so used is effectually separate, and may designate the manner of such separation, and, if necessary, order seals to be placed so that such way of access cannot be opened without breaking the seals, and the breaking or removal of such seals or other methods of preventing access, so ordered and provided, shall be prima facie evidence of a violation of this section. The above provisions shall not apply to any premises operating under a hotel permit. (1949 Rev., S. 4268; P.A. 77-614, S. 165, 587, 610; P.A. 78-80, S. 2, 3, 4; 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 195, 345, 348; P.A. 93-139, S. 52; P.A. 95-195, S. 52, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 21-37, S. 70; P.A. 24-142, S. 66.) History: P.A. 77-614 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 78-80 stated that provisions of section do not apply with respect to restaurants located in or attached to a motel; P.A. 78-303 modified provisions of P.A. 77-614 re division of liquor control as successor to liquor control commission; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 93-139 extended the separation requirement to all permit premises previously applicable to dwellings and lodging houses, made technical changes and added Subsec. (b) defining "motel"; P.A. 95-195 amended Subsec. (a) by substituting Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 21-37 replaced "sworn to" with "affirmed", made a technical change, deleted provisions re restaurant permit premises attached to a motel and tavern permit premises, deleted former Subsec. (b) defining "motel" and deleted Subsec. designator (a), effective July 1, 2021; P.A. 24-142 substantially amended provisions re approval of new means of access to permit premises, and made technical and conforming changes, effective June 6, 2024.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-51a. - Leasing of part of premises operating under grocery store beer permit.

Notwithstanding the provisions of subdivision (6) of subsection (a) of section 30-47 and section 30-51, a permittee of premises operating under a grocery store beer permit issued under subsection (c) of section 30-20 may lease up to fifty per cent of the total square footage of the premises to any person for lawful purposes. The Department of Consumer Protection shall not issue a permit

allowing the sale or consumption of alcoholic liquor on any such leased premises, and the sale or consumption of alcoholic liquor shall be unlawful on any such leased premises. (P.A. 04-42, S. 1; P.A. 22-104, S. 6; P.A. 24-142, S. 65.) History: (Revisor's note: In 2005, a reference to "Department of Agriculture and Consumer Protection" was changed editorially by the Revisors to "Department of Consumer Protection" to reflect the repeal of the merger of the Departments of Agriculture and Consumer Protection by P.A. 04-189); P.A. 22-104 made technical and conforming changes, effective May 24, 2022; P.A. 24-142 amended Subsec. (a) by substituting reference to Sec. 30-47(a)(6) for reference to Sec. 30-47(6), effective June 6, 2024.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-52. - Permit to specify location and revocability. Removal to another location.

(a) Every permit for the sale of alcoholic liquor shall specify the town and the particular building or place in such town in which such liquor is to be sold, and shall not authorize any sale in any other place or building. Such permit shall also be made revocable in terms for any violation of any of the provisions of this chapter. Notwithstanding the existence of any local zoning ordinance or general statute prohibiting or affecting the establishment or removal to a new location of an alcoholic liquor use within certain specified distances of other alcoholic liquor uses of the same or different kinds, the Department of Consumer Protection, in cases of hardship and in cases caused by reason of the commencement of an eviction action against such permittee from the particular building or place in such town specified in such permit, may endorse upon such permit permission to the permittee to remove from one building or place in any zone to another building or place in a proper business or industrial zone, and the permittee shall thereupon be authorized to remove to such new location with such permit. The applicant for such permission shall specify the building or place to which he wishes to remove, and such new location shall comply with all other provisions of the local zoning ordinances or general statutes except as hereinbefore provided; and such permittee shall be allowed to move such permit premises only within a radius of seven hundred fifty feet of the old permit premises. The removal of the permit premises from the particular building or place specified in the permit without the approval of the department shall be grounds for the suspension or revocation of the permit. In such cases an appeal from an order refusing permission to remove may be taken in accordance with the provisions of section 30-60. If the site of any permit premises is taken or threatened to be taken in the exercise of the power of eminent domain, the department may authorize the relocation of such permit premises to a new location, any local ordinance or general statute notwithstanding, provided such new location is zoned for business use and is within a radius of seven hundred fifty feet from the point, on the boundary of the overall site of the proposed taking, nearest to the site of such permit premises. (b) Nothing in subsection (a) of this section or section 30-14a, shall be construed as prohibiting the department from permitting the removal of such permit premises to any location, including a location in another town, for any reason, provided: (1) Removal to the proposed location complies with local zoning laws as required by section 30-44, (2) the proposed location is not found to be unsuitable or prohibited by any other provision of this chapter, except that a removal to a location in another town may be authorized only if such removal complies with the provisions of section 30-14a provided, in any case in which the department finds that the permittee has provided evidence satisfactory to the department that the permittee is unable to secure a renewal or extension of his lease and that the premises are to be demolished by their owner, and that the permittee is unable to find, after reasonable efforts, a suitable location for removal of the permit premises within the town in which the permit premises are located, have created a hardship, the department may waive the maximum permit limit provided by said section 30-14a and allow the removal of the permit premises to an adjacent town. (c) Any action taken by the department authorizing the removal of such permit premises prior to June 27, 1985, is hereby validated. (1949 Rev., S. 4269; 1955, S. 2164d; 1961, P.A. 468; February, 1965, P.A. 177; P.A. 75-641, S. 15; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 85-361, S. 2, 3; P.A. 88-78, S. 1, 2; P.A. 93-139, S. 53; P.A. 95-195, S. 53, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.) History: 1961 act changed the area limitation for relocation where the site of the permit premises is taken by eminent domain and broadened the bases for granting permission to move premises; 1965 act changed area limitation for relocation to new premises from 500 feet to 750 feet from old permit premises; P.A. 75-641 replaced previous provision stating that "the law concerning appeals from commission's doings shall apply" to cases of "refusal of permission to remove" with provision specifying that appeals may be taken in accordance with Sec. 30-60; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 85-361 added Subsec. (b) which allowed the removal of permit premises and Subsec. (c) which validated the actions of the department of liquor control in allowing the removal of such premises; P.A. 88-78 amended Subsec. (b) concerning the removal of permit premises to other towns; P.A. 93-139 made technical changes; P.A. 95-195 amended Subsec. (a) by substituting Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004. Cited. 127 C. 722; 137 C. 23; 150 C. 427. In order to receive injunctive relief, taxpayers must allege and prove irreparable injury, not mere aggrievement; constitutionality upheld. 151 C. 414. Cited. 153 C. 314. Plaintiff's appeal sustained where defendant board granted variance without stating reasons for permitting liquor store within 1,500 feet of fifteen other liquor stores contrary to Bridgeport zoning regulations. 155 C. 500. Regulations of town zoning authority may adopt more liberal standard where hardship, such as redevelopment taking of existing locations, exists. 156 C. 287. Cited. 163 C. 240; 189 C. 153; 191 C. 528. Cited. 2 CA 628; 5 CA 432; 8 CA 12. Violation

must be affirmatively established. 4 CS 350. Cited. 5 CS 418; 16 CS 355.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-53. - Permit to be recorded.

Each permit granted or renewed by the Department of Consumer Protection shall be of no effect until a duplicate thereof has been filed by the permittee with the town clerk of the town within which the club or place of business described in such permit is situated; provided the place of filing for (1) a cafe permit issued under subsection (h) of section 30-22a, or a boat operating under an in-state transporter's permit issued under section 30-19f, shall be the office of the town clerk of the town of New Haven, and (2) an airline permit issued under section 30-28a shall be the office of the town clerk of the town of Hartford. The fee for such filing shall be twenty dollars. (1949 Rev., S. 4270; 1955, S. 2165d; 1967, P.A. 140; P.A. 73-543, S. 10, 14; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 54, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 18-136, S. 3; P.A. 21-37, S. 71; P.A. 22-104, S. 21.) History: 1967 act raised filing fee from \$1 to \$2; P.A. 73-543 specified Hartford town clerk's office as place for filing airline permits; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 18-136 increased filing fee from \$2 to \$20, effective July 1, 2018; P.A. 21-37 replaced reference to "railroad and boat permits" with "cafe permit" issued under Sec. 30-22a(j) or (k), effective July 1, 2021; P.A. 22-104 designated existing provisions re cafe permits as Subdiv. (1) and airline permits as Subdiv. (2), substituted reference to Sec. 30-22a(h) for reference to Secs. 30-22a(j) and (k), and added provision re boat operating under in-state transporter's permit issued under Sec. 30-19f, in Subdiv. (1), added reference to Sec. 30-28a in Subdiv. (2), and made technical and conforming changes, effective May 24, 2022. See Sec. 30-59 re notification of town clerks as to revocation, suspension or reinstatement of permit.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-54. - Permit to be hung in plain view.

Every permittee, other than a corporation holding a cafe permit issued under subsection (h) of section 30-22a, or an airline permit issued under section 30-28a, shall cause such permittee's permit or a duplicate thereof to be framed and hung in plain view in a conspicuous place in any room where the sales so permitted are to be carried on. (1949 Rev., S. 4271; P.A. 73-543, S. 11, 14; P.A. 21-37, S. 72; P.A. 22-104, S. 22.) History: P.A. 73-543 excepted permittees holding airline permits from provisions; P.A. 21-37 replaced reference to "railroad or airline permit" with "cafe permit" issued under Sec. 30-22a(k) and made a technical change, effective July 1, 2021; P.A. 22-104 substituted reference to Sec. 30-22a(h) for reference to Sec. 30-22a(k), added provision re airline permits issued under Sec. 30-28a, and made technical and conforming changes, effective May 24, 2022.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-55. - Revocation, suspension or placing conditions on permits and provisional permits. Fine. Hearing.

(a) The Department of Consumer Protection may, in its discretion, revoke, suspend or place conditions on any permit or provisional permit or impose a fine of not greater than one thousand dollars per violation, upon cause found after hearing, provided written notice of such hearing has been given to the permittee, applicant, backer or proposed backer in accordance with the provisions of chapter 54. (b) The surrender of a permit or provisional permit for cancellation, the withdrawal of an application or the expiration of a permit shall not prevent the Department of Consumer Protection from suspending or revoking any such permit pursuant to the provisions of this section. (1949 Rev., S. 4272; February, 1965, P.A. 259; 1967, P.A. 316; 1969, P.A. 128; P.A. 77-438, S. 5; 77-603, S. 18, 125; 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 93-139, S. 54; P.A. 95-195, S. 55, 83; P.A. 97-175, S. 7; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 06-94, S. 3; P.A. 19-177, S. 10; P.A. 21-37, S. 87; P.A. 24-142, S. 67.) History: 1965 act prohibited suspension or revocation of permit for violations of chapter in cases where permittee was finally found not guilty; 1967 act protected permittee from suspension or revocation of permit where "his servant or agent" was finally found not guilty and prohibited taking "disciplinary action" after finding of not guilty against backer, servant or agent; 1969 act extended protection from suspension, revocation and disciplinary action in cases which were dismissed; P.A. 77-438 prohibited commission's initiation of hearing proceedings based upon arrests which have not resulted in convictions; P.A. 77-603 replaced previous appeal provisions with provision requiring that appeals be made in accordance with Sec. 4-183; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 93-139 added Subsec. (b) allowing the department to suspend or revoke a permit even if such permit was surrendered for cancellation or expired; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 97-175 added reference to provisional permit in Subsecs. (a) and (b) and made technical changes; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection

with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 06-94 deleted provisions in Subsec. (a) prohibiting suspension or revocation of permit or disciplinary action in cases where permittee or his servant or agent was finally found not guilty by, or received dismissal in, a court having jurisdiction; P.A. 19-177 amended Subsec. (a) by replacing “revoke or suspend any permit or provisional permit” with “revoke, suspend or place conditions on any permit or provisional permit or impose a fine of not greater than one thousand dollars,” and making conforming changes; P.A. 21-37 amended Subsec. (a) by adding “per violation” after \$1,000 and adding references to “condition”, effective July 1, 2021; P.A. 24-142 substantially amended Subsec. (a) including by adding provisions re applicants, backers and proposed backers and substituting provision re procedure under Ch. 54 for existing provisions setting forth procedure, amended Subsec. (b) by adding provision re withdrawal of application, and made technical and conforming changes, effective June 6, 2024. See Sec. 12-450 re suspension of liquor permit for failure to pay taxes or to perform acts or duties imposed under statutes relating to taxation. See Sec. 30-60 re appeal procedure. See Sec. 30-67 re violations which constitute grounds for suspension or revocation of permits. Cited. 123 C. 35. Revocation because of sale by employee to a minor not abuse of discretion. 124 C. 689. Cited. 128 C. 163. Revocation because of persistence in violating law while hearing pending is not arbitrary or unreasonable. 137 C. 327. Cited. 148 C. 649; 149 C. 64. Gives commission broad powers of revocation and suspension. Id., 652. Where permittee was posted 21 times as delinquent in payments and had issued checks in payment dishonored on 5 occasions, commission could find him financially irresponsible despite his substantial equity in permit premises. Id., 653. To justify revocation or suspension of permit, evidence before commission need not establish guilt of permittee beyond a reasonable doubt; issue is whether permittee is a suitable person. 150 C. 422. Enumeration in Liquor Control Act of several grounds for revocation does not prevent commission from adding other grounds by regulation. Id. Commission is not required to base its decision on any one of several alleged grounds; it can consider whether they individually or all together warrant a revocation. Id. Former statute: Ultimate acquittal on criminal charge is immaterial. Id., 473. Dismissal of criminal charge under Sec. 30-86 not res judicata re commission hearing. 151 C. 524. Cited. 239 C. 599. Suspension of permit proper when based upon an illegal sale by an employee. 9 CS 26. Cited. 14 CS 491.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-55a. - Suspension of permit for failure to pay unemployment compensation contributions. Suspension of permit for violation of noise standards.

(a) The Department of Consumer Protection shall, upon notice from the administrator of the Unemployment Compensation Act of the name and address of any employer subject to chapter 567 who has failed to file any return or to pay the contributions prescribed under the provisions of said chapter, suspend the permit of such employer until written notice from the administrator has been received that the returns have been filed and the contributions, including interest, have been paid. (b) When any permit premises where alcoholic liquor is consumed on the premises emits noise which, when measured at a radius of two hundred feet from the premises, as described in the permittee's application for a liquor permit, exceeds the ambient noise standard for the land use classification for the location at which such measurement is made, as established by the Department of Energy and Environmental Protection pursuant to section 22a-69, the Department of Consumer Protection may suspend the permit to sell alcoholic liquor for three days for a first violation, five days for a second violation and fourteen days for any subsequent violation. (1967, P.A. 328; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 91-116; P.A. 95-195, S. 56, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 11-80, S. 1.) History: P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 91-116 added Subsec. (b) re suspension of permits when permit premises violate noise standards established by the department of environmental protection pursuant to Sec. 22a-69; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; pursuant to P.A. 11-80, “Department of Environmental Protection” was changed editorially by the Revisors to “Department of Energy and Environmental Protection” in Subsec. (b), effective July 1, 2011. Cited. 226 C. 418.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-56. - When appeal not to act as stay of execution.

(a) When any permit is revoked or suspended after a final decision pursuant to chapter 54 or upon forfeiture of bond under the provisions of section 30-57, an appeal therefrom shall not act as a stay of execution upon such revocation or suspension. Such revocation or suspension shall become effective immediately. (b) When any permit is revoked or suspended for violation of the provisions of section 30-38a, an appeal therefrom, may, at the discretion of the court, act as a stay of execution upon such revocation or suspension. (1949 Rev., S. 4273; P.A. 75-239, S. 2, 3; P.A. 21-37, S. 88.) History: P.A. 75-239 substituted “any alcoholic liquor” for “alcoholic beverages” and specified that delinquent permittees may not transfer liquor from one retail premise to another; P.A. 21-37 amended Subsec. (a) by substituting “decision pursuant to chapter 54” for “conviction” and by adding provision re revocation or suspension becoming effective immediately, effective July 1, 2021.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-57. - Conviction of permittee or backer; revocation or suspension of permit; forfeiture.

When any permittee or backer has been convicted of a violation of any of the provisions of this chapter or of any of the laws of the United States or of the laws of any other state pertaining to the manufacture, sale, transportation or taxation of distilled spirits, beer and wine, or of any felony, as defined in section 53a-25, or has forfeited such permittee's or backer's bond to appear in court to answer for any such violation, the Department of Consumer Protection may, in its discretion, revoke or suspend the permit and order the forfeiture of all moneys that have been paid for the permit, and such revocation or suspension and forfeiture shall be in addition to the penalties for such offense. In all cases in which a conviction is had, the clerk of the court shall forthwith mail a copy of the judgment to the department. (1949 Rev., S. 4275; 1961, P.A. 517, S. 82; P.A. 73-616, S. 25; P.A. 75-186, S. 2, 3; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 610; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 81-294, S. 9, 22; P.A. 95-195, S. 57, 83; P.A. 99-194, S. 25; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.) History: 1961 act deleted reference to trial justice; P.A. 73-616 replaced reference to Sec. 1-1 with reference to Sec. 53a-25; P.A. 75-186 substituted "beer" for "fermented malt beverages"; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 81-294 made no substantive changes; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 99-194 made technical changes and extended applicability of provisions to backers; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004. Cited. 118 C. 269; 124 C. 690; 128 C. 163; 149 C. 66; 150 C. 427; Id., 477. Since commission has power to revoke a permit for violation of the statute, it is implied that they are not required to renew a permit where the law was being violated. 5 CS 420.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-58. - Revocation of permit obtained by fraud.

Whenever any permit under this chapter has been obtained by fraud or misrepresentation, the Department of Consumer Protection, upon proof that such permit was so obtained, shall, upon hearing had, revoke the same, and all moneys paid therefor shall be forfeited. (1949 Rev., S. 4276; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 58, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.) History: P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004. Cited. 150 C. 424. Requirement of proof of fraud bears out the legislative intent that commission has the burden to affirmatively establish the violation. 4 CS 350.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-58a. - Offer in compromise in lieu of suspension.

The Department of Consumer Protection, in the department's discretion and subject to such regulations as the department may adopt, may accept from any applicant, applicant's backer, backer or permittee an offer in compromise in such an amount as may in the discretion of the department be proper under the circumstances in lieu of the suspension of any permit previously imposed by the department. Any sums of money so collected by the department shall be paid forthwith into the State Treasury for the general purposes of the state. (1972, P.A. 227; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 59, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 24-142, S. 68.) History: P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 24-142 added provisions re applicant and applicant's backer, and made technical and conforming changes, effective June 6, 2024. Cited. 27 CA 614; judgment reversed, see 226 C. 418.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-58b. - Continuation of service when special sporting facility permit revoked. Application for new permit.

Section 30-58b is repealed, effective July 1, 2021. (P.A. 74-307, S. 10; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 93-139, S. 55; P.A. 95-195, S. 60, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 21-37, S. 110.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-59. - Posting of notice of revocation or suspension.

The Department of Consumer Protection shall post notice of any revocation or suspension of any permit on the department's Internet web site. (1949 Rev., S. 4274; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 61, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 21-37, S. 89.) History: P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 21-37 replaced provision re department transmitting certificate of revocation, suspension or reinstatement to town clerk to be attached to copy of permit on file with notice of revocation or suspension posted on department Internet web site, effective July 1, 2021. See Sec. 30-53 re recording of permits with town clerks.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-59a. - Suspension of permit for license suspension or revocation.

The Department of Consumer Protection may suspend any permit issued under this chapter if the permittee has had a license suspended or revoked by the department until such license has been restored to such person. (P.A. 74-307, S. 11; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 79-404, S. 42, 45; P.A. 80-482, S. 4, 170, 191, 342, 343, 345, 348; P.A. 95-195, S. 62, 83; P.A. 02-82, S. 5; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 11-51, S. 203; P.A. 13-299, S. 86.) History: P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 79-404 replaced commission on special revenue with division of special revenue within the department of business regulation and gaming policy board as necessary; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department and placed division of special revenue within department of revenue services following abolition of business regulation department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 02-82 replaced "shall" with "may" re suspension of permit by commissioner and made a technical change for purposes of gender neutrality; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 11-51 deleted provision re notice from Division of Special Revenue, added provision re suspension of any permit issued under chapter, replaced reference to executive director of Division of Special Revenue with reference to department and deleted requirement re Department of Consumer Protection notification to Division of Special Revenue, effective July 1, 2011; P.A. 13-299 deleted reference to Gaming Policy Board, effective July 1, 2013.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-6. - Powers and duties of Department of Consumer Protection; report; records and certified copies.

(a) The Department of Consumer Protection shall enforce the provisions of this chapter. The department may, upon notification by the Governor that a state of emergency exists in the state or in any town, city or borough, order the suspension of sale of alcoholic liquors during the period of such emergency in the state or in any town, city or borough. It may generally do whatever is reasonably necessary for the carrying out of the intent of this chapter; and, without limiting its authority, it may call upon other administrative departments of the state government and of municipal governments, upon state and municipal police departments and upon prosecuting officers and state's attorneys for such information and assistance as it deems necessary to the performance of its duties.

(b) The department shall submit to the Governor, as provided in section 4-60, an annual report of its official acts. The department shall keep a record of proceedings and orders pertaining to the matters under its jurisdiction and of all permits granted, refused, suspended or revoked and of all reports sent to its office. It shall furnish, without charge, for official use only, certified copies of permits and documents relating thereto, to officials of the state or of any municipality in the state, to officials of any other state or to any court in this state. Any certified copy of any document or record of the department, attested as a true copy by the department, shall be competent evidence in any court of the state of facts therein contained. All records of the department pertaining to applicants and to permits shall be maintained pursuant to the provisions of title 11 and shall be open to public inspection at any reasonable time during office hours. All other records may be regarded as confidential by the department, except to the Governor and in response to judicial process. (1949 Rev., S. 4228; September, 1957, P.A. 11, S. 13; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 191, 348; P.A. 82-332, S. 1, 13; P.A. 90-230, S. 53, 101; P.A. 93-139, S. 3; P.A. 95-195, S.

13, 83; P.A. 99-194, S. 22; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.) History: P.A. 77-614 replaced liquor control commission with division of liquor control within the department of public safety, effective January 1, 1979; P.A. 78-303 clarified and qualified full scale name change called for in P.A. 77-614; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 82-332 amended section to eliminate reference to regulation of business methods and to add Subsec. (b) prohibiting regulation in four specified areas; P.A. 90-230 corrected a typographical error; P.A. 93-139 amended Subsec. (a) to delete listing of specific areas for regulation and deleted former Subsec. (b) which had prohibited the commission from adopting regulations in four specific areas; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 99-194 amended Subsec. (b) to make technical change, to delete provision limiting duration of department's recordkeeping responsibilities and to add provision requiring records to be maintained pursuant to title 11; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004. See Sec. 12-450 re suspension of liquor permit for failure to pay taxes or to perform acts or duties imposed under statutes relating to taxation. Cited. 122 C. 446. Regulation of commission requiring presence of permittee complied with. 123 C. 38. Authority of commission is limited to making reasonable regulations within the scope of the power granted. *Id.*, 37; 126 C. 454. Interpretation of regulation forbidding immoral activities. 128 C. 356. Whether or not reductions in price were an inducement to purchase within the meaning of the regulation was an issue of fact. *Id.*, 436. Regulation concerning false labeling. 133 C. 348. Cited. 134 C. 293; 140 C. 185. Reasonableness of regulation. *Id.*, 582. Enumeration in the Liquor Control Act of several grounds for revocation does not prevent commission from adding other grounds by regulation. 150 C. 422. Cited. 183 C. 552; 191 C. 528; 226 C. 418. Cited. 12 CA 455; 27 CA 614; judgment reversed, see 226 C. 418. Cited. 10 CS 489. Requiring permittee to remove a shuffleboard set is not tantamount to a regulation. 14 CS 491. Cited. 15 CS 200. History and purpose. *Id.*, 410. Cited. 16 CS 61. Authority of commission to suspend permits discussed; constitutionality of regulations concerning live entertainment discussed. 36 CS 305. Cited. 38 CS 460.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-60. - Appeal.

Any applicant for a permit or for the renewal of a permit for the manufacture or sale of alcoholic liquor whose application is refused or any applicant or permittee whose permit is denied, revoked or suspended by the Department of Consumer Protection or any ten residents who have filed a remonstrance pursuant to the provisions of section 30-39 and who are aggrieved by the granting of a permit by the department may appeal therefrom in accordance with section 4-183. Appeals shall be privileged in respect to the assignment thereof. If said court decides, upon the trial of such appeal, that the appellant is a suitable person to sell alcoholic liquor and that the place named in the appellant's application is a suitable place, within the class of permit applied for or revoked, and renders judgment accordingly, a copy of such judgment shall be forthwith transmitted by the clerk of said court to the department, and the department shall thereupon issue a permit to such appellant to sell such alcoholic liquor at such place for the remainder of the permit year, and the fee to be paid therefor, unless the application is for the renewal of the permit, in which case the full fee shall be paid, shall bear the same proportion to the full permit fee for a year as the unexpired portion of the year from the time when such permit was granted bears to the full year. If the court decides on such trial that the applicant is not a suitable person to sell alcoholic liquor or that the place named in the application is not a suitable place, and renders judgment accordingly, a copy of such judgment shall be forthwith transmitted by the clerk of said court to the department and the department shall not issue a permit to such applicant or shall rescind the granting of a permit, as the case may be. If said court upholds the decision of the department upon the trial of such appeal, or modifies such decision in whole or in part and renders judgment accordingly, a copy of such judgment shall be forthwith transmitted by the clerk of said court to the department and, if a renewal fee has been paid within the time during which such appeal has been pending, the department shall thereupon certify to the Treasurer a deduction from such fee of a sum which shall bear the same proportion to the full permit fee for a year as the portion of the year from the time when such renewal would have become effective to the time when such judgment was rendered bears to the full year, and the amount of such deduction shall be paid in accordance with the provisions of section 30-5, and the remainder of such fee shall be paid by the state to the applicant. (1949 Rev., S. 4277; 1969, P.A. 776; 1971, P.A. 179, S. 21; P.A. 73-616, S. 26; P.A. 76-436, S. 615, 681; P.A. 77-603, S. 113, 125; 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 63, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 24-142, S. 69.) History: 1969 act allowed appeals by ten residents who have filed remonstrance and are aggrieved by granting of a permit and added provision re court's notification of commission that applicant is unsuitable permittee or place of business is unsuitable and commission's action upon receipt of court's judgment; 1971 act changed time for appeal from next return day or "the next but one" to a return day between 12 and 30 days after service; P.A. 73-616 affirmed amendments enacted in 1969 act; P.A. 76-436 replaced court of common pleas with superior court, effective July 1, 1978; P.A. 77-603 replaced detailed provisions re appeal procedure with requirement that appeals be made in accordance with Sec. 4-183; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess.

P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 24-142 added reference to applicant and provision re denied permit, and made technical and conforming changes, effective June 6, 2024. See Secs. 30-55 and 30-56 re revocation and suspension of permits. Function of court upon appeal; receipt of additional testimony; form of judgment file when denial of permit overturned by court. 114 C. 550. Cited. 118 C. 252. Trial court could not sustain appeal unless it could find that the commission acted arbitrarily, illegally or in abuse of its discretion. 121 C. 705; 122 C. 445; Id., 525; 123 C. 320. Under 1933 statute, on appeal, the court could only by hearing the evidence or by reference determine the facts and assume the commission had those facts before it. 122 C. 526. Cited. 123 C. 35; 124 C. 276. Legislature may commit issuance of licenses to either executive or judicial branch. 129 C. 644. The court cannot on appeal substitute its judgment for that of commission; it can go no further than to make commission's decision conform to law or to a conclusion which is the only reasonable one on the facts proven. Id., 646. Under 1941 amendment, which provided for a trial de novo, the court was not confined to such facts; it conducted an independent inquiry. Id., 645; 130 C. 697; 132 C. 428; Id., 667; quaere as to effect of 1945 amendment on this question. Id., 668. Under former statute, finding of the trial court on appeal should conform to the usual principles governing findings. 130 C. 698. Revocation of license constituted a finding that person was "unsuitable". 131 C. 700. Town properly admitted to appeal proceedings. 132 C. 213. For court's conclusion, under former statute, that commission acted arbitrarily. Id., 426. Cited. 133 C. 153. Under present statute, where court heard no additional testimony, finding not necessary. Id., 557. Before additional testimony can be received, court must find there was sufficient cause for failure to offer testimony before commission or that reception of additional testimony is necessary for a just determination of the issues. 138 C. 614. Cited. 148 C. 649. Liquor control commission represents public interest in such matters as issuance, renewal, revocation and suspension of liquor permits; when action of commission with respect to such a matter is reversed by a court, commission is a party aggrieved by such decision and, as such, may appeal to Supreme Court; Court of Common Pleas cannot disturb decision of commission unless that decision was arbitrary, illegal or so unreasonable as to constitute an abuse of discretion. 150 C. 68. Cited. Id., 422. Court held commission acted unreasonably in suspending permittee's license. 151 C. 537. There is no direct appeal from action of commission in granting, suspending or revoking permits except by applicants and permittees; but, where commission grants a permit in violation of express provision of law, its action may be attacked by proper legal procedure; where such attack is by way of injunctive proceeding, redress may be sought only by those whose justiciable interests were injured. 153 C. 48. Reviewing court must extract from record certified to it legally admissible evidence pertinent to issue on appeal. 160 C. 1. Reviewing court may remand or modify a commission decision only after it determines that commission acted improperly. 165 C. 26. Where hearsay evidence was introduced without objection at a commission hearing and corroborated by original evidence, commission findings and order sustained. 168 C. 74. Cited. 177 C. 610; Id., 616. Cited. 4 CA 252. Cited. 5 CS 51; 13 CS 206; Id., 221. De novo aspect of former statute discussed. 10 CS 307; 13 CS 248; 14 CS 155. Appeal does not affect a transfer of jurisdiction from commission to Court of Common Pleas. 12 CS 388. Plaintiff has burden to show commissioner's decision is unwarranted. 13 CS 273. Where commission issued a removal permit on a mistaken interpretation of the law, court may modify the decision. 16 CS 356. Cited. 31 CS 197.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-61. - Service of process on members of commission.

Service of process in any action in which the commission is a party shall be made upon any member of the commission. (1949 Rev., S. 4278; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 21-37, S. 90.) History: P.A. 77-614 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 78-303 retained reference to liquor control commission in certain sections; P.A. 21-37 deleted reference to secretary of the commission, effective July 1, 2021.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-62. - Substitution of permittees. Fee.

In any case a new permittee may be substituted when so requested, provided the person so substituted shall be a suitable person as defined and set forth in this chapter, and such person shall be permitted to serve in the place and stead of the original permittee for the remainder or any part thereof of the term of the permit upon which he has been substituted and such a substitution may be made upon the death of a permittee, when so requested. A substitute permittee under this section shall not be subject to the provisions of section 30-39. In the case of an application to permanently substitute the identity of the permittee, the applicant shall pay to the Department of Consumer Protection a nonrefundable application fee of thirty dollars. (1949 Rev., S. 4280; 1951, S. 2167d; P.A. 77-114, S. 2; 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 64, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.) History: P.A. 77-114 imposed \$30 nonrefundable fee for application to permanently substitute the identity of the permittee; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004. Cited. 137 C. 23; 150 C. 425; 213 C. 184. Commission ought not to change permittee unless all

parties unite to accept the responsibilities of either permittee or backer. 5 CS 234.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-62a. - Consumer bars and consumer service bars.

(a) The Department of Consumer Protection, subject to such regulations as said department may adopt, may permit more than one consumer bar in any premises for which a permit has been issued under this part for the retail sale of alcoholic liquor to be consumed on such premises. A consumer bar is a counter, with or without seats, at which a patron may purchase and consume or purchase alcoholic liquor. The fee for each additional consumer bar shall be one hundred ninety dollars per annum. (b) The Department of Consumer Protection, subject to such regulations as said department may adopt, may permit more than one consumer service bar in any premises for which a permit has been issued under this part for the retail sale of alcoholic liquor to be consumed on such premises. A consumer service bar is a counter, without seats, at which a patron may purchase alcoholic liquor, but for which the primary function is to facilitate the purchase of food. Alcoholic liquor may be served to a patron across the consumer service bar, but no patron shall sit or consume alcoholic liquor or food at the consumer service bar. Minors may stand at a consumer service bar for the purpose of ordering and receiving food. No premises shall have both a self-pour endorsement and a consumer service bar endorsement. (P.A. 78-292, S. 1-3; P.A. 80-482, S. 4, 170, 191, 196, 345, 348; P.A. 93-139, S. 56; P.A. 95-195, S. 65, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; June Sp. Sess. P.A. 09-3, S. 366; P.A. 24-142, S. 70.) History: P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 93-139 defined a consumer bar and added a provision to allow consumer bars in any permit premises; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; June Sp. Sess. P.A. 09-3 increased fee from \$150 to \$190; P.A. 24-142 designated existing provisions re consumer bars as Subsec. (a), substituted “may” for “shall” and made a technical change, and added Subsec. (b) re consumer service bars, effective June 6, 2024.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-62b. - Home manufacture of wine.

Any person, other than a minor, may, without payment of tax, produce wine for personal or family use only. Such wine may be transported in sealed containers for use at organized affairs, including exhibitions, tastings, contests or competitions, but shall not be sold or offered for sale. (P.A. 99-65.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-62c. - Furnishing of water without charge. Offering of nonalcoholic beverages for sale. Exemptions. Requirements. Penalty.

(a) The holder of an alcoholic liquor permit issued by the Department of Consumer Protection pursuant to subsections (a) to (d), inclusive, of section 30-16, or an agent of such permit holder, shall furnish potable water without charge to any person on the permit premises requesting such water or shall offer nonalcoholic beverages for sale to such person. (b) A permittee or such permittee's agent shall not be required to furnish such water or offer nonalcoholic beverages for sale during the hours and days that the sale or dispensing of alcoholic liquor is prohibited pursuant to subsection (a) of section 30-91. Such potable water shall meet all federal and state requirements concerning purity of drinking water and shall be supplied in a receptacle suitable to permit the individual consumption of not less than six ounces per serving. (c) The Department of Consumer Protection may, in its discretion, suspend, revoke or refuse to grant or renew an alcoholic liquor permit pursuant to subsection (a) of section 30-47 if the department has reasonable cause to believe a permittee has violated any provision of this section. (P.A. 15-24, S. 7; P.A. 17-160, S. 5; P.A. 19-24, S. 14.) History: P.A. 15-24 effective July 1, 2015; P.A. 17-160 amended Subsec. (a) to replace reference to Sec. 30-16(g) with reference to Sec. 30-16(h), effective July 7, 2017; P.A. 19-24 amended Subsec. (a) by replacing “subsections (b) to (h)” with “subsections (a) to (d)”, effective July 1, 2020.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-62d. - Authorization for use of self-pour automated system for beer, cider and wine.

(a) A permittee authorized pursuant to this title to sell alcoholic liquor for on-premises consumption may use a self-pour automated system that, upon activation of a payment card by the permittee, may be operated to dispense beer, cider not exceeding six per cent alcohol by volume and wine to the following: (1) An employee of the permittee who is authorized by law to serve alcoholic beverages, or (2) a person whom the permittee has verified to be twenty-one years of age or older who displays a government-issued identification card that matches the name on the payment card. Such verification that a person is twenty-one years of age or older shall be recorded by the permittee or an employee of the permittee. (b) A self-pour automated system authorized by subsection (a) of this section shall not dispense a serving of more than (1) thirty-two ounces of beer, (2) thirty-two ounces of cider not exceeding six per cent alcohol by volume, or (3) ten ounces of wine, before the payment card is reactivated by the permittee or an employee of the permittee. (P.A. 21-50, S. 5.) History: P.A. 21-50 effective June 16, 2021.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-62e. - Franchisor or landlord receipt of profits from alcoholic liquor sales.

(a) Subject to the provisions of subsection (b) of this section, a franchisor or landlord may, without obtaining approval as a backer, receive profits from the sale of alcoholic liquor from a franchisee or tenant that is permitted to sell alcoholic liquor under the provisions of this chapter, provided the franchisor or landlord does not: (1) Control the operations of the permit premises; (2) Direct sales of alcoholic liquor from the permit premises; or (3) Otherwise engage in activities indicating ownership or proprietorship of the franchisee or tenant. (b) The Department of Consumer Protection may require a franchisor or landlord to obtain approval as a backer in order for the franchisor or landlord to receive profits as set forth in subsection (a) of this section. In determining whether to require a franchisor or landlord to receive such approval, the department shall: (1) Consider the percentage of such profits that the franchisor or landlord receives; and (2) Evaluate whether the franchisor or landlord may (A) supervise, hire, retain or discharge persons employed on the permit premises, (B) set menu selections or prices for the permit premises, (C) establish hours or days of operation for the permit premises, (D) decide whether or when a patio may be used in connection with the operations of the permit premises, (E) order or accept alcoholic liquor deliveries for the permit premises, (F) arrange advertising for the permit premises, including, but not limited to, advertising on the Internet or through social media, (G) dictate decorations for the permit premises, (H) access banking accounts related to the permit premises, (I) incur debt on behalf of a backer for the permit, and (J) enter into agreements with other entities on behalf of a backer for the permit. (P.A. 24-142, S. 55.) History: P.A. 24-142 effective June 6, 2024.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-63. - Registration of brands, fees. Posting and notice of prices. Brand registration of fortified wine. When departmental approval prohibited. Exception re infused beverages and legacy infused beverages.

(a) No holder of any manufacturer, wholesaler or out-of-state shipper's permit shall ship, transport or deliver within this state, or sell or offer for sale, any alcoholic liquors, except for beer manufactured by a permittee in this state and sold for consumption only on the permittee's premises, unless the name of the brand, trade name or other distinctive characteristic by which such alcoholic liquors are bought and sold, the name and address of the manufacturer thereof and the name and address of each wholesaler permittee who is authorized by the manufacturer or his authorized representative to sell such alcoholic liquors are registered with the Department of Consumer Protection and until such brand, trade name or other distinctive characteristic has been approved by the department. Such registration shall be valid for a period of three years. The fee for such registration, or renewal thereof, shall be two hundred dollars for out-of-state shippers and fifteen dollars for Connecticut manufacturers for each brand so registered, payable by the manufacturer or such manufacturer's authorized representative when such liquors are manufactured in the United States and by the importer or such importer's authorized representative when such liquors are imported into the United States. The department shall not approve the brand registration of any fortified wine, as defined in section 12-433, which is labeled, packaged or canned so as to appear to be a wine or liquor cooler, as defined in section 12-433. (b) No manufacturer, wholesaler or out-of-state shipper permittee shall discriminate in any manner in price discounts between one permittee and another on sales or purchases of alcoholic liquors bearing the same brand or trade name and of like age, size and quality, nor shall such manufacturer, wholesaler or out-of-state shipper permittee allow in any form any discount, rebate, free goods, allowance or other inducement for the purpose of making sales or purchases. Nothing in this subsection shall be construed to prohibit beer manufacturers, beer wholesalers or beer out-of-state shipper permittees from differentiating in the manner in which their products are packaged on the basis of on-site or off-site consumption. (c) For alcoholic liquor other than beer, each manufacturer, wholesaler and out-of-state shipper permittee shall post with the department, on a monthly basis, the bottle, can and case price of any brand of goods offered for sale in Connecticut, which price when so posted shall be the controlling price for such manufacturer, wholesaler or out-of-state permittee for the month following such posting. On and after July 1, 2005, for beer, each manufacturer, wholesaler and out-of-state shipper permittee shall post with the department, on a monthly basis, the bottle, can and case price, and the price per keg or barrel or fractional unit thereof for any brand of goods offered for sale in Connecticut which price when so posted shall be the controlling price for such brand of goods offered for sale in this state for the month following such posting. Such manufacturer, wholesaler and out-of-state shipper permittee may also post additional prices for such bottle, can, case, keg or barrel or fractional unit thereof for a specified portion of the following month which prices when so posted shall be the controlling prices for such bottle, can, case, keg or barrel or fractional unit thereof for such specified portion of the following month. Notice of all manufacturer, wholesaler and out-of-state shipper permittee prices shall be given to permittee purchasers by direct mail, Internet web site or advertising in a trade publication having circulation among the retail permittees except a wholesaler permittee may give such notice by hand delivery. Price postings with the department setting forth wholesale prices to retailers shall be available for inspection during regular business hours at the offices of the department by manufacturers and wholesalers until three o'clock p.m. of the first business day after the last day for posting prices. A manufacturer or wholesaler may amend such manufacturer's or wholesaler's posted price for any month to meet a lower price posted by another manufacturer or wholesaler with respect to alcoholic liquor bearing the same brand or trade name and of like age, vintage, quality and unit container size; provided that any such amended price posting shall be filed before three o'clock p.m. of the fourth business day after the last day for posting prices; and provided further such amended posting shall not set forth prices lower than those being met. Any manufacturer or wholesaler posting an amended price shall, at the time of posting, identify in writing the specific posting being met. On and after July 1, 2005, all wholesaler postings, other than for beer, for the following

month shall be provided to retail permittees not later than the twenty-seventh day of the month prior to such posting. All wholesaler postings for beer shall be provided to retail permittees not later than the twentieth day of the month prior to such posting. (d) Monthly price schedules on a family brand case shall contain the bottle price for each item contained in the family brand case, the unit price and the case price. The bottle price posted for a family brand case shall be equal to the bottle price posted for the same month in a case containing the one class and specific brand of alcoholic liquor. For purposes of this subsection, “family brand” means a group of different products belonging to a single brand that are marketed under a parent brand. Family brand cases shall be assembled and packaged by the supplier or by a third party, on behalf of the supplier, and shall not be assembled by the wholesaler. (e) The provisions of this section shall not apply to the sale or distribution of infused beverages or legacy infused beverages, as such terms are defined in section 21a-425. (1949 Rev., S. 4306; 1953, S. 2171d; P.A. 73-535; P.A. 74-19, S. 1, 2; P.A. 77-438, S. 4; 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 81-294, S. 10, 22; P.A. 82-238, S. 1, 2; 82-330, S. 1, 4; P.A. 84-332, S. 1; P.A. 91-122; May 25 Sp. Sess. P.A. 94-1, S. 59, 130; P.A. 95-195, S. 66, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 05-240, S. 1; P.A. 06-26, S. 1; 06-30, S. 1; P.A. 07-198, S. 1; June Sp. Sess. P.A. 09-3, S. 367; P.A. 17-90, S. 2; P.A. 19-24, S. 8; P.A. 24-76, S. 34.) History: P.A. 73-535 made \$3 registration fee previously in effect applicable to Connecticut manufacturers only, imposed \$25 fee for out-of-state manufacturers and added provision re valid period of registration and renewals; P.A. 74-19 combined provisions re initial registration fees and renewals to eliminate redundancy; P.A. 77-438 specified that controlling price posted applies to “manufacturer, wholesaler or out-of-state permittee”; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 81-294 divided section into Subsecs. and in Subsec. (c) allowed wholesaler permittees to give notice of posted prices by hand delivery, allowed manufacturers or wholesalers to amend posted prices under certain conditions and allowed manufacturers and wholesalers to inspect prices posted at the department; P.A. 82-238 increased the fee for registration of each brand of liquor sold in the state by an out-of-state shipper from \$25 to \$100; P.A. 82-330 amended Subsec. (c) to apply to beer in kegs; P.A. 84-332 amended Subsec. (c) by requiring the posting of prices on a monthly basis; P.A. 91-122 amended Subsec. (a) to prohibit department from approving the brand registration of any fortified wine labeled, packaged or canned so as to appear to be a wine or liquor cooler, as defined in Sec. 12-433; May 25 Sp. Sess. P.A. 94-1 amended Subsec. (a) to make a technical change, effective June 21, 1994; P.A. 95-195 amended Subsec. (a) by substituting Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 05-240 amended Subsec. (b) to make a technical change for the purpose of gender neutrality and amended Subsec. (c) to provide for monthly and additional posting of prices for beer by manufacturers, wholesalers and out-of-state shipper permittees, to make conforming changes and to add provision re wholesaler posting for following month to be provided to retail permittees not later than twelfth day of month prior to posting, effective July 1, 2005, until June 30, 2006; P.A. 06-26 made technical changes in Subsecs. (a) and (c) and added “On and after July 1, 2005,” re beer and wholesaler price postings in Subsec. (c), effective May 8, 2006; P.A. 06-30 amended Subsec. (c) to authorize Internet web site notice for manufacturer, wholesaler and out-of-state shipper permittee prices and changed deadline for wholesaler price posting provided to retail permittees from twelfth to twenty-seventh day of month prior to such posting; P.A. 07-198 added provision in Subsec. (b) stating nothing in subsection shall be construed to prohibit beer manufacturers, wholesalers or out-of-state shipper permittees from differentiating in the manner in which their products are packaged on the basis of on-site or off-site consumption, and added provisions in Subsec. (c) re wholesaler postings other than for beer and requiring wholesaler postings for beer to be provided to retail permittees not later than the 20th day of month prior to posting, effective July 5, 2007; June Sp. Sess. P.A. 09-3 increased fees in Subsec. (a); P.A. 17-90 amended Subsec. (a) to add provision re beer manufactured by permittee in state and sold for consumption only on permittee's premises, effective July 1, 2017; P.A. 19-24 added Subsec. (d) re monthly price schedules on family brand case, effective June 5, 2019; P.A. 24-76 added Subsec. (e) re exception for sale or distribution of infused beverages or legacy infused beverages, effective July 1, 2024. Cited. 130 C. 374. If sales of liquor were in violation of a zoning ordinance, any party whose interests were injured would in a proper case be entitled to seek redress by injunction. 133 C. 156. Commission is endowed with discretion in approving or disapproving of brand, trade name, etc. Id., 349. In seeking order requiring commission to approve brand, plaintiff was in the untenable position of seeking relief under a statute it claimed was unconstitutional. Id., 350. Cited. Id., 604. Constitutionality upheld; not essential that permittee or backer have actual knowledge of allowance. 140 C. 185. Cited. 194 C. 165; 213 C. 184; 239 C. 599. Cited. 14 CS 51; 18 CS 62.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-63a to 30-63d. - Prices charged by manufacturers and out-of-state shippers to Connecticut wholesalers. Affirmation re price. Determination of price. Enforcement; regulations.

Sections 30-63a to 30-63d, inclusive, are repealed. (P.A. 73-387, S. 1–5; P.A. 75-259, S. 5, 8; 75-641, S. 16; P.A. 77-614, S. 165, 587, 610; P.A. 75-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 81-294, S. 11–14, 22; P.A. 82-330, S. 2–4; P.A. 84-332, S. 2–4; 84-432, S. 1, 3; P.A. 85-613, S. 70, 154; P.A. 91-67, S. 1, 2; P.A. 93-139, S. 73.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-63e. -

Conditions required for closeout sale.

A brand to be closed out shall have been sold or offered for sale in the state for a period of at least one year before any application for a closeout sale is made to the department and it shall have first been offered to the producer, wholesaler or supplier from whom purchased and such vendor shall have refused to purchase the goods. No delivery or sale of such closed out brand shall be made in the state for two years after the effective date of any authorized changed price, except that the delivery or sale of any brand of beer may be made, within such two-year period, in that portion of the state that is not within the wholesaler permittee's franchise territory wherein the closeout sale was authorized. (P.A. 93-139, S. 71.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-63f. - Brand or size to be closed out.

A brand or size to be closed out shall have been in a wholesaler's inventory for a period of at least one year before any application for a closeout sale is made to the department, and shall have first been offered at the closeout price to a Connecticut wholesaler authorized to sell the brand or size. Before an application is made, the wholesaler to whom the offer is made shall have notified the vendor of the brand or size, in writing, of his intention to purchase or refuse to purchase such brand or size. After the offer, items approved by the department for closeout below cost shall then be delivered to the purchasing wholesaler or shall be advertised in a trade publication having circulation among retail permittees, as appropriate. No purchase of a closed out brand or size shall be made by the wholesaler for two years after the effective date of any authorized sale below cost. (P.A. 93-139, S. 72.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-64. - Fair trade; schedule of suggested prices to be filed with Department of Consumer Protection.

(a)(1) No out-of-state shipper, manufacturer or wholesaler permittee shall sell, offer for sale, solicit any order for or advertise any alcoholic liquor, the container of which bears a label stating brand or the name of the owner or producer, unless a schedule of suggested consumer resale prices for each brand of alcoholic liquor has been filed with the Department of Consumer Protection and such schedule is then in effect, except written permission for such sale, offer, solicitation or advertising may be granted by the department for good cause shown and for reasons not inconsistent with the purposes of this section and subdivisions (1), (2), (3) and (4) of subsection (b) of section 30-6a and under such terms and conditions as the department deems necessary. (2) Such schedule shall be filed by (A) the out-of-state shipper, manufacturer or wholesaler who owns such brand, if licensed by the department, or (B) a wholesaler, selling such brand, who is appointed as exclusive agent in writing by the brand owner for the purpose of filing such schedule, if the brand owner is not licensed by the department, or (C) any wholesaler, with the approval of the department, if the owner of such brand does not file or is unable to file a schedule or designate an agent for such purpose. (3) Such schedule shall be in writing, duly verified, and filed in the number of copies and in the form required by the department and shall contain, with respect to each brand, the brand or trade name, capacity of container, nature of contents, age and proof where stated on the label, percentage and type of spirits where stated on the label, the suggested consumer resale price of a bottle, a can, a case, a keg and a barrel or fraction thereof, but not a multiple of a bottle or can price or a case price or a fraction of a case price. Such prices shall be uniform throughout the state. (4) Schedules of suggested prices shall be filed at the times and remain in effect for the periods fixed by the department, such periods not to exceed four months each. Within ten days after the filing of such schedules, the department shall make them or a composite thereof available for inspection by permittees. All schedules so filed shall be subject to public inspection, from the time that they are required to be made available for inspection to permittees. Each out-of-state shipper, manufacturer or wholesaler permittee shall retain in such permittee's permit premises a copy of such permittee's filed schedules. Notice of all out-of-state shipper, manufacturer or wholesaler permittee prices, together with suggested consumer resale prices, shall be given by the out-of-state shipper, manufacturer or wholesaler permittee to permittee purchasers, either by direct mail or advertising in a trade publication having a circulation among the retail permittees. (b) Any permittee authorized to sell alcoholic liquor at retail for off-premises consumption may sell, or offer to sell, solicit an order for or advertise any alcoholic liquor at a price less than a suggested consumer resale price then in effect. (1951, S. 2177d; 1959, P.A. 597; P.A. 75-641, S. 17; P.A. 77-438, S. 1; 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 81-294, S. 15, 22; P.A. 93-139, S. 57; P.A. 95-195, S. 67, 83; P.A. 03-19, S. 69; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.) History: 1959 act required filing of keg and barrel prices; P.A. 75-641 divided section into Subsecs. (a) and (b) and redesignated previous Subdiv. and Subpara. indicators accordingly; P.A. 77-438 substituted "suggested" prices for "minimum" prices, reworded Subsec. (b) to allow sales at prices less than suggested price where previously sales at less than minimum price were prohibited unless commission granted written permission; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 81-294 made a technical change; P.A. 93-139 made technical changes; P.A. 95-195 amended Subsec. (a)(1) by substituting Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 03-19 made technical changes in Subsec. (a)(4), effective May 12, 2003; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004. Constitutionality upheld. 140 C. 176. Constitutionality upheld. 18 CS 59.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-64a. - Sales within a wholesaler's geographic territory.

Notwithstanding any provision of the general statutes or any regulations issued pursuant thereto to the contrary, a wholesaler, who sells any product or is authorized to sell any product by this chapter, shall sell such product to each retail permittee in the wholesaler's geographic territory who desires to purchase such product. Such wholesaler shall not charge any retail permittee, to whom the wholesaler is required to sell by virtue of this section, a different rate for the delivery or transportation of any alcoholic liquor than such wholesaler would charge any other retail permittee. Where distance, road conditions, travel time or any such factor substantially affects the cost of delivery or transportation of a product sold by a wholesaler, the wholesaler shall file a schedule of proposed delivery charges with the Department of Consumer Protection. Such schedule shall only apply after a hearing by and upon written approval from said department. (P.A. 78-93, S. 1, 2; P.A. 80-482, S. 4, 170, 191, 197, 345, 348; P.A. 95-195, S. 68, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.) History: P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-64b. - Unfair pricing practices.

The sale of any alcoholic liquor by a wholesale or retail permittee for off-premises consumption at a price the intent of which is to destroy or prevent competition with any other permittee holding a like permit shall be deemed an unfair pricing practice and a violation of chapter 735a. The Department of Consumer Protection may suspend or revoke any permit upon a finding of an unfair pricing practice. In arriving at such finding, the Department of Consumer Protection shall consider, but not be limited to, the consideration of the following factors: Labor, including salaries of executives and officers, rent, interest on borrowed capital, depreciation, selling cost, maintenance of equipment, delivery costs, credit losses, insurance and warehouse costs. (P.A. 78-344, S. 1, 2, 4; P.A. 80-482, S. 4, 170, 191, 198, 345, 348; P.A. 93-139, S. 58; P.A. 95-195, S. 69, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 21-37, S. 91.) History: P.A. 80-482 made division of liquor control an independent department and abolished department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 93-139 made technical change and deleted provision which had granted department regulatory power and had prohibited department from establishing minimum sales for permittees; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 21-37 added "and a violation of chapter 735a", effective July 1, 2021.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-65. - Regulations.

Section 30-65 is repealed. (1951, S. 2178d; P.A. 75-240, S. 1, 3; 75-641, S. 18; P.A. 77-438, S. 2; 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 93-139, S. 73.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-66. - Administration expenses.

Section 30-66 is repealed, effective October 1, 2011. (1951, P.A. 2180d; 1959, P.A. 222, S. 1; 1961, P.A. 567, S. 2; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 93-139, S. 59; P.A. 95-195, S. 70, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; Sept. Sp. Sess. P.A. 09-8, S. 29; P.A. 11-81, S. 8.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-67. - Penalties.

In addition to the penalties otherwise provided under this chapter, including those allowed pursuant to section 30-55, the Department of Consumer Protection may, for any violation of any provision of section 30-64 or of any regulation adopted under subdivisions (1), (2), (3) and (4) of subsection (b) of section 30-6a, suspend, cancel or revoke any permit as follows: For a first offense, not exceeding ten days' suspension of permit; for a second offense, not exceeding thirty days' suspension of permit; and for a third offense, the department may suspend, cancel or revoke the permit. (1951, S. 2179d; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 93-139, S. 60; P.A. 95-195, S. 71, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 21-37, S. 92.) History: P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 93-139 made technical changes; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995;

June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 21-37 added “including those allowed pursuant to section 30-55,” effective July 1, 2021. Constitutionality upheld. 140 C. 176. Cited. 150 C. 427.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-68. - Wholesale prices of wine.

The provisions of this section shall apply to sales made on and after January 1, 1983. The wholesale prices of wine, bottled in this state, imported or domestic, whether sold under a brand name or private label, shall be filed with the Department of Consumer Protection as set forth in section 30-63, but such wine shall not be sold by a wholesaler to a retailer for less than minimum base cost. Minimum base cost shall be computed by adding the current selling price of wine in bulk in California, as set forth in the federal state market service news published by the United States Department of Agriculture, the charges necessary for transportation and delivery of wine in bulk into Connecticut, all federal and state taxes and the general prevailing cost of labels, containers, crowns, caps and seals. The wholesale prices of wine not bottled in this state, imported or domestic, whether sold under a brand name or private label, shall be filed with the department as set forth in section 30-63 but such wine shall not be sold by a wholesaler to a retailer at a price which is below the wholesaler's cost. For the purposes of this section, “cost” means (1) the invoice price from the supplier to the wholesaler, (2) all transportation charges from point of origin to point of destination, and (3) all applicable federal and state taxes and duties. (1957, P.A. 299; P.A. 73-210; P.A. 75-641, S. 19; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 81-294, S. 20, 22; P.A. 93-139, S. 61; P.A. 95-195, S. 72, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 14-122, S. 142.) History: P.A. 73-210 specified that wholesale prices of wine not bottled in state must be filed with commission, that minimum selling price from wholesaler to retailer not be less than wholesaler's cost and not be less than minimum price for wine bottled in state, and defined “cost”; P.A. 75-641 changed alphabetic Subdiv. indicators to numeric indicators; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 81-294 created Subsec. (b) which established a pricing mechanism applicable to wine sales on and after January 1, 1983, Subsec. (a) will not apply after that date; P.A. 93-139 deleted Subsec. (a) re minimum pricing effective prior to January 1, 1983, and made technical changes; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 14-122 made technical changes.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-68a to 30-68h. - Minimum retail markups; definitions. Minimum selling price. Suggested consumer resale price. Enforcement; regulations. Minimum wholesale markups; definitions. Minimum selling price. Minimum wholesale price. Enforcement; regulations.

Sections 30-68a to 30-68h, inclusive, are repealed. (1963, P.A. 267, S. 1-4; 268, S. 1-4; 1969, P.A. 135, S. 2, 3; P.A. 75-240, S. 2, 3; 75-641, S. 20, 21; P.A. 77-438, S. 3; 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 79-254; 79-604, S. 4, 5; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 81-294, S. 16, 21, 22; P.A. 85-220, S. 1, 2; P.A. 93-139, S. 73.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-68i. - Minimum selling price of out-of-state shipper, wholesaler or manufacturer permittee.

The minimum selling price of an out-of-state shipper, wholesaler or manufacturer permittee to a wholesaler, such wholesaler to be defined as any person engaged in the sale of alcoholic liquor to retailers of every brand of alcoholic liquor, whether or not bottled in this state, shall be not below the cost of such liquor to such out-of-state shipper, wholesaler or manufacturer permittee, computed as follows: (1) On domestic alcoholic liquor, the total of (A) the cost of spirits and all other ingredients, (B) all transportation charges from point of origin to point of destination, (C) all applicable federal and state taxes, and (D) the cost of containers, labels, caps, closures, all bottling charges and labor; (2) on imported alcoholic liquor, the total of (A) the invoice price from the supplier, (B) the cost of all other ingredients, (C) the cost of duties, (D) all applicable federal and state taxes, (E) insurance, (F) ocean freight and brokerage charges, (G) all transportation charges, and (H) the cost of containers, labels, caps, closures and all bottling charges and labor. (1967, P.A. 451, S. 1; P.A. 81-294, S. 17, 22.) History: P.A. 81-294 added definition of “wholesaler” effective January 1, 1982, deleting reference to definition formerly in repealed Sec. 30-68e.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-68j. - Minimum markup in sale of beer.

Section 30-68j is repealed. (P.A. 73-123, S. 1, 2; P.A. 75-641, S. 22; P.A. 80-483, S. 90, 186; P.A. 81-294, S. 21, 22.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-68k. - Price discrimination prohibited.

No holder of any wholesaler's permit shall ship, transport or deliver within this state or any territory therein or sell or offer for sale, to a purchaser holding a permit for the sale of alcoholic liquor for on or off premises consumption, any brand of alcoholic liquor, including cordials, as defined in section 30-1, at a bottle, can or case price higher than the lowest price at which such item is then being sold or offered for sale or shipped, transported or delivered by such wholesaler to any other such purchaser to which the wholesaler sells, offers for sale, ships, transports or delivers that brand of alcoholic liquor within this state. (P.A. 81-294, S. 1, 22.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-68l. - Wholesale permittees. Sale below cost prohibited. Sale of family brand cases.

(a) No wholesaler permittee shall sell to any purchaser holding a permit for the sale of alcoholic liquor for on or off premises consumption at a price which is below such wholesaler permittee's cost. For the purposes of this section, "cost" means: (1) On domestic alcoholic liquor bottled in the state, the total of (A) the cost of all ingredients, (B) all transportation charges from the point of origin to the point of destination, (C) all applicable federal and state taxes, and (D) the cost of containers, labels, caps, closures and all bottling charges and labor; (2) on imported alcoholic liquor bottled in the state, the total of (A) the invoice price from the supplier, (B) all other ingredients, (C) the cost of duties, (D) all applicable federal and state taxes, (E) insurance, (F) ocean freight and brokerage charges, (G) all transportation charges, and (H) the cost of containers, labels, caps, closures and all bottling charges and labor; (3) on domestic alcoholic liquors not bottled in this state, the total of (A) the posted price from the supplier to the wholesaler, (B) the cost of shipping or delivery charges to the wholesaler's place of business which were paid by the wholesaler in addition to the posted price, and (C) all applicable federal and state taxes paid by the wholesaler in addition to the posted price; (4) on imported alcoholic liquor not bottled in the state, the total of (A) the posted price from the supplier, (B) the cost of duties, insurance, ocean freight and brokerage charges and transportation charges paid by the wholesaler in addition to the posted price, and (C) all applicable federal and state taxes paid by the wholesaler in addition to the posted price. The provisions of this section shall not apply to sales of wine. (b) Subject to prior approval from the manufacturer or out-of-state shipper, a wholesaler may sell to a retail licensee a family brand case, containing bottles only of one family brand. Wholesalers who do not hold exclusive rights to a given brand trademark may also sell to a retail licensee a family brand case containing bottles only of one family brand, provided all of the bottles in such family brand case are available to all nonexclusive wholesalers who also have rights to the given brand trademarks. For purposes of this subsection, "family brand" has the same meaning as provided in subsection (d) of section 30-63. (P.A. 81-294, S. 2, 22; P.A. 03-19, S. 70; P.A. 19-24, S. 9; P.A. 21-37, S. 73.) History: P.A. 03-19 made technical changes, effective May 12, 2003; P.A. 19-24 designated existing provisions re price of alcoholic liquor sold by wholesaler permittee as Subsec. (a) and added Subsec. (b) re sale of nonuniform case, effective June 5, 2019; P.A. 21-37 amended Subsec. (b) to replace references to "nonuniform case" with "family brand case" and redefined "family brand", effective July 1, 2021.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-68m. - Retail permittees; sales below cost prohibited; exception.

(a) For the purposes of this section: (1) "Cost" for a retail permittee means (A) for alcoholic liquor other than beer, the posted bottle price from the wholesaler plus any charge for shipping or delivery to the retail permittee's place of business paid by the retail permittee in addition to the posted price, and (B) for beer, the lowest posted price during the month in which the retail permittee is selling plus any charge for shipping or delivery to the retail permittee's place of business paid by the retail permittee in addition to the price originally paid by the retail permittee; (2) "Retail permittee" means the holder of a permit allowing the sale of alcoholic liquor for off-premises consumption; and (3) "Bottle price" means the price per unit of the contents of any case of alcoholic liquor, other than beer, and shall be arrived at by dividing the case price by the number of units or bottles making up such case price and adding to the quotient an amount that is not less than the following: A unit or bottle one-half pint or two hundred milliliters or less, two cents; a unit or bottle more than one-half pint or two hundred milliliters but not more than one pint or five hundred milliliters, four cents; and a unit or bottle greater than one pint or five hundred milliliters, eight cents. (b) No retail permittee shall sell alcoholic liquor at a price below his or her cost. (c) Notwithstanding the provisions of subsection (b) of this section, a retail permittee may sell one beer item identified by a stock-keeping unit number or one item of alcoholic liquor other than beer identified by a stock-keeping unit number below his or her cost each month, provided the item is not sold at less than ninety per cent of such retail permittee's cost. A retail permittee who intends to sell an item below cost pursuant to this subsection shall notify the Department of Consumer Protection of such sale not later than the second day of the month such item will be offered for sale. (P.A. 81-294, S. 3, 22; P.A. 82-332, S. 6, 13; P.A. 93-139, S. 62; P.A. 05-240, S. 2; P.A. 12-17, S. 12; P.A. 14-122, S. 143.) History: P.A. 82-332 amended section to limit application to holders of off-premises permits; P.A. 93-139 deleted a provision in Subsec. (b) which had allowed permittees to offer discounts on wine sold by the case prior to January 1, 1983, substituting definition of "bottle price"; P.A. 05-240 amended Subsec. (a) to differentiate "cost for the retail permittee" for beer, effective July 1, 2005; P.A. 12-17 made technical changes in Subsec. (a) and added Subsec. (c) re below cost sale exception, effective May 14, 2012; P.A. 14-122 made technical changes.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-68n. - Advertisement of manufacturers' rebates.

(a) For the purposes of this section: (1) "Advertise" means the making of any statement or representation in connection with the solicitation of business in any manner by a retail permittee and includes, but is not limited to, statements and representations

published in any newspaper or other publication or statements or representations printed in any catalog, circular or other sales literature or brochure; (2) “manufacturer's rebate” means that amount due and payable in accordance with an offer by a permittee other than a retail permittee to refund to a consumer all or a portion of the purchase price of an alcoholic liquor product; and (3) “net price” means the ultimate price paid by a consumer for an alcoholic liquor product after the consumer has redeemed the manufacturer's rebate offered for the alcoholic liquor product. Merchandise, novelties or other items are not permissible manufacturer's rebates. No permittee shall require alcoholic liquor to be purchased in order for a consumer to receive access to any merchandise, novelty or other item. (b) A retail permittee may advertise the existence of a manufacturer's rebate or the net price of an alcoholic liquor product provided such permittee makes all of the following disclosures in such advertisement in type that is the same color, style and size: (1) The sales price of the alcoholic liquor product before the manufacturer's rebate; (2) the amount and expiration date of the manufacturer's rebate; and (3) the net price of the alcoholic liquor product. (P.A. 02-22, S. 1; P.A. 21-37, S. 93.) History: P.A. 02-22 effective July 1, 2002; P.A. 21-37 amended Subsec. (a) by adding provision re nonpermissible manufacturer's rebates and prohibition on requiring alcoholic liquor to be purchased to receive merchandise, novelties or other items, effective July 1, 2021.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-69 to 30-73. - Seizures.

Sections 30-69 to 30-73, inclusive, are repealed. (1949 Rev., S. 4281–4285; 1959, P.A. 28, S. 64, 65; 1961, P.A. 517, S. 33; 1963, P.A. 642, S. 33; 652, S. 10.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-6a. - Adoption of regulations.

(a) The Department of Consumer Protection may adopt in accordance with the provisions of chapter 54 all necessary regulations, subject to the provisions of subsections (b) to (e), inclusive, of this section, to: (1) Carry out, enforce and prevent violation of the provisions of this chapter; (2) inspect permit premises; (3) ensure sanitary conditions; (4) ensure proper, safe and orderly conduct of permit premises; and (5) protect the public against fraud or overcharge. (b) More specifically, with respect to part V of this chapter, the Department of Consumer Protection may adopt in accordance with the provisions of chapter 54 regulations that are necessary to: (1) Carry out the purposes of section 30-64 and prevent the circumvention thereof by the offering or giving of any rebate, allowance, free goods, discount or any other thing or service of value; (2) permit the withdrawal of, an addition to, a deletion from or an amendment of any schedule, or a modification of prices therein, when not inconsistent with the purposes of section 30-64, whenever necessary to avoid practical difficulties or unnecessary hardships to any permittee affected by section 30-64 or because of acts or circumstances beyond the control of such permittee and under such terms and conditions as are necessary to carry out the purposes of section 30-64; (3) permit the sale by a retailer of a brand of alcoholic liquor or wine for which a schedule of suggested consumer resale prices has not been and cannot be filed, whenever necessary to avoid practical difficulties or unnecessary hardships to any permittee affected by section 30-64 or because of acts or circumstances beyond the control of such permittee, and under such terms and conditions as are necessary to carry out the purposes of section 30-64; (4) subject to the provisions of section 30-63e, permit the closeout of a brand for the purpose of discontinuing its sale, under such terms and conditions as are necessary to carry out the purposes of section 30-64; (5) carry out the purposes of sections 30-68k to 30-68m, inclusive, and section 30-76a and prevent their circumvention; (6) on verified application, and for good cause shown, permit any adjustment or change of any item on the schedule required to be filed under sections 30-63 and 30-64; and (7) permit the sale at a price which is less than cost by a supplier, wholesaler or retailer for any item of alcoholic liquor, except beer, that is damaged or deteriorated in quality, or, subject to the provisions of section 30-63f, permit the closeout of a brand or size for the purpose of discontinuing its sale, under such terms and conditions as are necessary to carry out the purposes of sections 30-68k to 30-68m, inclusive, and section 30-76a. (c) Not later than October 1, 2021, the Department of Consumer Protection shall amend such regulations, in accordance with the provisions of chapter 54, to: (1) Allow for the use of self-pour automated systems by permittees and employees of permittees for the dispensing of beer, cider not exceeding six per cent alcohol by volume and wine pursuant to section 30-62d; (2) ensure that such beer, cider and wine is not initially dispensed from any such system in servings of more than thirty-two ounces of beer or cider not exceeding six per cent alcohol by volume, or ten ounces of wine, to any one person for such person's own consumption at any one time; and (3) ensure that second and subsequent servings of such beer, cider and wine from any such system is allowed only after the first serving has been substantially disposed of or consumed by such person. (d) Not later than October 1, 2023, the Department of Consumer Protection shall amend such regulations, in accordance with the provisions of chapter 54, to provide that: (1) Beer or wine pipe lines and barrel tubes used to dispense alcoholic beverages in places where such dispensing is carried on shall be cleaned, at least once every two weeks, by the use of a hydraulic pressure mechanism, hand pump suction, a force cleaner or any other system approved by the department for such purpose; and (2) after cleaning such lines or tubes, such lines or tubes shall be rinsed with clear water until all chemicals used to clean such lines or tubes, if chemicals were used to clean such lines or tubes, are removed from such lines or tubes. (e) The department shall not adopt any regulation: (1) Requiring prior approval of alterations or changes in the interior or exterior of permit premises; (2) requiring prior approval for live entertainment or the installation of amusement devices or games; (3) requiring registration of employees or agents of permittees; (4) requiring the presence of retail permittees on permit premises during hours of sale or prohibiting employment of such permittees in another occupation or business except as provided in section 30-45; (5) establishing a mandated minimum price above which a permittee must sell; or (6) requiring effective separation for

restaurants and cafes. (P.A. 93-139, S. 4; P.A. 95-195, S. 14, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 19-24, S. 25; P.A. 21-50, S. 6; P.A. 23-50, S. 7.) History: P.A. 95-195 amended Subsecs. (a) and (b) by substituting Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 19-24 amended Subsec. (c) by adding Subdiv. (6) re effective separation for restaurants and cafes and made technical changes, effective July 1, 2020; P.A. 21-50 added Subsec. (c) re requiring amended regulations to authorize self-pour automated systems for dispensing of beer, cider and wine and redesignated existing Subsec. (c) as Subsec. (d), effective June 16, 2021; P.A. 23-50 amended Subsec. (a) by substituting reference to Subsecs. (b) to (e) for reference to Subsec. (c), added new Subsec. (d) re cleaning of beer and wine pipe lines and barrel tubes, redesignated existing Subsec. (d) as Subsec. (e), and made technical and conforming changes in Subsecs. (a) to (c).

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-6b. - Regulation requiring locking of certain beer coolers accessible to the public prohibited.

No regulation adopted pursuant to the authority of this chapter shall require that beer coolers accessible to the public be locked during hours when the sale of alcoholic liquors for off-premises consumption is forbidden and grocery store beer permit premises are open for business. (P.A. 08-11, S. 1.) History: P.A. 08-11 effective April 29, 2008. See Sec. 30-20 re grocery store beer permit.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-6c. - Amendment of regulations concerning barroom partition requirements for restaurant and cafe permits.

Section 30-6c is repealed, effective July 1, 2021. (P.A. 13-12, S. 1; P.A. 21-37, S. 110.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-7. - Regulations to be furnished upon request.

Every regulation made by the Department of Consumer Protection under the authority of this chapter shall be furnished to each permittee upon request. The department shall biennially, on or before July first in the odd-numbered years, post such regulations on the department's Internet web site. (1949 Rev., S. 4229; P.A. 73-31; P.A. 76-394, S. 1, 4; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 85-613, S. 69, 154; P.A. 91-167; P.A. 93-139, S. 5; P.A. 95-195, S. 3, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 13-196, S. 1; P.A. 21-37, S. 78.) History: P.A. 73-31 required that regulations be printed in Connecticut Law Journal rather than in one issue of a newspaper in each county and required that licensees be furnished copies of regulations immediately; P.A. 76-394 required that licensees be sent copies biennially rather than annually and changed deadline date from December thirty-first to April first; P.A. 77-614 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 78-303 clarified and qualified name change enacted in P.A. 77-614; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 85-613 made technical changes; P.A. 91-167 specified that department must furnish printed regulations to licensees only upon request and changed time for publication of regulations from April to July of odd-numbered years; P.A. 93-139 made technical change; P.A. 95-195 replaced Department of Liquor Control with Department of Consumer Protection and made technical change, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 13-196 added "either", designated provision re publication of regulations as Subdiv. (1) and added Subdiv. (2) re posting regulations on department's Internet web site, effective June 21, 2013; P.A. 21-37 deleted former Subdiv. (1) re publishing regulations as a pamphlet and deleted Subdiv. designator (2), effective July 1, 2021. Cited. 123 C. 35; 126 C. 454; 128 C. 358; Id., 435; 140 C. 185. Purpose of statute. 15 CS 410. Cited. 16 CS 61.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-74. - Unauthorized sale prohibited.

(a) The sale of alcoholic liquor, except as permitted by this chapter, is prohibited, and any person or permittee who keeps or operates any bar or establishment which is a place where alcoholic liquor is kept for sale or exchange contrary to law shall be liable to the penalties provided in section 30-113. (b) The sale, distribution or dispensing of alcoholic liquor without a permit issued under the provisions of this chapter in any premises, building, apartment or other place used by any club, association, social or fraternal society or organization to the members thereof, their guests or other persons shall be unlawful. Any officer, agent or employee of any club, association, social or fraternal society or organization without such a permit, who dispenses or permits to be dispensed, to or by its members, guests or other persons, any alcoholic liquor shall be subject to the penalties provided in section 30-113. (c) No permittee or backer who is authorized under this chapter to sell alcoholic liquor at retail for consumption off the permit premises, and no agent or employee of such permittee or backer, may sell or deliver such alcoholic liquor from a drive-up window or similar exterior wall opening except as part of a curbside pick-up authorized under subsection (d) of section 30-20. (1949 Rev., S. 4306;

1953, S. 2171d; P.A. 93-139, S. 63; P.A. 98-236, S. 4; P.A. 22-104, S. 7.) History: P.A. 93-139 deleted a criminal penalty for a person operating an establishment that is “reputed to be” a place where alcohol is kept for sale or exchange contrary to law and added a penalty provision as Subsec. (b) for sale, distribution or dispensing without a permit by a club, association, social or fraternal society; P.A. 98-236 added new Subsec. (c) prohibiting the sale or delivery of alcoholic liquor from a drive-up window; P.A. 22-104 amended Subsec. (c) to add exception for curbside pick-up authorized under Sec. 30-20, effective May 24, 2022. Held unconstitutional insofar as statute pertains to prohibition on sale of alcoholic liquor on Good Friday. 183 C. 552.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-75. - Prima facie evidence of intent to sell.

Whenever any alcoholic liquor is found in the possession or under the control of any person who has received from the United States a license for the manufacture or sale of such liquor, or has paid to the United States a tax for such manufacture or sale covering the time when such liquors are so found, the existence of such United States license or the payment of such tax shall be prima facie evidence that such liquors are kept by such person with intent to sell the same. The presence in or upon the premises covered by any permit of alcoholic liquor of a kind or character which may not legally be sold under such a permit shall be prima facie evidence that such liquor is kept by the permittee with intent to sell the same in the place for which such permit was issued. (1949 Rev., S. 4311.) Cited. 137 C. 328. Prima facie evidence discussed. 148 C. 481.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-76. - Purchase for resale.

No person holding a permit for the retail sale of alcoholic liquor shall purchase for resale alcoholic liquor except from a person holding a permit under the provisions of sections 30-16 and 30-17, provided any permittee going out of business may, upon application to and approval by the Department of Consumer Protection, sell all or part of his stock in trade to any permittee authorized by law to retail the kind of liquors so sold. No person holding a manufacturer or wholesaler permit shall purchase for resale alcoholic liquor except from a person holding a manufacturer permit, wholesaler permit or out-of-state shipper's permit. Any person convicted of a violation of this section shall be subject to the penalties provided in section 30-113. (1949 Rev., S. 4312; February, 1965, P.A. 553, S. 10; P.A. 77-45; 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 73, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.) History: 1965 act added reference to persons holding golf country club permits; P.A. 77-45 replaced reference to persons holding package store, druggist, tavern, restaurant, hotel, club, golf country club or temporary permits with more general reference to persons holding permits “for the retail sale of alcoholic liquor”; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004. Cited. 148 C. 649. Where beer was borrowed for resale, title passed to borrower and, although repayment was to be made in kind, transaction was a purchase within meaning of statute. *Id.*, 652. Cited. 158 C. 362; 176 C. 428. Regulation suspending package store permit for selling liquor to restaurant for resale is within the intent of statute. 15 CS 410.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-76a. - Sale to person holding temporary liquor permit for a noncommercial entity. Prohibition. Exception.

A wholesaler permittee shall not sell alcoholic liquor to any person holding a temporary liquor permit for a noncommercial entity issued under section 30-35. The holder of a temporary liquor permit for a noncommercial entity issued under section 30-35 shall purchase alcoholic liquor only from permittees holding package store permits issued under subsection (b) of section 30-20. The provisions of this section shall not apply to the sale of beer in kegs or donations of any beer, spirits or wine to which a wholesaler permittee holds distribution rights. (P.A. 81-294, S. 4, 22; P.A. 83-152, S. 6; P.A. 85-380, S. 9, 12; P.A. 89-155, S. 3, 4; P.A. 22-56, S. 8; P.A. 23-50, S. 21.) History: P.A. 83-152 included nonprofit public television corporation permits within the meaning of charitable organization permits; P.A. 85-380 prohibited wholesaler permittees from selling liquor to holders of nonprofit golf tournament permits; P.A. 89-115 excluded nonprofit golf tournament permits from the operation of this section, where previously such permits were included; P.A. 22-56 added references to Secs. 30-35, 30-37d, 30-37g and 30-20(a), and made technical changes, effective May 23, 2022 (Revisor's note: A reference to “subsection (a) of section 30-20” was changed editorially by the Revisors to “subsection (b) of section 30-20” to conform with changes made by P.A. 22-104, S. 4); P.A. 23-50 substituted reference to person holding temporary liquor permit for a noncommercial entity issued under Sec. 30-35 for reference to person holding temporary permit for outings, picnics or special gatherings, deleted references to charitable organization permits, nonprofit public television corporation permit issued under Sec. 30-37d and nonprofit golf tournament permit issued under Sec. 30-37g, added provision re donations of beer, spirits or wine to which a wholesaler permittee holds distribution rights, and made technical and conforming changes, effective July 1, 2023.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-77. - Disposing of liquor without permit.

(a) Any person who, without a permit therefor, except as provided in section 30-37 or subsection (b) of section 12-436, the provisions of which shall not be construed as requiring an individual to be physically present at the point of purchase of alcoholic beverages to import such alcoholic beverages, or contrary to the provisions of this chapter and the regulations of the Department of Consumer Protection with respect to the class of permit held by such person, manufactures or, by sample, by soliciting or procuring orders, or otherwise, sells or delivers, or offers or exposes for sale or delivery, or owns or keeps with intent to sell or deliver, or who ships, transports or imports into this state, any alcoholic liquor, shall be subject to the penalties prescribed in section 30-113; provided nothing in this section shall prohibit any common carrier, warehouseman or other lien holder, or any officer acting under legal process, or any insurance company that acquires the same as the result of fire, flood or water damage, from exercising the right of such person or such entity to sell alcoholic liquor under a lien or such process or such acquisition, with the permission of the department. The provisions of this section shall not apply to the delivery to a permittee under this chapter of alcoholic liquor which is legally authorized. The provisions of this section shall not apply to the shipment into this state of ethyl alcohol intended for use or used for scientific, mechanical and industrial uses, for use in hospitals and public institutions, for medicinal purposes in the manufacture of patented, proprietary, medicinal, pharmaceutical, antiseptic, toilet, scientific, chemical, mechanical and industrial preparations or products not sold as a beverage for human consumption, nor to the shipment of wine to be used in the manufacture of patented, proprietary or pharmaceutical preparations or products or in the manufacture of fruit preserves. No such shipment shall be made except with the approval of the department and only in such manner as the department prescribes. The department shall notify the Commissioner of Revenue Services of the approval of any such shipment. (b) The provisions of this section shall not prohibit a person, other than a minor, from producing beer for personal or family use only, in the following amounts: (1) One hundred gallons or less in one calendar year if there are two persons who have attained the age of twenty-one residing in the household; and (2) fifty gallons or less in one calendar year if there is only one person who has attained the age of twenty-one residing in the household. Such beer may be transported in sealed containers for use at organized affairs including beer exhibitions, contests or competitions. Such beer shall not be sold or offered for sale. (c) The provisions of this section shall not prohibit a person from manufacturing or dispensing wine as part of an academic course in a curriculum established, approved by and under the control of a regionally accredited institution of higher education and located on the premises of such accredited institution. (1949 Rev., S. 4303; 1957, P.A. 239; P.A. 77-614, S. 139, 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 74, 83; P.A. 96-220, S. 4, 7; P.A. 01-92, S. 3; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 12-17, S. 8.) History: P.A. 77-614 replaced tax commissioner with commissioner of revenue service and, in conjunction with P.A. 78-303, replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 96-220 added Subsec. (b) to permit the home-brewing of beer in specific amounts, effective June 4, 1996; P.A. 01-92 amended Subsec. (a) by adding reference to Sec. 12-436(b) and language re point of purchase and making technical changes for the purposes of gender neutrality; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 12-17 added Subsec. (c) re exemption for persons manufacturing or dispensing wine as part of an academic course, effective July 1, 2012. Penal provisions of former section construed. 118 C. 267. Cited. 137 C. 328; 152 C. 470. History discussed. 153 C. 67. Cited. 154 C. 644. Held unconstitutional insofar as statute pertains to prohibition on sale of alcoholic liquor on Good Friday. 183 C. 552. Cited. 8 CA 290. Cited. 23 CS 128; 24 CS 23. Arrest of defendant for crime here defined justified subsequent search of his premises for liquor without a warrant. 4 Conn. Cir. Ct. 125.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-78. - Nuisance, embargo, confiscation and disposal.

(a) All alcoholic liquor which is intended by the owner or keeper thereof to be manufactured or sold in violation of law shall, together with the vessels in which such liquor is contained, be a nuisance and subject to confiscation by the Commissioner of Consumer Protection or the commissioner's authorized agent. The Department of Consumer Protection may dispose of any intoxicating liquor, acquired in connection with the administration of this chapter, by public or private sale in such manner and upon such terms as it deems practical and, in cases where sale is impracticable, by delivering such intoxicating liquor to any state institution which has use therefor. All proceeds from such sale shall be paid into the State Treasury to the credit of the General Fund. (b) (1) If, during an inspection or investigation of a permittee, the Commissioner of Consumer Protection or the commissioner's authorized agent has probable cause to believe that the permittee is in possession of, or there exists on the permit premises, any item listed in subdivision (2) of this subsection, the commissioner or the commissioner's authorized agent may affix to such item a tag or other appropriate marking to indicate that such item is, or is suspected to be, in violation of this chapter and has been embargoed, provided the commissioner or the commissioner's authorized agent gives advance written notice to the permittee disclosing such violation, or suspected violation, and embargo. (2) Subject to the provisions of this subsection, the commissioner or the

commissioner's authorized agent may embargo the following items if such items are discovered as part of an inspection or investigation described in subdivision (1) of this subsection: (A) Any unauthorized gambling device, illegitimate lottery ticket, or illegal gambling or bookmaking equipment; (B) Any driver's license or identification card that is used by any person, other than the person to whom such driver's license or identification card was issued, to unlawfully (i) enter, or attempt to enter, the permit premises, or (ii) purchase, or attempt to purchase, alcoholic liquor; (C) Any imitation of a driver's license or identification card that is used by any person to unlawfully (i) enter, or attempt to enter, the permit premises, or (ii) purchase, or attempt to purchase, alcoholic liquor; (D) Any drug, as defined in section 20-571, that is offered or made available for sale by any person who is not authorized to offer such drug or make such drug available for sale; (E) Any high-THC hemp product, as defined in section 21a-240; (F) Any synthetic cannabinoid, as defined in section 21a-240; and (G) Any tobacco products that are sold without a stamp or by any person other than a dealer, as said terms are defined in section 12-285. (3) No person shall remove or dispose of any embargoed item, by sale or otherwise, unless such person obtains advance written consent from the commissioner or the commissioner's authorized agent for such removal or disposal. (4) Not later than fifteen days after a permittee receives a written notice under subdivision (1) of this subsection, the permittee may submit to the department a written request for a hearing to remove the embargo. The commissioner shall cause such hearing to be held not later than forty-five days after the department receives the permittee's written request for a hearing, and such hearing shall be conducted pursuant to chapter 54. If the embargo is removed, neither the commissioner nor the state shall be held liable for any damages incurred for any injury sustained due to such embargo if the commissioner, the commissioner's designee or a court of competent jurisdiction finds that there was probable cause to impose such embargo. (c) (1) In addition to any embargo imposed under subsection (b) of this section, the Commissioner of Consumer Protection or the commissioner's authorized agent may confiscate the following items if such items are present on any permit premises: (A) Any driver's license or identification card that is used by any person, other than the person to whom such driver's license or identification card was issued, to unlawfully (i) enter, or attempt to enter, the permit premises, or (ii) purchase, or attempt to purchase, alcoholic liquor; and (B) Any imitation of a driver's license or identification card that is used by any person to unlawfully (i) enter, or attempt to enter, the permit premises, or (ii) purchase, or attempt to purchase, alcoholic liquor. (2) To effectuate any confiscation authorized under subdivision (1) of this subsection, the commissioner or commissioner's authorized agent shall provide to the permittee a written inventory of the items that the commissioner or the commissioner's authorized agent has confiscated, along with a narrative description of the basis for such confiscation. (3) Not later than two days after the commissioner or the commissioner's authorized agent completes any confiscation authorized under subdivision (1) of this subsection, the commissioner or the commissioner's authorized agent shall submit to the law enforcement agency having jurisdiction over the permit premises a written notice disclosing that such confiscation occurred. (4) Not later than fifteen days after the commissioner or the commissioner's authorized agent completes any confiscation authorized under subdivision (1) of this subsection, the permittee may submit to the department a written request for a hearing to revoke the confiscation. The commissioner shall cause such hearing to be held not later than forty-five days after the department receives the permittee's written request for a hearing, and such hearing shall be conducted pursuant to chapter 54. If the confiscation is revoked, neither the commissioner nor the state shall be held liable for any damages incurred for any injury sustained due to such confiscation if the commissioner, the commissioner's designee or a court of competent jurisdiction finds that there was probable cause to make such confiscation. (1949 Rev., S. 4286; 1953, S. 2169d; 1959, P.A. 222, S. 2; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 75, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 24-142, S. 71.) History: 1959 act provided for payment of sale proceeds into general fund in lieu of inebriate fund, which was abolished; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 24-142 designated existing provisions as Subsec. (a) and added provision re confiscation and made a conforming change, and added Subsecs. (b) and (c) re embargo and confiscation, effective June 6, 2024. Section applies to all liquors intended to be sold illegally and to all suits for recovery of them. 49 C. 163. Whether liquors are kept with intent to sell illegally is wholly a question of fact. 52 C. 271. Cited. 110 C. 684. Finding of nuisance. 112 C. 173.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-79. - Soliciting orders in no-permit towns.

Section 30-79 is repealed. (1949 Rev., S. 4287; February, 1965, P.A. 553, S. 11; P.A. 81-294, S. 21, 22.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-8. - Investigations, oaths and subpoenas.

The Department of Consumer Protection and any agent thereof authorized to conduct any inquiry, investigation or hearing under the provisions of this chapter may administer oaths and take testimony under oath relative to the matter of inquiry or investigation. The Commissioner of Consumer Protection may withhold from disclosure any complaints or inspections that result in an investigation

conducted by the department under this chapter, or any other information obtained by the department during the course of an investigation conducted by the department under this chapter, until the earlier of (1) the date when the investigation is completed, (2) eighteen months after the date when the complaint resulting in the investigation was filed, or (3) eighteen months after the investigation was commenced. At any hearing ordered by the department, the department or such agent having authority by law to issue such process may subpoena witnesses and require the production of records, papers and documents pertinent to such inquiry. No witness under subpoena authorized to be issued by the provisions of this section shall be excused from testifying or from producing records, papers or documents on the ground that such testimony or the production of such records or other documentary evidence would tend to incriminate him, but such evidence or the records or papers so produced and any information directly or indirectly derived from such evidence, records or papers shall not be used in any criminal proceeding against him. If any person disobeys such process or, having appeared in obedience thereto, refuses to answer any pertinent question put to him by the department or its authorized agent or to produce any records and papers pursuant thereto, the department or its agent may apply to the superior court for the judicial district of Hartford or for the judicial district wherein the person resides or wherein the business has been conducted, setting forth such disobedience to process or refusal to answer, and the court shall cite such person to appear before the court to answer such question or to produce such records and papers and, upon his refusal so to do, shall commit such person to a community correctional center until he testifies, but not for a longer period than sixty days. Notwithstanding the serving of the term of such commitment by any person, the department may proceed with such inquiry and examination as if the witness had not previously been called upon to testify. Officers who serve subpoenas issued by the department or under its authority and witnesses attending hearings conducted by it under this section shall receive like fees and compensation as officers and witnesses in the courts of this state to be paid on vouchers of the department on order of the Comptroller. (1949 Rev., S. 4230; 1969, P.A. 297; P.A. 77-614, S. 165, 587, 610; P.A. 78-280, S. 2, 6, 127; 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; P.A. 93-139, S. 6; 93-142, S. 4, 7, 8; P.A. 95-195, S. 15, 83; 95-220, S. 4-6; P.A. 97-175, S. 1; June 30 Sp. Sess. P.A. 03-6, S. 146(c), (d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 21-37, S. 79.) History: 1969 act replaced jails with community correctional centers; P.A. 77-614 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 78-280 replaced “county” with “judicial district” and “Hartford county” with “judicial district of Hartford-New Britain”; P.A. 78-303 clarified and qualified name change enacted by P.A. 77-614; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 88-230 replaced “judicial district of Hartford-New Britain” with “judicial district of Hartford”, effective September 1, 1991; P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-139 extended the prohibition against using evidence produced by a witness for prosecution to any information derived directly or indirectly from such evidence; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-195 amended Subsec. (a) by substituting Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 97-175 added provisions re withholding information from disclosure and made technical changes; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Commissioner and Department of Consumer Protection with Commissioner and Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 21-37 made a technical change and amended Subdivs. (2) and (3) to change references from 6 months to 18 months, effective July 1, 2021. Reviewing court must extract from record certified to it legally admissible evidence pertinent to issue on appeal. 160 C. 1.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-80. - Delivery in town deemed sale.

The delivery by the vendor or his agent, within the limits of any town, of any alcoholic liquor shall be deemed a sale of such liquor within such town, although the contract for the sale of such liquor is made outside the limits of such town. (1949 Rev., S. 4304.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-81. - Unsuitable persons prohibited from having financial interest in permit businesses. Employment of minors restricted.

No person who is declared, under any provision of the general statutes or the regulations of Connecticut state agencies, to be an unsuitable person to hold a permit to sell alcoholic liquor shall be allowed to have a financial interest in any business that is permitted to sell alcoholic liquor under any provision of the general statutes or the regulations of Connecticut state agencies. Except as provided in section 30-90a, no minor shall be employed in handling any alcoholic liquor upon, delivering any alcoholic liquor to or carrying or conveying any alcoholic liquor from any permit premises. (1949 Rev., S. 4288; 1971, P.A. 137; P.A. 75-642, S. 1; P.A. 81-367, S. 7, 9; P.A. 82-68, S. 2, 11; P.A. 93-139, S. 64; P.A. 21-37, S. 74; P.A. 22-104, S. 28.) History: 1971 act deleted provision which had prohibited employment of women in taverns unless they are wives or daughters of proprietors; P.A. 75-642 deleted provision which had prohibited persons declared to be unsuitable as permit holder from being employed in drawing or preparing alcoholic liquor at any bar and deleted exception re electorship requirement in Sec. 30-45(3) as condition of employment in force unless employee is an elector in another state; P.A. 81-367 changed exception for package store beer permit to exception for grocery store beer permit as of May 29, 1981; P.A. 82-68 added an exception to the prohibition against employment of minors in a tavern and eliminated the exception for establishments operating under a grocery store beer permit; P.A. 93-139 made technical

changes; P.A. 21-37 changed “tavern permit” to “cafe permit”, effective July 1, 2021; P.A. 22-104 amended provisions to specify that, except as provided in Sec. 30-90a, no minor shall be employed in handling any alcoholic liquor upon, delivering any alcoholic liquor to or carrying or conveying any alcoholic liquor from any permit premises, and made technical and conforming changes, effective May 24, 2022. See Secs. 30-45, 30-46 and 30-47 re mandatory and discretionary refusal of permits, respectively. Statute did not prohibit employment of minor in package store. 123 C. 36. Meaning of the word “employ” is not limited to services rendered for wages. 128 C. 653. Regulation of commission held a “declaration” that an employee was “unsuitable”. 131 C. 700. Cited. 150 C. 425. Statute should be strictly construed since it is in derogation of one's right to employ. 4 CS 60. Former statute held in direct conflict with U.S. treaty with Italy. Id., 343. Commission must establish violation. Id., 350. Cited. 10 CS 122. First sentence construed; statute addressed to employers and not to employees, and a regulation requiring all persons intending to sell liquor to obtain a certificate of approval was an attempt to legislate rather than regulate and is not sanctioned by section. Id., 489. Mere revocation of employee's tavern permit constituted a declaration of unsuitability within the intentment of section. 12 CS 429.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-82. - Sale pending renewal of permit.

No criminal information or process shall be issued against an applicant for the renewal of a permit pending the decision of the Department of Consumer Protection upon such application, or pending determination of any appeal from any such decision of the department; provided such application shall have been made and filed with the department before the expiration of his former permit within the time and in the form required by the department, and provided the application shall conform in all other respects with the restrictions contained in his former permit. The right to sell alcoholic liquor, as provided in this chapter, may be revoked by the department in the same manner as provided in section 30-55. (1949 Rev., S. 4289; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 76, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.) History: P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004. Continued operation when permitted pending appeal, is not a renewal of a permit. 167 C. 442. Cited. 176 C. 428.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-83 to 30-85. - Selectmen to give permittees lists of drinkers receiving town aid. Sales to relatives. Liquors not to be sent to certain persons or their abodes.

Sections 30-83 to 30-85, inclusive, are repealed. (1949 Rev., S. 4290–4292; 1971, P.A. 343, S. 1.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-86. - Sale or delivery to minors, intoxicated persons and habitual drunkards prohibited. Exceptions. Use of transaction scan devices. Immunity and indemnification of certain minors.

(a) As used in this section: (1) “Cardholder” means any person who presents a driver's license or an identity card to a permittee or permittee's agent or employee, to purchase or receive alcoholic liquor from such permittee or permittee's agent or employee; (2) “Identity card” means an identification card issued in accordance with the provisions of section 1-1h; (3) “Transaction scan” means the process by which a permittee or permittee's agent or employee checks, by means of a transaction scan device, the validity of a driver's license or an identity card; and (4) “Transaction scan device” means any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's license or an identity card. (b) (1) Any permittee or any servant or agent of a permittee who sells or delivers alcoholic liquor to any minor or any intoxicated person, or to any habitual drunkard, knowing the person to be such a habitual drunkard, shall be subject to the penalties of section 30-113. (2) Any person who sells, ships, delivers or gives alcoholic liquor to a minor, by any means, including, but not limited to, the Internet or any other on-line computer three thousand five hundred dollars or imprisoned not more than eighteen months, or both. (3) The provisions of this subsection shall not apply (A) to a sale, shipment or delivery made to a person over age eighteen who is an employee or permit holder under section 30-90a and where such sale, shipment or delivery is made in the course of such person's employment or business, (B) to a sale, shipment or delivery made in good faith to a minor who practices any deceit in the procurement of an identity card issued in accordance with the provisions of section 1-1h, who uses or exhibits any such identity card belonging to any other person or who uses or exhibits any such identity card that has been altered or tampered with in any way, or (C) to a shipment or delivery made to a minor by a parent, guardian or spouse of the minor, provided such parent, guardian or spouse has attained the age of twenty-one and provided such minor possesses such alcoholic liquor while accompanied by such parent, guardian or spouse. (4) Nothing in this subsection shall be construed to burden a person's exercise of religion under section 3 of article first of the Constitution of the state in violation of subsection (a) of section 52-571b. (c) (1) A permittee or permittee's agent or employee may perform a transaction scan to check the validity of a driver's license or identity card presented by a cardholder as a condition for selling, giving away or otherwise distributing alcoholic

liquor to the cardholder. (2) If the information deciphered by the transaction scan performed under subdivision (1) of this subsection fails to match the information printed on the driver's license or identity card presented by the cardholder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the permittee nor any permittee's agent or employee shall sell, give away or otherwise distribute any alcoholic liquor to the cardholder. (3) Subdivision (1) of this subsection does not preclude a permittee or permittee's agent or employee from using a transaction scan device to check the validity of a document presented as identification other than a driver's license or an identity card, if the document includes a bar code or magnetic strip that may be scanned by the device, as a condition for selling, giving away or otherwise distributing alcoholic liquor to the person presenting the document. (d) (1) No permittee or permittee's agent or employee shall electronically or mechanically record or maintain any information derived from a transaction scan, except the following: (A) The name and date of birth of the person listed on the driver's license or identity card presented by a cardholder; and (B) the expiration date and identification number of the driver's license or identity card presented by a cardholder. (2) No permittee or permittee's agent or employee shall use a transaction scan device for a purpose other than the purposes specified in subsection (c) of this section, subsection (d) of section 53-344 or subsection (e) of section 53-344b. (3) No permittee or permittee's agent or employee shall sell or otherwise disseminate the information derived from a transaction scan to any third party for any purpose, including, but not limited to, any marketing, advertising or promotional activities, except that a permittee or permittee's agent or employee may release that information pursuant to a court order. (4) Nothing in subsection (c) of this section or this subsection relieves a permittee or permittee's agent or employee of any responsibility to comply with any other applicable state or federal laws or rules governing the sale, giving away or other distribution of alcoholic liquor. (5) Any person who violates this subsection shall be subject to any penalty set forth in section 30-55. (e) (1) In any prosecution of a permittee or permittee's agent or employee for selling alcoholic liquor to a minor in violation of subsection (b) of this section, it shall be an affirmative defense that all of the following occurred: (A) A cardholder attempting to purchase or receive alcoholic liquor presented a driver's license or an identity card; (B) a transaction scan of the driver's license or identity card that the cardholder presented indicated that the license or card was valid; and (C) the alcoholic liquor was sold, given away or otherwise distributed to the cardholder in reasonable reliance upon the identification presented and the completed transaction scan. (2) In determining whether a permittee or permittee's agent or employee has proven the affirmative defense provided by subdivision (1) of this subsection, the trier of fact in such prosecution shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a permittee or permittee's agent or employee to exercise reasonable diligence and that the use of a transaction scan device does not excuse a permittee or permittee's agent or employee from exercising such reasonable diligence to determine the following: (A) Whether a person to whom the permittee or permittee's agent or employee sells, gives away or otherwise distributes alcoholic liquor is twenty-one years of age or older; and (B) whether the description and picture appearing on the driver's license or identity card presented by a cardholder are those of the cardholder. (f) Any minor who participates in an investigation or enforcement action initiated by, or operated in conjunction with, the Department of Consumer Protection pursuant to this chapter shall be considered a state officer, afforded the legal protections set forth in section 4-165 and indemnified by the state under section 5-141d for any action taken pursuant to a directive by the department related to such minor's participation in such investigation or action. (1949 Rev., S. 4293; 1971, P.A. 343, S. 2; P.A. 82-68, S. 3, 11; P.A. 84-478, S. 2, 5; P.A. 86-151, S. 3; P.A. 99-237, S. 1; P.A. 01-92, S. 1; P.A. 03-19, S. 71; P.A. 06-112, S. 3; P.A. 13-258, S. 9; P.A. 14-76, S. 6; P.A. 21-37, S. 94; P.A. 24-142, S. 72.) History: 1971 act deleted provision which had forbidden permittee to sell liquor to "any person after having received notice from the selectmen, as provided in Sec. 30-83 or 30-84, not to sell or give such liquor to such person"; P.A. 82-68 provided that the sale or delivery prohibition is inapplicable to persons over 18 employed or holding a permit and where the sale or delivery is made in the course of such person's business; P.A. 84-478 increased the penalty for furnishing liquor to minors to \$1,500 or imprisonment for 18 months or both, and excepted from this provision any sale made in good faith, effective July 1, 1985; P.A. 86-151 exempted deliveries made to a minor by a parent, guardian or spouse who has attained the age of 21, provided the minor possesses such liquor while accompanied by such parent, guardian or spouse; P.A. 99-237 made technical and gender neutral changes and added provision prohibiting shipment or sale of alcoholic liquor to persons under 21 years of age by any means, specifically including shipment or sales arranged via the Internet or any other on-line computer network; P.A. 01-92 added new Subsec. (a) re definitions, designated existing language as Subsec. (b), added new Subsec. (c) re use of a transaction scan device, added new Subsec. (d) re prohibited acts and added new Subsec. (e) re affirmative defense; P.A. 03-19 made a technical change in Subsec. (e)(2)(B), effective May 12, 2003; P.A. 06-112 amended Subsec. (b) to designate prohibition on certain sales or deliveries by permittees or their servants or agents as Subdiv. (1), designate prohibition on any person selling, shipping, delivering or giving alcoholic liquor to a minor as Subdiv. (2), designate exceptions to prohibitions as Subdiv. (3) and amend same to replace numeric Subdiv. indicators with alphabetic Subpara. indicators, add Subdiv. (4) providing that nothing in Subsec. shall be construed to burden a person's exercise of religion under Art. 1, Sec. 3 of the state constitution in violation of Sec. 52-571b(a) and make technical changes; P.A. 13-258 amended Subsec. (b)(2) to change maximum fine from \$1,500 to \$3,500; P.A. 14-76 amended Subsec. (d)(2) to add reference to Sec. 53-344b(e); P.A. 21-37 amended Subsec. (d)(1) to make a technical change and amended Subsec. (d)(5) to replace civil penalty of not more than \$1,000 with any penalty set forth in Sec. 30-55, effective July 1, 2021; P.A. 24-142 added Subsec. (f) re immunity and indemnification of minor participating in certain investigation or enforcement actions, and made a technical change in Subsec. (b)(1), effective June 6, 2024. See Sec. 30-102 re liability of liquor seller for damage caused by intoxicated persons. Restriction against permittee furnishing liquor to minor cannot be removed by word or act of parent or guardian. 120 C. 44. Knowledge is not an element of the offense as regards sales to intoxicated persons or minors. 122 C. 441. It is not necessary that the condition of the intoxicated persons comply with some definite criteria of intoxication. *Id.*, 442. The

responsibility for making effective the prohibition against sale to minors rests upon the holders of permits. 124 C. 690. Revocation for selling to intoxicated person not done illegally or without evidence. 128 C. 304. Illegal sale or delivery by employee acting within scope of his authority made permittee liable; criminal intent is not an essential element in a sale to a minor. 130 C. 376. Reversal of commission for revocation under former statute. Id., 696. Master is criminally liable for a sale by his employee to a minor only when the employee acts within scope of his employment. 141 C. 430. Cited. 144 C. 241. Where beer was consumed by minors on permit premises in booths to which it had been brought by their companions, all over twenty-one, who had obtained the same at service counter, companions were not agents of permittee and his permit could not be revoked by commission on grounds of delivery to minors. 149 C. 65. Dismissal of charge under statute not res judicata re liquor commission hearing. 151 C. 524. Cited. 154 C. 407. Sale in violation of section does not give rise to common law cause of action against seller. Id., 432. Statute does not change common law rule that proximate cause of intoxication is voluntary consumption of liquor, not furnishing of it as to 16-year-old minor; he may be presumed to have consumed liquor voluntarily. Id., 644. Cited. 170 C. 356. Common law rule upheld that driver's voluntary consumption of liquor, not defendant's furnishing of it in violation of statute, was the proximate cause of driver's intoxication and plaintiff's injuries. 180 C. 252. Cited. 200 C. 400; 201 C. 385; 207 C. 88; 216 C. 667; 236 C. 670. Cited. 11 CA 122; 14 CA 333. Status of defendant as care provider assigned by Department of Children and Families was not the equivalent of a guardian relationship for exception purposes of section. 69 CA 400. Cited. 10 CS 283. Sale of alcohol to minor by employee sufficient to warrant permittee an unsuitable person. 12 CS 388. Permittee not declared unsuitable where it was proved he had instructed employee not to serve minor. 17 CS 442. Limitations to rule that violation of statute is negligence per se. 19 CS 310. Cited. 22 CS 300. Naked assertion of principal witness as to his age held of insufficient probative value, without corroboration from an available dependable source of proof, to convict defendant of crime of selling alcoholic liquor to a minor. Id., 353. Cited. 23 CS 195; Id., 459; 24 CS 75; 39 CS 20. Containers offered as exhibits and identified positively by minor held admissible. 2 Conn. Cir. Ct. 457. Sale to fraternity, whose social chairman was a minor and who ordered liquor, held to be violation of statute. Id., 476. Court held delivery of liquor to minors within private residence not exempt from proscription of statute; where language of statute is unambiguous, there is no need to construe it. 3 Conn. Cir. Ct. 181. Cited. Id., 565. Seller's conviction upheld although she produced statement under Sec. 30-86a, where prior statement was forged and no statement required by her for instant purchase. 4 Conn. Cir. Ct. 170. Whether beer defendant sold to minor was alcoholic liquor within prohibition of statute was question of fact for jury. 5 Conn. Cir. Ct. 373. Subsec. (b): Language of Subsec. is clear and unambiguous and applies to minors. 49 CS 168.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-86a. - Statement from purchaser as to age.

(a) For the purposes of section 30-86, any permittee shall require any person whose age is in question to fill out and sign a statement in the following form on one occasion when each such person makes a purchase:, 20.. I,, hereby represent to, a permittee of the Connecticut Department of Consumer Protection, that I am over the age of 21 years, having been born on, 19.. or 20.., at

This statement is made to induce said permittee to sell or otherwise furnish alcoholic beverages to the undersigned. I understand that title 30 of the general statutes prohibits the sale of alcoholic liquor to any person who is not twenty-one years of age. I understand that I am subject to a fine of one hundred dollars for the first offense and not more than two hundred fifty dollars for each subsequent offense for wilfully misrepresenting my age for the purposes set forth in this statement. (Name) (Address) Such statement once taken shall be applicable both to the particular sale in connection with which such statement was taken, as well as to all future sales at the same premises, and shall have full force and effect under subsection (b) of this section as to every subsequent sale or purchase. Such statement shall be printed upon appropriate forms to be furnished by the permittee and approved by the Department of Consumer Protection or electronically displayed by the permittee on an electronic device that is capable of allowing the person whose age is in question to electronically fill out and sign such statement. If such statement is filled out and signed in paper form, such statement shall be kept on file on the permit premises, alphabetically indexed, in a suitable file box, and shall be open to inspection by the department or any of the department's agents or inspectors at any reasonable time. If such statement is filled out and signed in electronic form, such statement shall be stored in an electronic medium that is immediately accessible from the permit premises, alphabetically indexed, and shall be in an electronic format that is accessible to the department or any of the department's agents or inspectors at any reasonable time. Any person who makes any false statement on a form signed by such person as required by this section shall be fined not more than one hundred dollars for the first offense and not more than two hundred fifty dollars for each subsequent offense. (b) In any case where such a statement has been procured and the permittee is subsequently charged with serving or furnishing alcoholic beverages to a minor, if such permittee, in proceedings before any court of this state or the Department of Consumer Protection, introduces such statement in evidence and shows that the evidence presented to him to establish the age of the purchaser was such as would convince a reasonable man, no penalty shall be imposed on such permittee. (1963, P.A. 358, S. 2, 3; February, 1965, P.A. 149; 1967, P.A. 331; 1972, P.A. 127, S. 58; P.A. 77-614, S. 165, 610; P.A. 78-303, S. 80, 136; P.A. 80-482, S. 170, 199, 348; P.A. 82-68, S. 4, 11; P.A. 83-508, S. 3; P.A. 85-264, S. 2, 4; P.A. 93-139, S. 65; P.A. 95-195, S. 77, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1; P.A. 05-288, S. 133; P.A. 24-142, S. 73.) History: 1965 act made \$100 maximum fine in Subsec. (a) previously in force applicable to first offenses and imposed \$200 maximum fine for subsequent offenses; 1967 act required single signing of statement applicable to all sales where previously purchaser was required to sign statement each time he made a purchase; 1972 act changed age of majority from 21 to 18; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the

department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 82-68 amended Subsec. (a) by substituting 19 for 18 in the text of the form statement to be completed by persons of questionable age, reflecting change in drinking age; P.A. 83-508 amended Subsec. (a) by substituting 20 for 19 in the text of the form statement to be completed by persons of questionable age, reflecting change in drinking age; P.A. 85-264 amended statement contents in Subsec. (a) to reflect raised drinking age from 20 to 21; P.A. 93-139 made technical changes, deleting obsolete references to persons attaining age of 20 on or before September 1, 1985; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; (Revisor's note: In 2001 the references in Subsec. (a) to the date "19.." were changed editorially by the Revisors to "20.." to reflect the new millennium; however, in 2003, the reference in Subsec. (a) to "... having been born on, 20., at" was again changed editorially by the Revisors to "... having been born on, 19., at" for accuracy); June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 05-288 made a technical change in Subsec. (a), effective July 13, 2005; P.A. 24-142 amended Subsec. (a) by adding provisions re electronic statements from purchasers as to age and making technical and conforming changes, effective June 6, 2024. Cited. 207 C. 88. Prior to 1967 amendment, statement must be obtained from purchaser each time purchase made. 4 Conn. Cir. Ct. 170.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-86b. - Photographing a person whose age is in doubt, or photocopying such person's driver's license or identity card. Use of photograph or photocopy. Regulations. Affirmative defense.

(a) A permittee issued a permit pursuant to this chapter or an agent or employee of such permittee may require any person whose age is in question to have such person's photograph be taken by, and a photocopy of such person's driver's license or identity card issued in accordance with the provisions of section 1-1h, be made by, such permittee, agent or employee as a condition of selling or delivering alcoholic liquor to such person. (b) No permittee or agent or employee of a permittee shall use a photograph taken or a photocopy made pursuant to subsection (a) of this section for a purpose other than the purpose specified in said subsection (a). (c) No permittee or agent or employee of a permittee shall sell or otherwise disseminate a photograph taken or a photocopy made pursuant to subsection (a) of this section, or any information derived from such photocopy, to any third party for any purpose including, but not limited to, any marketing, advertising or promotional activities, except that a permittee or an agent or employee of a permittee may release such photograph, photocopy or information pursuant to a court order. (d) The Department of Consumer Protection shall adopt regulations, in accordance with chapter 54, to establish guidelines and specifications for the photographic equipment to be used and the format of the photograph to be taken by a permittee or an agent or employee of a permittee. (e) In any prosecution of a permittee or an agent or employee of a permittee for selling or delivering alcoholic liquor to a minor in violation of subsection (b) of section 30-86, it shall be an affirmative defense that such permittee, agent or employee sold or delivered alcoholic liquor to such minor in good faith and in reasonable reliance upon the identification presented by such minor and, pursuant to subsection (a) of this section, photographed the minor and made a photocopy of such identification. In support of such defense, such permittee, agent or employee may introduce evidence of such photograph and photocopy. (P.A. 04-230, S. 1.) History: (Revisor's note: In 2005, a reference to "Department of Agriculture and Consumer Protection" was changed editorially by the Revisors to "Department of Consumer Protection" to reflect the repeal of the merger of the Departments of Agriculture and Consumer Protection by P.A. 04-189).

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-87. - Inducing minors to procure liquor. Exceptions. Official investigation or enforcement activity.

Any person who induces any minor to procure alcoholic liquor from any person permitted to sell such alcoholic liquor shall be subject to the penalties prescribed in section 30-113. The provisions of this section shall not apply to (1) the procurement of liquor by a person over age eighteen who is an employee or permit holder under section 30-90a where such procurement is made in the course of such person's employment or business, or (2) any such inducement in furtherance of an official investigation or enforcement activity conducted by a law enforcement agency. Nothing in this section shall be construed to prevent any action from being taken under section 30-55 or section 30-86, or both, against any person permitted to sell alcoholic liquor who has sold alcoholic liquor to a minor where such minor is participating in an official investigation or enforcement activity conducted by a law enforcement agency. (1949 Rev., S. 4294; P.A. 82-68, S. 5, 11; P.A. 98-164, S. 2.) History: P.A. 82-68 provided that inducing minors to procure liquor prohibition is inapplicable to persons over eighteen employed or holding a permit where procurement is made in the course of such person's business; P.A. 98-164 made technical changes and added provisions re participation of a minor in an official investigation or enforcement activity. Cited. 207 C. 88.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-88. - Identity card.

Section 30-88 is repealed. (1957, P.A. 260, S. 1, 2, 3; 1972, P.A. 127, S. 59; P.A. 75-641, S. 23; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 81-308, S. 1, 2.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-88a. -

Operator's license as proof of age. Misrepresentation of age to procure liquor.

Each person who attains the age of twenty-one years and has a motor vehicle operator's license, containing a full-face photograph of such person, may use, and each permittee may accept, such license as legal proof of the age of the licensee for the purposes of this chapter. Any person who, for the purpose of procuring alcoholic liquor, misrepresents his or her age or uses or exhibits an operator's license belonging to any other person shall be fined not less than two hundred dollars or more than five hundred dollars or imprisoned not more than thirty days, or both. (P.A. 78-155; P.A. 82-68, S. 6, 11; P.A. 83-508, S. 4; 83-571, S. 2; P.A. 85-264, S. 3, 4; P.A. 93-139, S. 66; P.A. 03-171, S. 14; P.A. 04-257, S. 48.) History: P.A. 82-68 substituted 19 for 18 years as the age at which a person with an operator's license may use his license as proof of age; P.A. 83-508 substituted 20 for 19 years as the age at which a person with an operator's license may use his license as proof of age; P.A. 83-571 increased the fine from not more than \$50 to not less than \$200 nor more than \$500; P.A. 85-264 amended section to reflect raising of the drinking age from 20 to 21; P.A. 93-139 made technical change, deleting obsolete reference to persons attaining age of 20 on or before September 1, 1985; P.A. 03-171 deleted reference to motorcycle operator's license and made a technical change for purposes of gender neutrality; P.A. 04-257 made technical changes, effective June 14, 2004. See Sec. 1-11h re use of identity card as alternative to operator's license as proof of age. See Sec. 14-111e re suspension of motor vehicle operator's license for misuse of operator's license to procure alcoholic liquor. Cited. 207 C. 88.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-89. - Purchasing liquor or making false statement to procure liquor by person forbidden to purchase prohibited. Possessing liquor by minor on public street or highway or other public or private location prohibited; exceptions; when immune from prosecution.

(a) Any person to whom the sale of alcoholic liquor is by law forbidden who purchases or attempts to purchase such liquor or who makes any false statement for the purpose of procuring such liquor shall be fined not less than two hundred dollars or more than five hundred dollars. (b) Any minor who possesses any alcoholic liquor (1) on any public street or highway, or (2) in any other public or private location, shall, for a first offense, have committed an infraction and for any subsequent offense, be fined not less than two hundred dollars or more than five hundred dollars. (c) The provisions of subsection (b) of this section shall not apply to (1) a person over age eighteen who is an employee or permit holder under section 30-90a and who possesses alcoholic liquor in the course of such person's employment or business, (2) a minor who possesses alcoholic liquor on the order of a practicing physician, or (3) a minor who possesses alcoholic liquor while accompanied by a parent, guardian or spouse of the minor, who has attained the age of twenty-one. Nothing in this subsection shall be construed to burden a person's exercise of religion under section 3 of article first of the Constitution of the state in violation of subsection (a) of section 52-571b. (d) Notwithstanding the provisions of subsection (b) of this section, a minor who possesses alcohol shall not be criminally prosecuted for the commission of an offense of subsection (b) of this section when: (1) A law enforcement officer first became aware of the minor's violation of subsection (b) of this section after the minor placed a 9-1-1 call to a law enforcement agency requesting emergency medical assistance based on the minor's reasonable belief that another individual was in need of immediate medical assistance to prevent death or serious bodily injury; (2) The minor placing the 9-1-1 call was the first person to make the 9-1-1 call requesting immediate medical assistance to prevent the death or serious bodily injury of another individual; (3) The minor provided his or her own full name and any other relevant information requested by the law enforcement agency during the 9-1-1 call; and (4) The minor remained at the scene with the individual needing immediate medical assistance until a law enforcement officer and emergency medical personnel arrived, and thereafter the minor fully cooperated with the law enforcement officer and emergency medical personnel at the scene. (1949 Rev., S. 4302; 1963, P.A. 358, S. 1; P.A. 82-68, S. 7, 11; P.A. 83-571, S. 3; P.A. 86-151, S. 4; P.A. 90-72, S. 2; P.A. 06-112, S. 2; P.A. 07-167, S. 49; June Sp. Sess. P.A. 07-5, S. 33; P.A. 21-142, S. 1; P.A. 22-37, S. 10.) History: 1963 act raised maximum fine from \$50 to \$100; P.A. 82-68 added an exception to the prohibition against minors entering a tavern for persons over eighteen who are employees or permit holders; P.A. 83-571 increased the fine from not more than \$100 to not less than \$200 nor more than \$500; P.A. 86-151 added Subsec. (b) prohibiting minors' possession of alcoholic beverages in public except as specified; P.A. 90-72 deleted provision in Subsec. (a) which had applied fine to minors who enter taverns other than those who are employees or permit holders; P.A. 06-112 amended Subsec. (b) to prohibit any minor possessing alcoholic liquor "on public or private property" rather than "on any street or highway or in any public place or place open to the public, including any club which is open to the public," make penalty for a first offense an infraction, make existing fine of not less than \$200 or more than \$500 the penalty for a subsequent offense, provide that exemption in Subdiv. (3) applies when a minor is accompanied by a parent, guardian or spouse "of the minor", add provision that nothing in Subsec. shall be construed to burden a person's exercise of religion under Art. 1, Sec. 3 of the state constitution in violation of Sec. 52-571b(a), and make a technical change; P.A. 07-167 amended Subsec. (b) by replacing provision re public or private property with new Subdivs. (1) and (2) re public street or highway or other public or private location, redesignated provisions of Subsec. (b) re exceptions as Subsec. (c) and made a technical change therein, effective June 25, 2007; June Sp. Sess. P.A. 07-5 made technical changes, effective October 6, 2007; P.A. 21-142 added Subsec. (d) re when minor who possesses alcohol cannot be criminally prosecuted; P.A. 22-37 made a technical change in Subsec. (a). Cited. 207 C. 88; 236 C. 670. Cited. 3 Conn. Cir. Ct. 224; 4 Conn. Cir. Ct. 172.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-89a. - Permitting minor to illegally possess liquor in dwelling unit or on private property or failing to halt such illegal possession.

Penalty.

(a) No person having possession of, or exercising dominion and control over, any dwelling unit or private property shall (1) knowingly or recklessly permit any minor to possess alcoholic liquor in violation of subsection (b) of section 30-89 in such dwelling unit or on such private property, or (2) knowing that any minor possesses alcoholic liquor in violation of subsection (b) of section 30-89 in such dwelling unit or on such private property, fail to make reasonable efforts to halt such possession. For the purposes of this subsection, "minor" means a person under twenty-one years of age. (b) Any person who violates the provisions of subsection (a) of this section shall be guilty of a class A misdemeanor. (P.A. 06-112, S. 1; P.A. 12-199, S. 1; P.A. 14-144, S. 1; June Sp. Sess. P.A. 21-1, S. 111.) History: P.A. 12-199 amended Subsec. (a) by adding "recklessly, or with criminal negligence" in Subdiv. (1) and deleting provision re knowing that minor possesses alcoholic liquor in violation of Sec. 30-89(b) in Subdiv. (2) and amended Subsec. (b) by replacing penalty of an infraction for first offense and a fine of not more than \$500 or imprisonment of not more than 1 year or both for subsequent offense with a class A misdemeanor; P.A. 14-144 amended Subsec. (a) to add provision re knowing that minor possesses alcoholic liquor in Subdiv. (2) and make technical changes, effective June 6, 2014; June Sp. Sess. P.A. 21-1 amended Subsec. (a) by deleting "or with criminal negligence" in Subdiv. (1) and making a conforming change, effective July 1, 2021.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-9. - Status of towns as to sale of alcoholic liquor.

(a) The sale of alcoholic liquor or the sale of alcoholic liquor in one or more classes of permits under the provisions of this chapter shall be permitted in any town in the state until by vote of the town, taken by vote of its legislative body or, in a town where the legislative body is a town meeting, by vote of the board of selectmen, a contrary preference has been indicated; and nothing contained in this chapter shall be construed to permit the sale of alcoholic liquor in any town which has voted to the contrary. (b) In all cases in which a town acted on the sale of alcoholic liquor prior to June 4, 2021, such action shall remain in effect until further action is taken in accordance with this chapter. (1949 Rev., S. 4231, 4319; P.A. 21-37, S. 102.) History: P.A. 21-37 designated existing provision as Subsec. (a), added Subsec. (b) re town action taken on sale of alcoholic liquor prior to June 4, 2021, and amended Subsec. (a) to add reference to sale of alcoholic liquor in 1 or more classes of permit and replace reference to Sec. 30-10 with reference to vote of legislative body or board of selectmen, effective June 4, 2021. Cited. 118 C. 270; 134 C. 292. Sale of liquor could not be absolutely prohibited in town otherwise than by a vote of a town meeting. 136 C. 286; 156 C. 291. Cited. 191 C. 528.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-90. - Loitering on permit premises. Unaccompanied minors and intoxicated persons prohibited. Exception.

Any permittee who, either personally or through such permittee's servant or agent, allows any minor, intoxicated person or person to whom the sale or gift of alcoholic liquor has been prohibited by law to loiter on the permit premises where alcoholic liquor is kept for sale, or who allows any minor, other than a person who is at least eighteen years of age and an employee or permit holder under section 30-90a or a minor accompanied by the minor's parent or guardian, or intoxicated person to be in any room where alcoholic liquor is served at any bar, shall be subject to the penalties described in section 30-113. For barrooms consisting of only one room and for permit premises without effective separation between a barroom and a dining room, an unaccompanied minor or intoxicated person may remain on the permit premises while waiting for and consuming food prepared on such permit premises. No minor may sit or stand at a consumer bar without being accompanied by a parent, guardian or spouse. (1949 Rev., S. 4295; 1972, P.A. 177; P.A. 77-149; P.A. 82-68, S. 8, 11; P.A. 21-37, S. 75; P.A. 22-104, S. 29; P.A. 24-142, S. 74.) History: 1972 act deleted provision forbidding permittee to allow person to loiter "to whom the sale or gift of alcoholic liquor has been forbidden according to law by the selectmen, either because of the complaint of some relative ... or because such person or some member of his legal family had received town aid for support within the time specified by law"; P.A. 77-149 deleted provision forbidding permittee to allow loitering by "any female, unless she is the proprietor or an employee of the proprietor"; P.A. 82-68 added an exception to the prohibition against minors loitering on permit premises for persons over eighteen who are employees or permit holders; P.A. 21-37 added provision re prohibiting unaccompanied minors at bar in 1-room barrooms and premises without effective separation, effective July 1, 2021; P.A. 22-104 added provision allowing unaccompanied minor to remain on permit premises while waiting for and consuming food prepared on permit premises, and made technical and conforming changes, effective May 24, 2022; P.A. 24-142 added provisions re intoxicated person and made conforming changes, effective June 6, 2024. Cited. 154 C. 644. Cited. 10 CS 283. "Loiter" defined; proof beyond a reasonable doubt is required that liquor or beer contained more than one-half of one per cent of alcohol by volume. 23 CS 473.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-90a. - Employment of minors.

Any person sixteen years of age or over may be employed by an employer holding a permit issued under this chapter, except that (1) any person fifteen years of age or older may be so employed by such an employer on premises operating under a grocery store beer permit, and (2) any person under the age of eighteen who is employed on any permit premises shall not serve or sell alcoholic liquor. An employee eighteen years of age or over who is located on the grocery store beer permit premises shall approve all sales of beer on such premises. A minor performing paid or volunteer services of an emergency nature shall be deemed to be an employee subject

to the provisions of this section. (P.A. 82-68, S. 9, 11; P.A. 88-364, S. 89, 123; P.A. 93-139, S. 67; P.A. 15-24, S. 3; P.A. 16-103, S. 5.) History: P.A. 88-364 reduced the permitted age for persons to work on premises operating under a grocery store beer permit from over age 16 to 15 years of age or older; P.A. 93-139 deleted a provision of permits held by, and financial interests of, persons over 18 on July 1, 1982; P.A. 15-24 changed age for employment from 18 to 16 years of age or over, designated provision re person 15 years of age as Subdiv. (1) and added Subdiv. (2) re person under age of 18 employed on permit premises not to serve or sell alcoholic liquor, effective June 4, 2015; P.A. 16-103 added provision re employee age 18 or over who is located on grocery store beer permit premises to approve all sales of beer on the premises, effective June 2, 2016.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-91. - Hours and days of closing. Exemption.

(a) The sale, dispensing, consumption or presence in glasses or other receptacles suitable to allow for the consumption of alcoholic liquor by an individual in places operating under hotel permits issued under section 30-21, restaurant permits issued under section 30-22, cafe permits issued under section 30-22a, Connecticut craft cafe permits issued under section 30-22d, club permits issued under section 30-22aa, restaurant permits for catering establishments issued under section 30-22b, coliseum permits issued under section 30-33a, temporary liquor permits for noncommercial entities issued under section 30-35, nonprofit public museum permits issued under section 30-37a, manufacturer permits for beer, a farm winery or wine, cider and mead issued under subsection (b), (c) or (d), respectively, of section 30-16, casino permits issued under section 30-37k and caterer liquor permits issued under section 30-37j shall be unlawful on: (1) Monday, Tuesday, Wednesday, Thursday and Friday between the hours of one o'clock a.m. and nine o'clock a.m.; (2) Saturday between the hours of two o'clock a.m. and nine o'clock a.m.; (3) Sunday between the hours of two o'clock a.m. and ten o'clock a.m.; (4) Christmas, except (A) for alcoholic liquor that is served where food is also available during the hours otherwise permitted by this section for the day on which Christmas falls, and (B) by casino permittees at casinos, as defined in section 30-37k; and (5) January first between the hours of three o'clock a.m. and nine o'clock a.m., except that on any Sunday that is January first the prohibitions of this section shall be between the hours of three o'clock a.m. and ten o'clock a.m. (b) Any town may, by vote of a town meeting or by ordinance, reduce the number of hours during which sales under subsection (a) of this section, except sales under a cafe permit issued under subsection (d) of section 30-22a, shall be permissible. In all cases when a town, either by vote of a town meeting or by ordinance, has acted on the sale of alcoholic liquor or the reduction of the number of hours when such sale is permissible, such action shall become effective on the first day of the month succeeding such action and no further action shall be taken until at least one year has elapsed since the previous action was taken. (c) Notwithstanding any provisions of subsections (a) and (b) of this section, such sale, dispensing, consumption or presence in glasses in places operating under a cafe permit issued under subsection (f) of section 30-22a shall be unlawful before eleven o'clock a.m. on any day, except in that portion of the permit premises which is located in a separate room or rooms entry to which, from the bowling lane area of the establishment, is by means of a door or doors which shall remain closed at all times except to permit entrance and egress to and from the lane area. Any alcoholic liquor sold or dispensed in a place operating under a cafe permit issued under subsection (f) of section 30-22a shall be served in containers such as, but not limited to, plastic or glass. Any town may, by vote of a town meeting or by ordinance, reduce the number of hours during which sales under this subsection shall be permissible. (d) The sale or dispensing of alcoholic liquor for off-premises consumption in places operating under package store permits issued under subsection (b) of section 30-20, druggist permits issued under section 30-36, manufacturer permits issued under section 30-16, grocery store beer permits issued under subsection (c) of section 30-20, religious wine retailer permits issued under section 30-37s or temporary auction permits issued under section 30-37u shall be unlawful on Thanksgiving Day, New Year's Day and Christmas; and such sale or dispensing of alcoholic liquor for off-premises consumption in places operating under package store permits, druggist permits, manufacturer permits for beer, grocery store beer permits, religious wine retailer permits and temporary auction permits shall be unlawful on Sunday before ten o'clock a.m. and after six o'clock p.m. and on any other day before eight o'clock a.m. and after ten o'clock p.m. Any town may, by a vote of a town meeting or by ordinance, reduce the number of hours during which such sale shall be permissible. (e) (1) In the case of any premises operating under a cafe permit issued under subsection (c) of section 30-22a, or a Connecticut craft cafe permit issued under section 30-22d, and wherein, under the provisions of this section, the sale of alcoholic liquor is forbidden on certain days or hours of the day, or during the period when such permit is suspended, it shall likewise be unlawful to keep such premises open to, or permit such premises to be occupied by, the public on such days or hours. (2) In the case of any premises operating under a cafe permit, it shall be unlawful to keep such premises open to, or permit such premises to be occupied by, the public between the hours of one o'clock a.m. and six o'clock a.m. on Monday, Tuesday, Wednesday, Thursday and Friday and between the hours of two o'clock a.m. and six o'clock a.m. on Saturday and Sunday or during any period of time when such permit is suspended, provided the sale, dispensing or consumption of alcohol on such premises operating under such cafe permit shall be prohibited beyond the hours authorized for the sale, dispensing or consumption of alcohol for such premises under this section. (3) Notwithstanding any provision of this chapter, in the case of any premises operating under a cafe permit, it shall be lawful for such premises to be open to, or be occupied by, the public when such premises is being used as a site for film, television, video or digital production eligible for a film production tax credit pursuant to section 12-217jj, provided the sale, dispensing or consumption of alcohol on such premises operating under such cafe permit shall be prohibited beyond the hours authorized for the sale, dispensing or consumption of alcohol for such premises under this section. (f) The retail sale and the tasting of free samples of wine, cider not exceeding six per cent alcohol by volume, apple wine not exceeding fifteen per cent alcohol by volume, apple brandy, eau-de-vie and mead by visitors and prospective retail customers of a permittee holding a manufacturer permit for a farm

winery issued under subsection (c) of section 30-16 or a manufacturer permit for wine, cider and mead issued under subsection (d) of section 30-16 on the premises of such permittee shall be unlawful on Sunday before ten o'clock a.m. and after ten o'clock p.m. and on any other day before eight o'clock a.m. and after ten o'clock p.m. Any town may, by vote of a town meeting or by ordinance, reduce the number of hours during which sales and the tasting of free samples of products under this subsection shall be permissible.

(g) Notwithstanding any provision of subsection (a) of this section, food or nonalcoholic beverages may be sold, dispensed or consumed in places operating under a cafe permit issued pursuant to subsection (d) of section 30-22a, at any time, as allowed by agreement between the Connecticut Airport Authority and its lessees or concessionaires. In the case of premises operating at Bradley International Airport under a cafe permit, the sale, dispensing or consumption or the presence in glasses or other receptacles suitable to permit the consumption of alcoholic liquor by an individual shall be unlawful on: (1) Monday, Tuesday, Wednesday, Thursday and Friday between the hours of one o'clock a.m. and six o'clock a.m., (2) Saturday and Sunday between the hours of two o'clock a.m. and six o'clock a.m., (3) Christmas, except for alcoholic liquor that is served where food is also available during the hours otherwise permitted by this section for the day on which Christmas falls, and (4) January first between the hours of three o'clock a.m. and six o'clock a.m. (h) The sale or the dispensing or consumption or the presence in glasses or other receptacles suitable to permit the consumption of alcoholic liquor by an individual in places operating under a nonprofit golf tournament permit issued under section 30-37g shall be unlawful on any day prior to nine o'clock a.m. and after ten o'clock p.m. (i) Nothing in this section shall be construed to require any permittee to continue the sale or dispensing of alcoholic liquor until the closing hour established under this section. (j) The retail sale of alcoholic liquor, and the provision of samples or tastings of alcoholic liquor, to festival visitors at a festival organized and sponsored under a festival permit issued under section 30-37t shall be unlawful on Sunday before ten o'clock a.m. and after six o'clock p.m., and on any other day before eight o'clock a.m. and after ten o'clock p.m. Any town may, by vote of a town meeting or by ordinance, reduce the number of hours during which the retail sale, tasting or sampling of alcoholic liquor under this subsection shall be permissible. (k) The sale of products at a farmers' market by a permittee holding a farmers' market sales permit pursuant to section 30-37o shall be unlawful on any day before eight o'clock a.m. and after ten o'clock p.m., provided such permittee shall not sell such products at a farmers' market at any time during such hours that the farmers' market is not open to the public. Any town may, by vote of a town meeting or by ordinance, reduce the number of hours during which sales of products under this subsection shall be permissible. (l) Notwithstanding any provision of subsection (a) of this section, it shall be lawful for casino permittees at casinos, as defined in section 30-37k, to allow the presence of alcoholic liquor in glasses or other receptacles suitable to permit the consumption thereof by an individual at any time on its gaming facility, as defined in subsection (a) of section 30-37k, provided such alcoholic liquor shall not be served to a patron of such casino during the hours specified in subsection (a) of this section. For purposes of this section, "receptacles suitable to permit the consumption of alcoholic liquor" does not include bottles of distilled spirits or bottles of wine. (1949 Rev., S. 4296; 1949, March, 1950, 1951, S. 2170d; 1957, P.A. 617, S. 2; 1961, P.A. 301; February, 1965, P.A. 553, S. 12; 1967, P.A. 365, S. 4; 489; 1971, P.A. 89, S. 1; 254, S. 5; 309, S. 1; 541; 1972, P.A. 1, S. 1; 68, S. 5; 294, S. 32; P.A. 73-11; 73-533, S. 7; P.A. 74-181, S. 1, 2; 74-307, S. 12; P.A. 75-598, S. 5; P.A. 76-347, S. 6; P.A. 79-272; P.A. 80-181; 80-198, S. 1; P.A. 81-169, S. 1, 3; 81-367, S. 8, 9; P.A. 82-33, S. 1, 2; 82-299, S. 5, 6; P.A. 83-283, S. 4, 5; P.A. 84-494, S. 10, 11; 84-546, S. 80, 173; P.A. 85-380, S. 4, 10, 12; P.A. 86-403, S. 98, 132; P.A. 87-321, S. 5, 6; P.A. 89-181, S. 5, 6; P.A. 90-44; P.A. 93-139, S. 68; P.A. 95-161, S. 2; P.A. 99-159, S. 3; P.A. 00-192, S. 77, 102; P.A. 01-17, S. 1; June 30 Sp. Sess. P.A. 03-1, S. 103; P.A. 05-7, S. 2; 05-226, S. 2, 3; 05-288, S. 134; P.A. 09-47, S. 6, 8; P.A. 11-164, S. 5; P.A. 12-17, S. 9-11, 15; P.A. 15-24, S. 2; 15-244, S. 82; P.A. 16-103, S. 2, 3; 16-117, S. 6; P.A. 17-90, S. 4; 17-160, S. 6; 17-232, S. 2; P.A. 18-66, S. 1; P.A. 19-24, S. 17; P.A. 21-37, S. 76; P.A. 22-56, S. 5; 22-104, S. 23; P.A. 23-50, S. 22, 23; 23-110, S. 3.) History: 1961 act permitted sale of liquor after voting hours on election days in hotel, restaurant, club and tavern permit premises; 1965 act added references to golf country club permits; 1967 acts added references to cafe permits and changed closing time for sales under package store, package store beer, drug store, drug store beer and grocery store permits from nine to eight o'clock p.m.; 1971 acts changed closing time for Sunday liquor sales under Subdiv. (a) from nine to eleven o'clock p.m., added references to charitable organization permits, prohibited sales on Saturday between two o'clock a.m. and nine o'clock a.m. and changed closing time for Sunday sales, when allowed, from one to two a.m. and prohibited sales on Independence Day (or the following Monday, if on Sunday) and Labor Day under package store, drug store and grocery store permits; 1972 acts added exception re elections at which not all electors may vote to prohibition of sales on election days, added reference to university permits and deleted provision prohibiting sales on Decoration Day; P.A. 73-11 specified that liquor may be sold on Christmas for on-premises consumption with hot meals; P.A. 73-533 added references to coliseum and coliseum concession permits; P.A. 74-181 authorized towns to allow sale of liquor on Sunday and tavern permit between noon and eleven o'clock p.m.; P.A. 74-307 added references to the various special sporting facility permits; P.A. 75-598 added provision governing times and days when sales allowed under night club permits; P.A. 76-347 added references to bowling establishment permits and specific provision regulating sales under such permits; P.A. 79-272 divided section into Subsecs. and changed location and wording of provision granting towns power to reduce hours of operation for clarity; P.A. 80-181 changed time of closing for sales period which began on Sunday from eleven o'clock that day to one a.m. on Monday; P.A. 80-198 deleted provision in Subsec. (c) which had prohibited sales of liquor on election days under tavern permit unless election is one at which not all electors may vote; P.A. 81-169 added Subsec. (e) to state the hours during which the retail sale and tasting of free samples of wine are permissible at farm wineries and to allow towns to shorten such hours; P.A. 81-367 eliminated references to package store beer permits and drug store beer permits and eliminated prohibition against sales on Good Friday; P.A. 82-33 eliminated the prohibition against liquor sales on election day, provided that liquor may be sold on the Fourth of July if it occurs on a Saturday and deleted references to "package store beer permits" and "drug store beer permits"; P.A. 82-299

amended Subsec. (a) by adding references to catering establishments; P.A. 83-283 amended Subsec. (a) by adding reference to racquetball facility permits; P.A. 84-494 added a new Subsec. (f) concerning the hours of operation of premises operating under airport restaurant permits and airport bar permits; P.A. 84-546 made technical change in Subsec. (a); P.A. 85-380 deleted provisions in Subsecs. (a) and (f) re nightclub permits and added Subsec. (g) re hours during which liquor may be served under a nonprofit golf tournament permit; P.A. 86-403 made technical changes; P.A. 87-321 amended Subsec. (f) by establishing hours and days of closing for airport airline clubs and by providing that food or nonalcoholic beverages may be sold, dispensed or consumed in places operating under any class of airport permit at any time, as allowed by agreement between the state and its lessees or concessionaires; P.A. 89-181 amended Subsec. (c) to include brew pubs; P.A. 90-44 amended Subsec. (a) to allow lane side service of alcohol in bowling alleys at two p.m. rather than five p.m.; P.A. 93-139 made technical changes, added a provision to allow towns to reduce the hours of sale in all permit premises except sales pursuant to an airport restaurant permit, airport bar permit or airport airline club permit and allowed Sunday sales in all towns; P.A. 95-161 amended Subsec. (d) to prescribe the days and hours brew pubs could sell beer for off-premise consumption and inserted new Subsec. (i) re on-premise consumption, relettering former Subsec. as (j); P.A. 99-159 amended Subsec. (e) to add Subdiv. indicators and a provision in new Subdiv. (2) to allow for one year premises operating under a manufacturer permit for a brew pub in which class III gaming takes place to remain open when the brew pub itself must be closed; P.A. 00-192 amended Subsec. (a) to add references to casino permits and caterer liquor permits, designate existing exception in Subdiv. (4) as Subpara. (A), substitute "where food is also available" for "with hot meals" in said Subpara. and add Subdiv. (4)(B) re casino permittees, effective May 26, 2000 (Revisor's note: In Subdiv. (4)(B), a reference to "section 24 of this act" was deemed by the Revisors to be a reference to definition section 76, and codified accordingly as section "30-37k", for accuracy); P.A. 01-17 amended Subsec. (c) by deleting references to the color or transparency of drink containers for alcoholic liquor dispensed under a bowling establishment permit; June 30 Sp. Sess. P.A. 03-1 amended Subsec. (d) to change the closing hour for sales by package stores, drug stores and grocery stores from eight o'clock p.m. to nine o'clock p.m., effective August 16, 2003; P.A. 05-7 amended Subsec. (d) by adding references to manufacturer permits for a brew pub and manufacturer permits for beer and deleting provision re unlawful sale of beer for consumption off premises of brew pub, and amended Subsec. (e)(1) by adding references to manufacturer permits for beer; P.A. 05-226 repealed section 2 of P.A. 05-7 which amended Subsecs. (d) and (e), effective July 8, 2005, amended Subsec. (d) to include references to manufacturer permits for beer and amended Subsec. (e) to delete references to premises operating under a manufacturer permit for a brew pub, delete Subdiv. (1) designator and delete former Subdiv. (2) re exception for premises operating under a manufacturer permit for a brew pub in which class III gaming may be legally conducted; P.A. 05-288 made a technical change in Subsec. (g), effective July 13, 2005; P.A. 09-47 made a technical change in Subsecs. (c) and (g) and added Subsec. (k) re wine festival permit and out-of-state entity wine festival permit, effective May 20, 2009, and amended Subsec. (f) by changing closing hour from 8 o'clock p.m. to 9 o'clock p.m., effective July 1, 2009; P.A. 11-164 added Subsec. (l) re hours of sale of wine at farmers' market and municipal reduction of such hours, effective July 1, 2011; P.A. 12-17 amended Subsec. (a) to add reference to manufacturer permits for beer and brew pubs, amended Subsec. (d) to add references to manufacturer permits for beer and brew pubs, delete provisions re sales prohibition on Decoration Day, Independence Day, Labor Day and Sunday, add provision re Sunday sales hours and make a technical change, amended Subsec. (e) to designate existing provisions as Subdiv. (1) and delete provisions re cafe permit therein, add Subdiv. (2) re cafe permit hours of operation and add Subdiv. (3) re opening of tavern and cafe permit premises during certain film, television, video or digital productions, amended Subsec. (l) to delete provision re unlawful Sunday wine sales at farmers' market, and added Subsec. (m) re casino permittees, effective May 14, 2012; P.A. 15-24 amended Subsec. (c) by changing bowling establishment permit hour for sale, dispensing or consumption from 2 p.m. to 11 a.m., effective July 1, 2015; P.A. 15-244 amended Subsecs. (d), (f), (h) and (l) by changing closing hour from 9 o'clock p.m. to 10 o'clock p.m., amended Subsec. (d) by changing closing hour on Sunday from 5 o'clock p.m. to 6 o'clock p.m., and made a technical change in Subsec. (e)(3), effective July 1, 2015; P.A. 16-103 amended Subsec. (a) by replacing "eleven o'clock a.m." with "ten o'clock a.m." in Subdivs. (3) and (5) and amended Subsec. (f) by replacing "ten o'clock a.m." with "eight o'clock a.m.", effective June 2, 2016; P.A. 16-117 amended Subsec. (f) by replacing "eleven o'clock a.m." with "ten o'clock a.m.", effective June 3, 2016; P.A. 17-90 amended Subsec. (h) to replace reference to 11:00 a.m. with reference to 9:00 a.m. re consumption of alcohol in places operating under nonprofit golf tournament permit, effective June 9, 2017; P.A. 17-160 amended Subsec. (d) to add references to manufacturer permits for farm brewery, effective July 7, 2017; P.A. 17-232 amended Subsec. (d) to add references to manufacturer permits for farm distilleries; P.A. 18-66 amended Subsec. (g) by substituting "Connecticut Airport Authority" for "state of Connecticut", and adding provision re premises operating under airport airline club permit hours, effective June 1, 2018; P.A. 19-24 amended Subsec. (a) by adding reference to Connecticut craft cafe permits and replacing "a manufacturer permit for a brew pub, manufacturer permits for beer and brew pubs" with "manufacturer permits for beer", amended Subsec. (d) by deleting provisions re manufacturer permits for beer and brew pubs, manufacturer permits for farm brewery and manufacturer permits for farm distilleries, and replacing "or" with "and" re sale on holidays, amended Subsec. (f) by adding references for cider, apple wine, apple brandy, eau-de-vie, mead and manufacturer permit for wine, cider and mead, deleted former Subsec. (i) re tasting of free samples of beer, redesignating existing Subsecs. (j) to (m) as Subsecs. (i) to (l), and made technical and conforming changes, effective July 1, 2020; P.A. 21-37 amended Subsec. (a) by deleting references to bowling establishment, racquetball facility, club, coliseum concession, golf country club, university and tavern permits, various sporting facility permits, various airport permits, amended Subsecs. (b) and (g) by replacing airport restaurant, airport bar and airport airline club permit with cafe permit issued under Sec. 30-22a(d), amended Subsec. (c) by replacing references to bowling establishment permits with cafe permit issued under Sec. 30-22a(f), amended Subsec. (d) by adding references to "for off-premises consumption", amended Subsec. (e) by replacing

references to tavern permit with cafe permit, amended Subsec. (g) by adding “Bradley International Airport” and amended Subsec. (l) by making a technical change, effective July 1, 2021; P.A. 22-56 substantially revised Subsec. (j) re operations of festivals, effective May 23, 2022; P.A. 22-104 amended Subsec. (a) by adding references to Secs. 30-21, 30-22, 30-22a, 30-22d, 30-22b, 30-33a, 30-37a, 30-16(b), 30-37k, 30-37j and 30-37b and provisions re club permits issued under Sec. 30-22aa and manufacturer permits for a farm winery or wine, cider and mead issued under Secs. 30-16(c) and (d), respectively, Subsec. (d) by adding references to Secs. 30-20(b), 30-36, 30-16 and 30-20(c) and provisions re religious wine retailer permits issued under Sec. 30-37s and Subsec. (e)(1) by adding reference to Sec. 30-22a(c) and provision re Connecticut craft cafe permits issued under Sec. 30-22d, and made technical and conforming changes in Subsecs. (a) to (e), effective May 24, 2022; P.A. 23-50 amended Subsec. (a) by adding reference to temporary liquor permits for noncommercial entities issued under Sec. 30-35 and deleting reference to charitable organization permits issued under Sec. 30-37b, effective July 1, 2023, and amended Subsec. (d) by adding references to temporary auction permits issued under Sec. 30-37u and made technical and conforming changes in Subsecs. (d), (f), (h) and (k), effective October 1, 2023; P.A. 23-110 made a conforming change in Subsec. (c), effective July 1, 2023.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-91a. - Effect of prior local votes re Sunday sale.

(a) In all cases where a town, either by vote of a town meeting or by ordinance, had, prior to April 30, 1971, authorized the sale of alcoholic liquor on Sunday between the hours of twelve o'clock noon and nine o'clock in the evening, such sale shall be authorized until the time specified in section 30-91 unless an earlier closing hour is established by town meeting or ordinance after April 30, 1971. (b) Nothing in section 30-91 shall be construed to supersede any action taken by a town prior to May 25, 1971, to prohibit the sale of alcoholic liquor in such town from midnight on Saturday until one a.m. on Sunday and such action shall be construed to prohibit such sale from midnight on Saturday until two a.m. on Sunday in such town. (c) In all towns that have authorized the sale of alcoholic liquor on Sunday commencing at twelve o'clock noon, either by vote of a town meeting or by ordinance, such sale shall be permitted commencing at eleven o'clock a.m. in places operating under permits listed in subsection (a) of section 30-91, unless a later opening hour is established by vote of a town meeting or by ordinance after July 1, 1981. (1971, P.A. 89, S. 2; 309, S. 2; P.A. 75-299, S. 1, 2; P.A. 80-483, S. 156, 186; P.A. 81-169, S. 2, 3; P.A. 82-38, S. 1, 2; P.A. 93-139, S. 69; P.A. 21-37, S. 77.) History: P.A. 75-299 added Subsec. (c) re Sunday liquor sales; P.A. 80-483 substituted “the time specified in section 30-91” for references to eleven o'clock p.m. closing times for sales in Subsecs. (a) and (c); P.A. 81-169 added Subsec. (d) to permit sale of alcoholic liquor to commence at eleven in the morning instead of noon on Sunday in hotels, restaurants, clubs and golf country clubs unless town action restores the later commencing time; P.A. 82-38 specified that eleven o'clock commencement of sales on Sunday applies to places operating under cafe permits in Subsec. (d); P.A. 93-139 made technical changes and added a provision allowing additional types of permit premises to commence sales at eleven o'clock a.m. on a Sunday, where previously such sales were allowed only under hotel, restaurant, cafe, club or golf country club permits; P.A. 21-37 deleted former Subsec. (c) re operating under a tavern permit and redesignated existing Subsec. (d) as Subsec. (c), effective July 1, 2021.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-92. - Capacity of beer containers.

Section 30-92 is repealed. (1949 Rev., S. 4321; 1957, P.A. 333, S. 1; February, 1965, P.A. 231; 1967, P.A. 298; 299; P.A. 78-85.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-92b. - Beer packaging.

(a) A permittee issued a permit pursuant to section 30-20 who sells beer not to be consumed on the permit premises may sell bottles or cans of beer only (1) in the original package material in which the bottles or cans of beer were received, (2) as individual bottles or cans, or (3) if repackaged in a manner that is not misleading to a consumer or that does not result in omitting or obscuring any labeling required by statute or regulation. (b) Nothing in subsection (a) of this section shall prevent a holder of a permit issued pursuant to the provisions of this title from making a claim for the replacement of beer delivered in a damaged condition to the holder of such permit by a wholesaler. (P.A. 01-14.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-93. - Containers to be sealed.

Alcoholic liquors, except beer, cider, wine and cordials shall be purchased by the holders thereof in sealed bottles or containers and poured for sale and consumption from the original bottles or containers. No such bottle or container shall be refilled in whole or in part. (1949 Rev., S. 4322; February, 1965, P.A. 553, S. 13; P.A. 73-563, S. 2; P.A. 75-259, S. 6, 8; P.A. 82-332, S. 9, 13; P.A. 93-89.) History: 1965 act added reference to golf country club permits; P.A. 73-563 added special provision re required size of containers for alcoholic liquors purchased under hotel permit, previously containers were to conform to requirements for restaurant, club and golf country club permits; P.A. 75-259 added references to containers sized by liters and milliliters; P.A. 82-332 eliminated minimum container sizes; P.A. 93-89 expanded the prohibition against refilling bottles or containers to all permittees, deleting prior exemption for restaurant, hotel, club and golf country club permittees. Statute does not give right to sell whiskey to be consumed off the premises so long as seals are broken. 130 C. 377. Cited. 158 C. 362. Cited. 13 CS 273.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-93a. - Regulation of shipments into state.

Any person who ships into this state any package or carton containing alcoholic liquor shall, for each offense, be subject to any penalty set forth in section 30-55, unless (1) the contents of such package or carton are clearly marked on the outside of such package or carton, and (2) such person conditions delivery of such alcoholic liquor upon the signature of an individual who is (A) at least twenty-one years of age, or (B) legally authorized to receive such alcoholic liquor under the provisions of this chapter. (P.A. 99-237, S. 2; P.A. 21-37, S. 95.) History: P.A. 21-37 replaced provision re fine of not more than \$1,000 with reference to any penalty in Sec. 30-55, effective July 1, 2021.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-94. - Gifts, loans and discounts prohibited between permittees. Tie-in sales. Floor stock allowance. Depletion allowance.

(a) No permittee or group of permittees licensed under the provisions of this chapter, in any transaction with another permittee or group of permittees, shall directly or indirectly offer, furnish or receive any free goods, gratuities, gifts, prizes, coupons, premiums, combination items, quantity prices, cash returns, loans, discounts, guarantees, special prices or other inducements in connection with the sale of alcoholic beverages or liquors. No such permittee shall require any purchaser to accept additional alcoholic liquors in order to make a purchase of any other alcoholic liquor. (b) Notwithstanding the provisions of subsection (a) of this section and subsection (b) of section 30-63, a holder of a manufacturer permit issued under subsection (a) of section 30-16 or an out-of-state shipper's permit for alcoholic liquor other than beer issued under section 30-18 may offer and provide to a holder of a wholesaler permit issued under subsection (a) of section 30-17 a floor stock allowance or a depletion allowance, or both, with the prior approval of the department or upon written notice to the department in advance. Such allowances shall be offered and provided on a nondiscriminatory basis to all such wholesaler permittees authorized to distribute the products of any such manufacturer or out-of-state shipper permittee in accordance with such requirements as the department may prescribe by regulation adopted under chapter 54, provided (1) no such manufacturer or out-of-state shipper permittee may require any such wholesaler permittee to participate in any program providing such allowances, and (2) the rate or percentage used to calculate any such allowance may not vary based on the quantity of alcoholic liquor other than beer that is sold. As used in this subsection, "floor stock allowance" means any rebate, discount or other inducement that is given to a wholesaler permittee to be used for the sales promotion or the destruction of any alcoholic liquor other than beer that is stored in the wholesaler permittee's warehouse or other storage facilities at the time such rebate, discount or other inducement is given, and "depletion allowance" means any rebate, discount or other inducement used for the sales promotion of any alcoholic liquor other than beer that is given to a wholesaler permittee based on the amount of such alcoholic liquor subject to such promotion that is sold at wholesale by the wholesaler permittee. (1955, S. 2181d; P.A. 98-4; P.A. 17-90, S. 1.) History: P.A. 98-4 designated existing provisions as Subsec. (a) and made technical changes, and added new Subsec. (b) re floor stock allowances and depletion allowances; P.A. 17-90 amended Subsec. (b) to add "or upon written notice to the department in advance", effective June 9, 2017. Cited. 194 C. 165; 213 C. 184; 239 C. 599.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-95. - Advertising and bottling.

No electric or neon sign advertising the sale of any registered brand of alcoholic liquor shall be attached to the outside of any permit premises and there shall be no advertising, labeling, bottling or canning of alcoholic liquor which, in any way, deceives or tends to deceive a purchaser or consumer of such alcoholic liquor as to the nature, quality or quantity of such liquor, and all advertising, labeling, bottling or canning of alcoholic liquors shall be subject to such regulations as the Department of Consumer Protection prescribes, provided nothing contained in this chapter shall prohibit the mailing of magazines imprinted with an identification or a designation of a package store, which magazines contain therein recipes, articles and advertisements of quality foods, cookery items and potables irrespective of whether or not the recipients thereof reside in no-permit towns. (1949 Rev., S. 4320; 1961, P.A. 242; P.A. 75-252, S. 1, 2; P.A. 77-614, S. 165, 587, 610; P.A. 78-303, S. 80, 85, 136; P.A. 80-482, S. 4, 170, 191, 345, 348; P.A. 95-195, S. 79, 83; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.) History: 1961 act added proviso allowing mailing of magazines imprinted with package store identification or designation; P.A. 75-252 prohibited signs advertising sale of "any registered brand of alcoholic liquor" rather than signs advertising the sale of "alcoholic liquor"; P.A. 77-614 and P.A. 78-303 replaced liquor control commission with division of liquor control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of liquor control an independent department and abolished the department of business regulation, overriding provision of same act which would have placed the division within the public safety department; P.A. 95-195 substituted Department of Consumer Protection for Department of Liquor Control, effective July 1, 1995; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004. Regulation restricting display of manufacturer's brand or trademark within scope of powers. 126 C. 451. It was the duty of commission to withhold approval of deceptive labels; whether or not labels were deceptive is a question of fact. 133 C. 349. Cited. 226 C. 418. Constitutionality of provision prohibiting the use of electric signs. 5 CS 418. Commission refused to register brand "Private Stock Whiskey". 14 CS 51.

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-95a. - Display

of trademarks by permittees.

Any retail liquor permittee may display on the outside walls of his permit premises a trademark of any manufacturer or wholesaler of alcoholic beverages if such trademark has specific reference only to some product other than such alcoholic beverage. (February, 1965, P.A. 427.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-96. - When music permitted.

Section 30-96 is repealed. (1949 Rev., S. 4297; February, 1965, P.A. 212; P.A. 74-16, S. 1, 2.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-97. - Town and probate records not to be kept where liquor is sold.

Section 30-97 is repealed, effective October 1, 2002. (1949 Rev., S. 4298; S.A. 02-12, S. 1.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-98. - Liquor not to be furnished to prisoners.

Every jailer, prisonkeeper or other officer who furnishes, or suffers to be furnished, to any prisoner under his charge any alcoholic liquor, except as medicine, and any person who delivers to any such prisoner any alcoholic liquor without authority from such keeper, shall be subject to the penalties of section 30-113. (1949 Rev., S. 4299.)

2024 Connecticut General Statutes Title 30 - Intoxicating Liquors Chapter 545 - Liquor Control Act Section 30-99. - Denatured alcohol or adulterated liquor. Penalty.

Any person who transports, manufactures, possesses, sells, keeps for sale or distills for beverage purposes any denatured alcohol or any alcoholic liquor, which is adulterated with any deleterious or poisonous substance, shall be fined not more than three thousand five hundred dollars or imprisoned not more than two years, or both. (1949 Rev., S. 4300; P.A. 13-258, S. 15.) History: P.A. 13-258 changed maximum fine from \$1,000 to \$3,500 and added “, or both”. Evidence of more than one sale to show intent. 24 C. 204. Section constitutional. 25 C. 195; Id., 290. Defendant need not know of adulteration; statute construed; evidence admissible. 37 C. 421; 96 C. 105.